

**MALCOLM PUBLIC SCHOOLS, DISTRICT #148**  
**BOARD OF EDUCATION REGULAR MEETING AGENDA**  
**Monday, June 16, 2025 7:00 PM**  
**SCHOOL DISTRICT BOARD ROOM**

{{Name: Agenda Item Name}}

1. **Call Regular Board Meeting to Order - Roll Call**
2. **Pledge of Allegiance**
3. **Consent Agenda**
4. **Communication From the Public: Communications in general or about a specific agenda item.**
  - 4.1. Communication from the Public Regarding Policy 6113: Electronic Communication Devices and Cell Phones
  - 4.2. Communications in general or about a specific agenda item.
5. **Public Hearing:**
  - 5.1. Public Hearing on Policy 6400: Parent/Community Involvement in Schools
6. **Reports and Discussion Topics**
  - 6.1. Administration Reports and Discussion Topics
    - 6.1.A. Principals
    - 6.1.B. Superintendent

Legislative summary
7. **Unfinished Business**
  - 7.1. Westfall Gym Floor Update
8. **New Business**
  - 8.1. Discuss, Consider and Take All Necessary Action in Scheduling a Malcolm BOE work session to discuss alignment of the Superintendent's job description with the performance evaluation tool.
  - 8.2. Discuss, Consider and Take All Necessary Action in Scheduling a Transportation and Facilities Committee Meeting
  - 8.3. Annual Review of Policy 5415: Anti-Bullying
  - 8.4. First Reading for:
    - Policy 6113: Electronic Communication Devices and Cell Phones
    - Policy 5507: Foster Care Student Transportation
    - Policy 6931: Behavioral Intervention and Classroom Management
  - 8.5. Dress Code Policy
    - A) NDE Dress Code Model Policy
    - or-
    - B) Dress code language embedded in 5101 Student Discipline Policy
  - 8.6. Discuss, Consider and Take All Necessary Action in Amending the Following Policies:
    - 1200--Anti-harassment policy - Clean
    - 3131--Procurement Plan – Clean
    - 3132--Internal Controls – Clean
    - 3410--Safe Driving Record Policy – Clean
    - 4003 --Employee Antidiscrimination – Clean

4003a--Notice of Nondiscrimination – Clean  
4003b--Complaint form - Discrimination, harassment or retaliation – Clean  
4009 --Drug Use – Clean  
4009--Regulation -- (Form A)--Applicant Consent Drug Testing – Clean  
5001--Admission Requirements – Clean  
5001---Student Admissions--Forms – Clean  
5004--Part Time Enrollment – Clean  
5101--Student Discipline Policy – Clean  
5103--Extracurricular activity discipline – Clean  
5201--Promotion & Retention – Clean  
5201x - Request to Repeat Grade Form  
5202z--Notification of Rights Under FERPA – Clean  
5301--Assn Activities – Clean  
5401--Equal Opportunity – Clean  
5401z--Complaint form - Discrimination, harassment or retaliation – Clean  
5414--Identification of Gifted – Clean  
6400--Parent Involvement – Clean

8.7. Discuss and Consider Compensation Adjustment for the Superintendent for the 2025-2026 School Year

9. **Enter into Executive Session if needed**

**(This item will be on the monthly agenda in case something comes up that we need to discuss in an executive session)**

10. **Adjournment**

**NOTICES:**

**COPY OF OPEN MEETINGS ACT:** The Board of Education makes 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. The Act is posted on the Bulletin Board on the North wall of the meeting room.

**INSTRUCTIONS FOR THOSE WHO WISH TO SPEAK DURING PUBLIC FORUM:**

**Getting Started:** The Board of Education will receive public comment on individual agenda items or communication from any district patron on any issue. When it is your turn to speak during the “Communications from the Public” portion of the agenda, please come forward to the table situated immediately in front of the Board, sign your name and address on the sign-in sheet and state your name to the Board of Education.

**Time Limit:** You may speak one time, but please limit comments to 5 minutes or less.

**Personnel or Student Topic:** If you are planning to speak about a personnel or student matter involving an individual, please understand that our policies require that such concerns initially be directed to the administration for consideration. Board members will generally not respond to any questions you ask or comments you may make about individual staff members or students. You are cautioned that slanderous comments are not protected just because they are made at a Board of Education meeting.

**General Rules:** Please remember that this is a public meeting for the conduct of the business of

the Board of Education. Offensive language, personal attacks and hostile conduct will not be tolerated.

SCHOOLS

BY: MALCOLM PUBLIC

BOARD OF EDUCATION

**Minutes – Board of Education – Unofficial Until Approved By The Board  
May 19, 2025**

The Board of Education, School District #148, Lancaster County, Nebraska, met on Monday, May 19, 2025 at 7:00PM in open and public session at 10004 NW 112<sup>th</sup> St., Malcolm, Nebraska. The notice of the meeting was published in the minutes of the April 21, 2025 meeting of the Board, in the May 2025 issue of *“The Clipper”* and the *Seward Independent* of May 14, 2025. Board members present were: Lucas Mitchell, Tony Nutter, Amy Spellman, Ed Swotek. Absent were William England, Tera Heidtbrink. Administrators present were Ryan Terwilliger, Amber Dolliver, Simon Wiedel. Chairman Nutter called the meeting to order at 7:00PM. The Board recited the Pledge of Allegiance. Chairman Nutter noted that the Open Meetings Act is posted on the north wall of the meeting room.

Spellman moved, seconded by Swotek, to approve the Consent Agenda. Ms. Lostroh reviewed an updated list of bills and answered questions. Voting by roll call: AYES – Mitchell, Nutter, Spellman, Swotek. NAYS – None. ABSENT – England, Heidtbrink. Motion passed.

<b>Financial Summary</b>					
<b>4/30/2025</b>					
<b>School Accounts</b>	<b>General</b>	<b>Lunch</b>	<b>Activity</b>	<b>Bus Deprec</b>	<b>Student Fees</b>
Previous Bal 4/01/2025	\$3,021,421.77	\$9,604.52	\$207,041.54	\$277,358.23	\$11,037.67
Receipts - April 2025	\$1,354,331.43	\$44,754.33	\$33,897.96	\$892.42	\$330.00
Disbursements- Apr 2025	\$691,774.72	\$53,058.37	\$16,406.04	\$0.00	\$0.00
Cash in Cking 4/30/2025	\$496,488.03	\$1,258.74	-\$4,223.31	\$10,651.86	\$11,367.67
Invested: April 2025	\$3,187,490.45	\$41.74	\$228,756.77	\$267,598.79	
<b>Lanc. Co. Treasurer:</b>					
	<b>General</b>		<b>Bond</b>		<b>Spc Bldg</b>
Previous Bal 4/01/2025	\$917,620.36		\$84,448.91		\$141,040.53
Receipts - April 2025	\$942,441.17		\$31,406.99		\$141,965.90
Disbursements - Apr 2025	\$919,673.35		\$84,626.93		\$141,366.52
Cash on Hand 4/30/2025	\$940,388.18		\$31,228.97		\$141,639.91
<b>NSDLAF (Investment)</b>					
	<b>Spc Bldg</b>	<b>Bond Fund</b>			
Previous Bal 4/1/2025	\$2,700,006.58	\$242,932.81			
Receipts April 2025	\$150,771.18	\$85,661.95			
Disbursements April 2025	\$17,500.00	\$0.00			
Cash on Hand 4/30/2025	\$2,833,277.76	\$328,594.76			

**Communication From The Public –**

Mrs. Kim Watson expressed concerns about the Perceptual Survey results being posted on Sparqs and the lack of confidentiality. The staff felt that it was supposed to be confidential and some of the comments could identify staff members. Mr. Terwilliger noted he had sent out a letter to all staff explaining the situation and apologizing for any misunderstanding concerning the way answers were posted. He assured the Board and Mrs. Watson that would not happen again.

**Unfinished Business – None**

**New Business –**

Mitchell moved, seconded by Swotek, to change ER 6280.2 – MPS Brand Identity Guide to ER 6282.1 – MPS Brand Identity Guide. Voting by roll call: AYES – Nutter, Spellman, Swotek, Mitchell, NAYS – None. Motion passed.

Swotek moved, seconded by Spellman, to amend the Brand Identity Guide, as presented. Mr. Swotek reviewed some of the changes. Voting by roll call: AYES – Spellman, Swotek, Mitchell, Nutter. NAYS – None. Motion passed.

Mitchell moved, seconded by Spellman, to amend the School Colors Policy 6282. The new wording defines the primary and secondary colors. Voting by roll call: AYES – Swotek, Mitchell, Nutter, Spellman. NAYS – None. Motion passed.

No action was taken on the consideration of determining future jersey purchases, as they pertain to color. Mr. Swotek suggested Mr. Terwilliger have input before uniforms are ordered.

Mitchell moved, seconded by Swotek, to offer the Assistant Technology position to Jared Ritze. Mr. Terwilliger gave the Board Jared's work experience information. Voting by roll call: AYES – Mitchell, Nutter, Spellman, Swotek. NAYS – None. Motion passed.

Spellman moved, seconded by Mitchell, to approve the MPS Multicultural Report. Mrs. Dolliver presented the report and explained the new format and answered questions. Voting by roll call: AYES – Nutter, Spellman, Swotek, Mitchell. NAYS – None. Motion passed.

The Board took no action on setting a Work Session to discuss alignment of the Superintendent's Job Description with the Performance Evaluation Tool and compensation. The Board will continue to try to find a time that works for all members.

#### **Administrative Reports –**

Mr. Simon Wiedel, Jr/Sr High School Principal

- Mr. Wiedel presented his report - [Mr. Wiedel May 2025 Principal Report](#)
- He reviewed the change in class schedule for the 2025-2026 School Year

Mrs. Amber Dolliver, Westfall Elementary School Principal

- [Mrs. Dolliver May 2025 Principal Report](#)

Superintendent Ryan Terwilliger

- Commented regarding the survey and Work Session Agenda
- Legislative update – Mr. Swotek offered NSAB input on the current session
- Westfall Gym Floor – bleachers have been disassembled and stored. Preparation for floor demolition starts May 27<sup>th</sup>.
- Presented Vape Detector information
- Discussed the progress on cataloging old trophies and plaques
- Discussed the Dress Code Policy

With no further business before the Board, Spellman moved, seconded by Mitchell, to adjourn by acclamation. Chairman Nutter declared the meeting adjourned at 8:27PM. Voting AYE – ALL. NAY – None. Motion passed.

Respectfully submitted,

Julia Lostroh

Recording Secretary

The next regular meeting of the Board of Education will be Monday, June 16, 2025 at 7:00PM at the District Board Room, 10004 NW 112<sup>th</sup> St., Malcolm, NE. An agenda will be available on the school website as it develops at:

[SparqData Malcolm Public School Agenda](#)

**Financial Summary**  
**5/31/2025**

<b>School Accounts</b>	<b>General</b>	<b>Lunch</b>	<b>Activity</b>	<b>Bus Deprec</b>	<b>Student Fees</b>
Previous Bal 5/01/2025	\$3,683,978.48	\$1,300.48	\$224,533.46	\$278,250.65	\$11,367.67
Receipts - May 2025	\$1,384,414.08	\$50,153.61	\$23,245.87	\$878.01	\$0.00
Disbursements- May 2025	\$791,717.71	\$47,004.76	\$33,165.28	\$0.00	\$0.00
Cash in Cking 5/31/2025	\$480,583.53	\$4,425.27	-\$8,525.40	\$10,660.18	\$11,367.67
Invested: May 2025	\$3,796,091.32	\$24.06	\$223,139.45	\$268,468.48	

<b>Lanc. Co. Treasurer:</b>	<b>General</b>	<b>Bond</b>	<b>Spc Bldg</b>
Previous Bal 5/01/2025	\$940,388.18	\$31,228.97	\$141,639.91
Receipts - May 2025	\$66,474.66	\$2,678.40	\$5,948.32
Disbursements - May 2025	\$940,536.23	\$31,242.38	\$141,663.42
Cash on Hand 5/31/2025	\$66,326.61	\$2,664.99	\$5,924.81

<b>NSDLAF (Investment)</b>	<b>Spc Bldg</b>	<b>Bond Fund</b>
Previous Bal 5/1/2025	\$2,833,277.76	\$328,594.76
Receipts May 2025	\$156,783.36	\$34,113.50
Disbursements May 2025	\$31,313.58	\$37,356.25
Cash on Hand 5/31/2025	\$2,958,747.54	\$325,352.01

\$1,078,255.05		
	\$40.00	
\$24,000.00	\$230.00	
\$95,000.00	\$780.00	
\$252,000.00	\$2,244.00	
\$1,000.00	\$4,197.50	
\$1,000.00	\$6,365.96	
\$16,000.00	\$230.00	
\$2,000.00	\$20,030.99	
\$6,000.00	\$230.00	
\$11,000.00	\$230.00	
\$27,000.00	\$80.00	
\$435,000.00	\$230.00	
	\$230.00	
\$643,255.05	\$172,276.00	
	\$549.22	
	\$200.00	
	\$11,624.38	
	\$10.00	
	\$383,689.00	
	\$39,788.00	
	\$643,255.05	\$0.00

# Lancaster County School District #148

## Cash Receipts Item Report

[Cycle Name]: "FY24-25"; Created On: 6/12/2025 5:01:52 PM

Receipt Number	Customer Name	Description	Date Received	Receipt Amount	Account Code
May25BondInt	NDSLAF Bond Fund	Bond Fund Interest	05/31/2025	\$1,189.37	07-1-01510-000-000-0000
May25LancBond	Lancaster County Treasurer	Local Collections	05/16/2025	\$31,228.97	07-1-01100-000-000-0000
May25SewBond	Seward County Treasurer	Local Collections	05/09/2025	\$1,695.16	07-1-01100-000-000-0000
				<b>\$34,113.50</b>	

# Lancaster County School District #148

## Cash Receipts Item Report

[Cycle Name]: "FY24-25"; Created On: 6/12/2025 5:28:03 PM

Receipt Number	Customer Name	Description	Date Received	Receipt Amount	Account Code
May25CkInt	Union Bank Interest	Checking Interest	05/31/2025	\$8.32	02-1-01510-000-000-0000
May25STFITInt	Union Bank Interest	STFIT Interest	05/31/2025	\$869.69	02-1-01510-000-000-0000
				<b>\$878.01</b>	

# Lancaster County School District #148

## Cash Receipts Item Report

[Cycle Name]: "FY24-25"; Created On: 6/13/2025 1:11:34 PM

Receipt Number	Customer Name	Description	Date Received	Receipt Amount	Account Code
May25Int	Union Bank Interest	STFIT Interest	05/31/2025	\$11,600.87	01-1-01510-000-000-0000
May25EFunds	Patrons/Students	Fines/PS Tuition/SCC	05/31/2025	\$726.77	Multiple
May2025StAid	State of Nebraska	State Aid	05/30/2025	\$322,751.00	01-1-03110-000-000-0000
May25LunchPR	Malcolm Lunch Fund	May 2025 Lunch PR Taxes	05/29/2025	\$6,575.73	01-1-09000-000-000-0000
May25REAP	REAP - US Treasury	Chromebook REAP	05/23/2025	\$37,235.00	01-1-04310-000-000-0000
Staff403bLunch	Patrons/Students	New 403b Payment Didn't	05/22/2025	\$220.00	01-1-09000-000-000-0000
25-050	ESU	Title III Sub Pay	05/22/2025	\$161.48	01-1-04527-000-000-0000
25-051	Village of Malcolm - Liquor License	General Store Liquor	05/22/2025	\$200.00	01-1-01911-000-000-0000
25-052	Sadoff & Rudoy	Metal Recycling	05/22/2025	\$107.55	01-1-05300-000-000-0000
25-053	Patrons/Students	SenCap Tuition - Students	05/22/2025	\$490.88	01-1-05690-000-000-0000
25-054	Patrons/Students	PS Tuition/25-26 Deposits	05/22/2025	\$4,320.00	01-1-01370-000-000-0000
25-055	Patrons/Students	Fines	05/22/2025	\$266.57	01-1-05690-000-000-0000
25-056	Patrons/Students	CPR Certification	05/22/2025	\$36.00	01-1-05690-000-000-0000
25-057	Malcolm Mateys, LLC	Before/After School Rental	05/22/2025	\$662.53	01-1-01910-000-000-0000
SPED22-23	State of Nebraska	22-23 SPED Transportation	05/16/2025	\$23,099.00	01-1-03125-000-000-0000
May25Lanc	Lancaster County Treasurer	Local Collections	05/16/2025	\$940,388.18	01-1-01100-000-000-0000
May25Sew	Seward County Treasurer	Local Collections	05/09/2025	\$33,093.04	01-1-01100-000-000-0000
SCC-Stipend	Southeast Community College	SCC Teaching Stipend	05/05/2025	\$2,385.60	01-1-01955-000-000-0000
May25Lunch	Malcolm Lunch Fund	Reimbursed GF for Food	05/01/2025	\$83.88	01-1-05690-000-000-0000
				<b>\$1,384,404.08</b>	

# Lancaster County School District #148

## Cash Receipts Item Report

[Cycle Name]: "FY24-25"; Created On: 6/12/2025 6:10:35 PM

Receipt Number	Customer Name	Description	Date Received	Receipt Amount	Account Code
May25EFunds	Patrons/Students	Student Lunches	05/31/2025	\$15,405.30	06-1-01611-000-000-0000
ay25Int	Union Bank Interest	STFIT Interest	05/31/2025	\$24.06	06-1-01510-000-000-0000
24-123	Patrons/Students	Student Lunches	05/22/2025	\$1,246.45	06-1-01611-000-000-0000
24-124	Patrons/Students	Student Extra Items	05/22/2025	\$77.38	06-1-01620-000-000-0000
GFPayrollAdj	Malcolm General Fund Transfer	Ticket Taking PR Item Reimbursement	05/21/2025	\$43.58	06-1-09000-000-000-0000
May25Fed	State of Nebraska	Federal Reimbursement	05/16/2025	\$12,155.54	06-1-04210-000-000-0000
24-122	Patrons/Students	Student Lunches	05/15/2025	\$2,041.30	06-1-01611-000-000-0000
May25GFTransfer	Malcolm General Fund Transfer	General Fund Transfer	05/14/2025	\$15,000.00	06-1-05200-000-000-0000
24-121	Patrons/Students	Student Lunches	05/08/2025	\$2,240.00	06-1-01611-000-000-0000
24-144	Patrons/Students	Student Lunches	05/01/2025	\$1,915.00	06-1-01611-000-000-0000
StudentBadge-JD	Patrons/Students	Transfer from GenFund Student Overpaid Fine	05/01/2025	\$5.00	06-1-01611-000-000-0000
				<b>\$50,153.61</b>	

# Lancaster County School District #148

## Cash Receipts Item Report

[Cycle Name]: "FY24-25"; Created On: 6/12/2025 5:15:05 PM

Receipt Number	Customer Name	Description	Date Received	Receipt Amount	Account Code
May25SBFInt	NDSLAF Special Bldg	Interest	05/31/2025	\$9,944.38	08-1-01510-000-000-0000
May25LancSBF	Lancaster County Treasurer	Local Collections	05/16/2025	\$141,639.91	08-1-01100-000-000-0000
May25SewSBF	Seward County Treasurer	Local Collections	05/09/2025	\$5,199.07	08-1-01100-000-000-0000
				<b>\$156,783.36</b>	

<b>June 16, 2025</b>		
Payroll	\$614,377.69	Payroll Expenses/Benefits
ACCO	\$2,559.28	Laminator Machine/Laminator Film
Amazon	\$714.71	Kindergarten/HS Soc Studies/Chain Saw Parts
Beatty, Wendy	\$140.14	Reimbursement for Classroom Supplies
Branching Minds	\$6,337.00	BRM Platform Licenses PK-12
Branding Inc.	\$165.00	Storage Container Rental
CDWG	\$22,326.48	Cisco Access Points Upgrade - ERate Project
Cerris Systems	\$2,230.27	Repair Alarms on 4 Heat Pumps
DAS State ACCTG	\$292.87	Internet Service
Davis, Brenton	\$167.60	Asst. HS Baseball Coach State Tournament Coaching Stipend
Dietze Music	\$291.80	2 Concert Bass Drum Heads
Duzik, David	\$167.60	Asst. HS Baseball Coach State Tournament Coaching Stipend
Eakes	\$422.80	Contract Printer Machine Charges/Staples
ESU #6	\$489.77	Professional Development/Tech Hosted Services
3E-Lincoln	\$413.00	LED Gel Lights
Farmer's Co-op	\$1,553.67	Mower Fuel
First Concord	\$65.00	Flex 125 Adm Fees
GO Physical Therapy	\$1,212.40	SPED Vision Services
Graves Graduation	\$361.40	Diplomas
Heffelfinger, Ami	\$2,170.40	Mental Health Contracted Services
Helmlink Printing	\$593.00	Time Cards
Hillyard	\$221.18	Custodial Supplies
HomeTown Leasing	\$1,417.01	Copier/Printer Leases
IXL Learning	\$8,275.00	IXL Licenses - K-10
Junior Library Guild	\$974.39	K-12 Library Subscription
Kidwell	\$866.51	Contactor for Proofer and Heat Pump
Lewis, Deborah	\$102.58	Reimbursement for Classroom Supplies
Malcolm Lunch Fund	\$40,000.00	General Fund Transfer to Lunch Fund
Matheson	\$266.88	IT Classroom Supplies/Cylinder Rentals
Meehl, Jan	\$566.40	SPED PT Services
Menards	\$153.21	Maintenance Supplies
Meyer, Shawn	\$167.60	Asst. HS Baseball Coach State Tournament Coaching Stipend
Meyer Truck Repair LLC	\$777.50	Bus #24 Brake Shoes/Drums
NASSP	\$385.00	National Honor Society Membership Renewal
NCSA	\$1,603.00	Adm Membership Renewals - DS/KF/CTE Conference Registration
NIFCO Mechanical Systems	\$5,461.56	Replace Seals on Pumps
Norris Public Power	\$8,002.10	May 2025 Electricity
Paragon Sanitation, Inc.	\$425.00	Trash Service
Parco Scientific Company	\$10.00	HS Science Supplies
Perry Law Firm	\$144.00	Legal Fees
Princ Instrument Repair	\$500.00	Band Instruments Summer Repair/Maintenance
Pritchett, Troy	\$262.50	Asst. AD/Administrator Mileage 1-15-25 thru 5-23-25
Pyramid School Products	\$3,297.44	Co-op 25-26 Orders
Robotham, Evaline	\$135.80	Mileage Reimbursement
Ron's Rolloffs, Inc.	\$815.73	Rolloff/Dump Fees
School Mate	\$1,092.50	K-12 Planners
SeeSaw Learning	\$2,887.50	25-26 Subscription
Sherwin Williams	\$315.20	Paint
Staples	\$98.40	Scientific Calculators - HS Math
Super Saver	\$68.46	Seniors Graduation Practice
Teaching Strategies	\$336.25	GOLD On-Line SPED Assessment Software
TechMasters	\$6,007.42	New Ice Machine/Trouble Shoot Old Ice Machine/Repair WIC

Tractor Supply Co.	\$75.98	Chain Saw Parts/Maintenance Supplies
Ty's Outdoor Powers & Service	\$19.36	Grasshopper Parts
TSA/Omni	\$83.33	403b TPA
Unite Private Networks	\$537.39	Distance Learning Cable
Verizon	\$188.09	Cellphone Service
Village of Malcolm	\$7,887.64	Water/Sewer Service
VISA	\$312.93	HS Civic Textbooks/2nd Grade Classroom Subscription
WalMart	\$439.77	FCS Classroom Supplies
Wex	\$3,256.49	School Vehicle Fuel
Wiedel, Simon	\$974.40	1-25-25 thru 5-24-25 Administrator Mileage
Windstream	\$825.98	Phone Service
<b>Out of Cycle</b>		
US Post Office	\$345.85	Clipper/Brd Minute Postage
Hunt, Jonathan	\$83.45	School Van Fuel
The Bookworm	\$712.31	WF Library Books - Judy Shimonek Memorial Gift
	<b>\$758,430.97</b>	<b>Total</b>
<b>School Lunch Fund</b>		
Payroll	\$17,382.34	Payroll Expenses
CashWa	\$11,775.11	Food/Custodial Supplies
DFA Kempes	\$1,799.47	Milk Products
Patrons/Students	\$663.46	Refund Unused Student Lunch Fund Balances
Rapids & Affiliates	\$349.55	Co-op Order Kitchen Supplies
Robinette Farms	\$342.82	Farm to School Produce
Super Saver	\$18.30	Special Dietary Groceries
Sysco Lincoln	\$707.80	Food/Custodial Supplies
<b>Out of Cycle</b>		
EFunds VISA Charges	\$29.41	EFunds Charge Fees
	<b>\$33,068.26</b>	<b>Total</b>
<b>Special Building Fund</b>		
Site Services	\$108,750.00	Removal/Disposal of Westfall Gym Floor
	<b>\$108,750.00</b>	

InstructionElectronic Communication Devices and Cell Phones

All students are prohibited from accessing or using an electronic communication device while on school property or attending a school instructional function, unless:

1. When required by a student's Individualized Education Program or 504 Plan;
2. When authorized by the District for educational purposes during instructional time;
3. In the case of an emergency or perceived threat of danger;
4. When necessary to monitor or manage a student's health care; or
5. When determined appropriate by the Superintendent or Superintendent's designee.

All exceptions listed herein must be approved in advance by the appropriate school staff member.

Any student who violates this Policy may be subject to discipline under the District's Student Discipline Policy.

Legal Reference: LB 140 (2025)

Date of Adoption: [Insert Date]

InstructionParental/Community Involvement in Schools

Lancaster County School District 55-0148, a/k/a Malcolm Public Schools, after having conducted a public hearing concerning parental involvement and participation, declares that it shall be the policy of the District:

1. In the event any parent, guardian, or educational decisionmaker of a student has a complaint or objection to textbooks, tests, curriculum materials, activities, digital materials, websites or applications used for learning, training materials for teachers, administrators, or staff, and any other instructional materials, the parent, guardian, or educational decisionmaker may request a personal conference with the parent and appropriate school personnel to discuss such concerns as the Superintendent or designee may deem appropriate. The Superintendent or designee shall prepare a complaint form which may be used by a parent, guardian, or educational decisionmaker to express objections to any such instructional material. Such complaint forms shall seek information including, but not limited to, the specific instructional material complained of, the reason for the complaint, and a proposed resolution of the complaint by the parent, guardian, or educational decisionmaker.
2. Upon reasonable advance request a parent, guardian, or educational decisionmaker will be permitted to attend and monitor courses, assemblies, counseling sessions, and other instructional activities unless the school determines that such attendance would substantially interfere with a legitimate school interest, which includes the interests of the parent's child, other students, and the educational staff.
3. Parents, guardian, or educational decisionmaker are encouraged to communicate to school staff when the parent, guardian, or educational decisionmaker believes it to be appropriate for their child to be excused from testing, classroom instruction, learning materials, activities, guest speaker events, and other school experiences that the parent, guardian, or educational decisionmaker finds objectionable. The Superintendent or designee shall make a provision on the complaint form hereinabove referenced for receiving information from a parent, guardian, or educational decisionmaker concerning what specific testing, classroom instruction, or other school experience the parent, guardian, or educational decisionmaker finds objectionable, the basis for the parent's objection and a proposed solution for dealing with the objection that would be satisfactory to the parent, guardian, or educational decisionmaker and consistent with the mission of the District and legitimate school interests. Parents, guardian, and educational decisionmakers are encouraged to contact the building principal with any questions about any test, curriculum, or surveys.
4. Upon request of a parent, guardian, or educational decisionmaker, the District will provide access to the education records of their child consistent with applicable law. Access will be provided during regular business hours of the school.

5. The District will notify parents, **guardians, or educational decisionmakers** when their child may be subjected to a norm-referenced (standardized) or criterion referenced test. When reasonable to do so or required by law the parents, **guardians, or educational decisionmakers** will be notified of where a sample of such test might be observed and the date upon which such test will be administered. As to all testing by the District, experimental evaluation methodologies, experimental testing instruments and any testing instrument which would tend to inquire into the values, beliefs, or privacy rights of any student, or parent, ~~or~~ guardian, **or educational decisionmaker** of such student shall be prohibited unless a parent, **guardian, or educational decisionmaker** requests in writing that such tests be administered to their child.
- ~~6. Prior to any school sponsored survey being administered to the students of the District, it shall be the responsibility of the Superintendent or designee to notify the parent or parents of each student involved in the survey of the nature of the survey, the date and time when such survey shall be administered, and the purpose for which and the uses of which survey exist from the school's perspective.~~
6. Parents, guardians, and educational decisionmakers will be notified in advance of any school-sponsored survey administered to students of the District when the survey concerns one or more of the following areas:
  - Political affiliations or beliefs of the student or the student's parent, guardian, or educational decisionmaker;
  - Mental or psychological problems of the student or the student's family;
  - Sex behavior or attitudes;
  - Illegal, anti-social, self-incriminating, or demeaning behavior;
  - Critical appraisals of other individuals with whom respondents have close family relationships;
  - Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - Religious practices, affiliations, or beliefs of the student or student's parent, guardian, or educational decisionmaker; or
  - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Any survey administered by the District that asks a student to disclose any of the aforementioned topics, including any non-anonymous survey requesting a student provide information relating to drug, vape, alcohol, or tobacco use, then the District will, at least fifteen days prior to the administration of the survey, notify parents, guardians, and educational decisionmakers that their students will receive the survey. This notice must describe the nature and types of questions included in the survey, the purposes and age-appropriateness of the survey, how information collected by the survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results of such survey will be disclosed. After receiving such notice, parents, guardians, and educational decisionmakers may request a copy of the survey, review the survey, and/or exempt their student from participating in the survey.

No survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six.

No personally identifiable information of any student survey shall be disclosed unless permitted or required by state and federal law.

7. As a general matter, substantive decision-making processes will be left to the judgment of the professional staff, administration and the Board of Education, subject to an effort to receive information from parents, guardians, or educational decisionmakers as to any concerns, objections, or other information such parents, guardians, or educational decisionmakers would wish to provide to the School District concerning a parent's, guardian's, or educational decisionmaker's access, involvement, and participation in activities of the school.

Legal Reference: Neb. Rev. Stat. §§ 79-530 to 79-533  
 Family Educational Rights and Privacy Act, 20 U.S.C. 1232g  
 Protection of Pupil Rights Amendment, 20 U.S.C. 1232h

Date of Adoption	7/23/12
Date Amended	6/16/25
Date Reviewed/Affirmed	5/20/2024

StudentsAnti-Bullying Policy

One of the missions of the District is to provide a physically safe and emotionally secure environment for students and staff.

The administration and staff are to implement strategies and practices to reinforce and encourage positive behaviors by students. Positive behaviors include non-violence, cooperation, teamwork, understanding, and acceptance of others.

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including anti-bullying education for all students. Inappropriate behaviors include bullying, intimidation, and harassment. Bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by the school being used for a school purpose by a school employee or designee, or at school-sponsored activities or school-sponsored athletic events.

The School District shall review the anti-bullying policy annually.

Legal Reference: Neb. Rev. Stat. ' 79-2137  
 Student Discipline Act, Neb. Rev. Stat. " 79-254 to 79-296  
 NDE February 2003 State Board Action; Reaffirmed  
 December 2005

Date of Adoption	7/23/12
Date Amended	
Date Reviewed/Affirmed	3/18/2024

InstructionElectronic Communication Devices and Cell Phones

All students are prohibited from accessing or using an electronic communication device while on school property or attending a school instructional function, unless:

1. When required by a student's Individualized Education Program or 504 Plan;
2. When authorized by the District for educational purposes during instructional time;
3. In the case of an emergency or perceived threat of danger;
4. When necessary to monitor or manage a student's health care; or
5. When determined appropriate by the Superintendent or Superintendent's designee.

All exceptions listed herein must be approved in advance by the appropriate school staff member.

Any student who violates this Policy may be subject to discipline under the District's Student Discipline Policy.

Legal Reference: LB 140 (2025)

Date of Adoption: [Insert Date]

StudentsFoster Care Student Transportation

In accordance with federal and state law, the District's written transportation procedures for foster care children are as follows:

**Students to be Transported**

DHHS will contact the District to inform the District of a foster care student living in the District and/or to be educated by the District. The District will communicate with DHHS on any further matters concerning said foster care student(s).

**School of Origin**

The District will work to develop a transportation plan for each foster care student needing transportation to the student's school of origin, as defined and required by federal law. Each student's situation will be different, so there is no single transportation plan for every foster care student. Transportation options may include: (1) the foster care family; (2) a bus or school vehicle; (3) transportation to a pickup location; or (4) some other form of transportation in accordance with state and federal law. Foster care students on an IEP may require other considerations and/or different transportation obligations.

When required by law, the District will coordinate the foster care student's transportation to the school of origin while any disputes regarding transportation until the disputes are resolved.

**Costs**

If the student can be transported by the District without the District incurring any additional costs, then the District will normally transport the student. However, if the District will need to incur additional costs to transport the student, then DHHS will cover any such additional costs associated with the foster care student's transportation. If the District and DHHS are unable to agree on a transportation plan, the District and DHHS will work together to resolve any differences.

**Oversight, Implementation, and Administration**

The District's Homeless Liaison is responsible for overseeing these procedures, updating them as needed, and otherwise ensuring that the District complies with the transportation requirements for foster care students.

Legal Reference: 20 U.S.C. § 6312.

Date of Adoption: [Insert Date]

Instruction

Behavioral Intervention and Classroom Management

1. Purpose

The District is committed to creating a learning environment where every individual is valued, respected, and supported. This Policy emphasizes the shared responsibility of individuals for their actions and their ability to learn, grow, and thrive. This Policy further provides a framework for encouraging positive behavior, addressing challenges in a caring and constructive way, and ensuring safe and supportive school and classroom environments.

2. General Principles

As part of the District’s commitment to all students, the Board hereby implements a tiered-system of support to foster a positive school climate and culture, encourage appropriate student behavior, and provide the necessary supports for academic and behavioral success.

This Policy does not replace or alter the Student Discipline Act when behaviors warrant student disciplinary action under that Student Discipline Act.

3. Standards

<b>Tier 1: Universal Supports</b>			
	<b>District Level</b>	<b>School Level</b>	<b>Classroom Level</b>
<b>Sound Infrastructure &amp; Shared Leadership</b>	Develop and maintain a district-wide behavior framework, ensuring alignment with the district's vision and goals. Establish a leadership team to oversee implementation and sustainability.	Create school-level leadership teams to implement the district behavior framework. Build systems to support staff in consistent implementation of universal behavior strategies.	Teachers set up clear, consistent behavior expectations aligned with school and district policies. Classroom routines and physical environments are structured to promote positive behaviors.
<b>Layered Continuum of Support</b>	Ensure all schools have access to evidence-based universal behavior practices and instructional tools for promoting positive behavior.	Develop a school-wide plan for teaching and reinforcing positive behavior expectations for all students.	Integrate the development of emotional and interpersonal skills into daily instruction and explicitly teach expected behaviors.
<b>Data-Based Decision-Making</b>	Implement a district-wide behavior data system for tracking	Use behavioral data to assess school culture,	Collect and reflect on classroom behavior data to identify patterns or

	student behavioral incidents, attendance, and other indicators of behavior. Analyze district trends to guide support for schools.	climate and adjust universal supports.	unanticipated signs of distress and adjust teaching practices as needed.
<b>Communication and Collaboration</b>	Share district-wide behavior policies, expectations, and data with all stakeholders, including families and the community.	Develop intervention teams to identify students in need of Tier 2 support and manage their plans.	Teachers collaborate with intervention teams to integrate targeted strategies into the classroom.
<b>Tier 2: Targeted Supports</b>			
	<b>District Level</b>	<b>School Level</b>	<b>Classroom Level</b>
<b>Sound Infrastructure &amp; Shared leadership</b>	Provide a menu of evidence-based Tier 2 intervention and training for implementation.	Develop intervention teams to identify students in need of Tier 2 support and manage their plans.	Teachers collaborate with intervention teams to integrate targeted strategies into the classroom that align with school and district policies.
<b>Layered Continuum of Support</b>	Allocate resources to support targeted interventions, such as additional staff or training for small group supports.	Implement interventions such as mentoring programs, social skills groups, or targeted behavior coaching.	Provide additional supports like daily progress monitoring and structured break.
<b>Data-Based Decision-Making</b>	Use district-wide systems to track the effectiveness of Tier 2 interventions and adjust as needed.	Monitor progress using behavior data: point sheets, observations, or student self-assessments and input data in district-wide systems.	Document daily data on student progress to evaluate the impact of interventions.
<b>Communication and Collaboration</b>	Facilitate communication between schools, families, and community partners about available Tier 2 supports.	Engage families in the intervention process by providing regular updates and involving them in problem solving and goal setting.	Maintain open lines of communication with families about their child's progress and strategies to promote support the behavior goals at home.
<b>Tier 3: Intensive, Individualized Supports</b>			
	<b>District Level</b>	<b>School Level</b>	<b>Classroom Level</b>
<b>Sound Infrastructure &amp; Shared leadership</b>	Ensure access to specialized staff to design and oversee intensive interventions.	Assemble a multidisciplinary team to develop and implement Functional Behavioral Assessments (FBAs) and Behavior	Collaborate with specialists to integrate individualized supports into classroom routines that align with school and district policies.

		Intervention Plans (BIPs).	
<b>Layered Continuum of Support</b>	Coordinate external services and resources for students requiring wraparound support beyond the school.	Provide interventions or sessions tailored to the student's unique needs and communicate with external services and resources to align supports for students.	Consistently implement accommodations and modifications, such as sensory supports or de-escalation plans, to address individual behaviors.
<b>Data-Based Decision-Making</b>	Regularly review data on Tier 3 interventions and outcomes to ensure its effectiveness.	Use detailed, frequent data collection to refine and adjust BIPs based on student progress.	Implement daily monitoring and adjust individualized strategies as data indicates.
<b>Communication and Collaboration</b>	Partner with community agencies to align supports for students with complex needs.	Conduct regular meetings with families to review and revise plans based on student progress.	Provide ongoing feedback to families and specialists about the student's daily performance, progress, and needs.

4. Addressing Dysregulated Behavioral and Classroom Removal

This Policy outlines a structured approach for managing dysregulated behavior that disrupts the learning environment or poses safety concerns. The aim is to ensure the safety and well-being of all students and staff, while supporting the student in developing self-regulation skills and reintegrating into the classroom.

A. Criteria for Removal

- i. *Safety Concerns*: Immediate removal may occur if a student poses a threat to their own safety, the safety of others, or the environment.
- ii. *Disruption to Learning*: Removal may be necessary if the student's behavior significantly disrupts instruction or the learning environment.
- iii. *Attempted Interventions*: Whenever possible, staff should use de-escalation techniques, behavior redirection, or other Tier 1 or Tier 2 interventions before considering removal. Severe behaviors that endanger safety may bypass prior interventions.

B. Procedure for Removal

- i. *Behavior Documentation*: The teacher or staff member documents the behavior leading to the removal, including antecedents, attempted interventions, and the incident itself. A clear, objective description of the behavior must be included.

- ii. *Safe Transition*: The student is escorted to a designated safe space, such as the office or a designated calming area, by trained personnel. Efforts are made to ensure the student remains calm and safe during the transition.
- iii. *Notification*: Parents or guardians are notified as soon as possible about the removal. A detailed account of the behavior and any interventions attempted are shared.

#### C. Post-Removal Actions

- i. *Restorative Meeting*: A meeting involving the student, parents or guardians, teacher or other designated staff member, and administrator may be scheduled to review the behavior, its impact, and steps to prevent recurrence. The meeting emphasizes restoring relationships and understanding the root cause of the behavior.
- ii. *Behavior Support Plan (if needed)*: For recurring incidents, a behavior support plan is developed or reviewed, including targeted interventions and supports aligned with the student's needs. The plan may include strategies such as check-ins, mentoring, or additional behavioral learning supports.

#### D. Transition Back to the Classroom

- i. *Reintegration Plan*: The student returns to the classroom with appropriate support, which may include a reintegration checklist, a designated buddy, or frequent check-ins with a trusted adult. Expectations and routines are explicitly reviewed with the student.
- ii. *Ongoing Support and Monitoring*: Follow-up meetings with the student, teacher or other designated staff member, and parents/guardians are scheduled to evaluate progress. Data from behavior observations are used to adjust interventions and supports as needed.
- iii. *Focus on Positive Growth*: A strengths-based approach is applied to recognize and reinforce improvements in behavior.

#### 5. Communication and Collaboration

Families are partners in addressing the student's behavior and supporting reintegration. School staff will provide clear and transparent communication about any incident, the student's plan for return, and available resources. Collaboration will also occur between general education, special education, school psychologist, behavior specialists, school counselors, and/or social workers to ensure all supports align with the student's needs and strengths.

#### 6. Required Training

The District will ensure that school employees are trained in behavioral awareness and intervention as required by this Policy and state law. The Superintendent is hereby delegated the authority and responsibility to develop or contract for such training and to ensure that the appropriate staff receive said training as required by state law.

#### 7. Monitoring and Feedback

Parents, guardians, students, advocates and community members are encouraged to provide feedback on this Policy and the District's actions under this Policy. The Superintendent or designee is also directed to provide any feedback to the Board of Education as the Superintendent deems appropriate.

Legal Reference: Neb. Rev. Stat. § 79-262.01

Date of Adoption: [Insert Date]

**Nebraska Department of Education**  
**Model Policy**

\_\_\_\_\_ **School District Dress Code and Grooming Policy**

**I. PURPOSE:**

The \_\_\_\_\_ School District is dedicated to celebrating the diverse racial and religious backgrounds of our students. The school district champions students' rights to express themselves through their attire practically when associated with race, religion, sex, disability, or national origin, including tribal regalia, natural and protective hairstyles, or adornments. The purpose of this policy is to facilitate and encourage an inclusive and positive learning environment while complying with any applicable health and safety law, rule, regulations or ordinance.

**II. GENERAL PRINCIPLES/STANDARDS:**

1. **Non-Discrimination:** The \_\_\_\_\_ School District dress code and grooming policy prohibits discrimination against students based on race, religion, sex, disability, or national origin.
2. **Respect for Individuality:** Students are allowed to wear religious attire, adornments, and other attire associated with race, national origin or religion, or tribal regalia. Additionally, students' hair should not be permanently or temporarily altered by school personnel. Altering a student's appearance or removing or altering a student's attire without consent from their parent/guardian/caregiver is not allowed. Additionally, students are permitted to wear natural and protective hairstyles including but are not limited to braids, locks, twists, tight coils or curls, cornrows, Bantu knots, afros, weaves, wigs, or head wraps.
3. **Cultural and Religious Attire:** Students are allowed to wear religious attire and tribal regalia in accordance with their race, national origin, or religion.
4. **Bullying Policy Alignment:** The school bullying policy remains in effect and should be consulted where clothing or attire may be an issue.
5. **Prohibited Attire:** Attire should not promote violence, drugs, alcohol, profanity, or hate speech. The \_\_\_\_\_ School District reserves the right to request immediate attire changes from students.

**III. HEALTH AND SAFETY CONSIDERATIONS:**

In school environments where the use of certain chemicals or equipment poses a direct safety hazard, students may be required to wear protective gear, such as lab coats and safety goggles, which could cover clothing and hairstyles. Similarly, in physical education classes or during sports activities, students may need to modify their attire or secure their hair to ensure the safety of themselves and others. In such cases, a good faith effort to reasonably accommodate students will be made to ensure safety without compromising religious beliefs, grooming practices, or requiring students to permanently alter their appearance. Such accommodations must be applied equally and adopted for nondiscriminatory reasons.

1. **Proven Need:** Any health and safety standard based on characteristics associated with race, religion, sex, disability, or national origin must demonstrate that without implementation of such standard, it is reasonably certain that the health and safety of the student or another individual will be impaired.

2. **Least Restrictive Means:** health and safety standards should use the least restrictive means necessary to address the identified health and safety concern. Alternative measures that do not discriminate based on these characteristics associated with race, religion, sex, disability, or national origin should be explored and implemented.

#### **IV. ENFORCEMENT:**

Enforcement of violations of this dress code and grooming policy should be consistent with our district's overall discipline plan and applied in a consistent manner. Enforcement of this dress code and grooming policy should not target, disproportionately impact, discriminate, or be applied in a discriminatory manner against any students on the basis of race, religion, sex, disability, or national origin.

#### **V. TRAINING AND AWARENESS:**

The district will communicate the guidelines and expectations in this dress code and grooming policy with students and families in their preferred language(s). While adopting and/or adapting this dress code and grooming policy, school districts should consult a variety of stakeholders, including a diverse group of parents, guardians, and caregivers. School staff may receive training and guidance on this policy to ensure that they are aware of their responsibilities in accommodating students and communicating effectively with parents, guardians, or caregivers.

#### **VI. CONFIDENTIALITY:**

The school will handle all information related to students' race, sex, disability, national origin, or religious characteristics in accordance with the Family Educational Rights and Privacy Act (FERPA). Parental consent must be obtained before sharing any information related to the student's appearance or attire with school staff or outside parties involved in an accommodation process related to this policy.

#### **VII. PARENT CONSENT:**

The \_\_\_\_\_ School District is required to make a good faith effort to obtain informed consent from a student's parents, guardians, and/or caregivers in their preferred language, in the case a health and safety standard accommodation is needed. To respect individual identity and parental authority, our process includes the following steps:

1. **Initiate Contact:** Make a good faith effort to contact the parent/guardian/caregiver using their preferred communication method (phone, email, or in person), explaining clearly and consistently why adjustments to the student's attire and/or grooming may be necessary to meet health and safety standards.
2. **Collaborative Solutions:** Work collaboratively with the student and parent/guardian/caregiver to find accommodation options in accordance with the student's race, religion, sex, disability, or national origin while adhering to health and safety standards. Discuss the potential impact of each accommodation option on the student's well-being and educational experience.
3. **Parental Consideration:** Allow the parent/guardian/caregiver time to privately discuss the situation with their student and/or family members and make an informed decision.
4. **Obtain Consent:** Once an accommodation is agreed upon, obtain written consent through a signed document or email exchange, clearly stating the accommodation and

health and safety standard that required the accommodation. A copy of this written consent should be provided to the parent/guardian/caregiver.

5. **Documentation & Follow-up:** Keep written records of all communication and decisions made with the parent/guardian/caregiver for transparency and accountability. This record should be treated in accordance with the Family Educational Rights and Privacy Act (FERPA) and added to the student's confidential records for future reference. After implementation, follow up with the parent/guardian/caregiver within 1-2 weeks to ensure the accommodation was implemented in a satisfactory manner.

### **VIII. RECORD KEEPING:**

The \_\_\_\_\_ School District establishes a clear and organized process to record efforts made to reasonably accommodate a student's appearance, attire, hairstyle, adornment, or other characteristics associated with race, religion, sex, disability, or national origin. Each record must include:

1. the student's name,
2. federally identified demographic characteristics,
3. date of the occurrence,
4. the health and safety standard relating to the accommodation,
5. nature of the accommodation requested,
6. staff involved,
7. communication with parents/guardians/caregivers, and
8. the outcome of the effort.

Our district regularly reviews the accumulated records to analyze trends, patterns, and the effectiveness of the accommodation process to identify any areas that may require improvement or adjustments to policies.

## **Definitions:**

**Grooming:** the care of a body and its physical appearance, such as the personal hygiene routine of brushing one's teeth or combing one's hair.

**National origin:** includes characteristics associated with actual or perceived place of birth, ancestry, or ethnicity including, but not limited to, skin color, natural and protective hairstyles, headdress, tribal regalia, and attire.

**Natural and protective hairstyles:** include, but are not limited to, braids, locks, twists, tight coils or curls, cornrows, Bantu knots, afros, weaves, wigs, or head wraps.

**Race:** includes characteristics associated with actual or perceived race, ancestry, or ethnicity including, but not limited to, skin color, natural and protective hairstyles, tribal regalia, and attire.

**Religious attire and characteristics associated with religion:** includes, but is not limited to, natural and protective hairstyles, tribal regalia, burkas, hijabs, head wraps, **yamaka, cross** or other headdress, adornments, and clothing garments used to express or observe one's religious beliefs.

**Tribal regalia:** includes natural and protective hairstyles and traditional garments, jewelry, or other adornments or similar objects of cultural significance worn by members of an indigenous tribe of the United States or another country. Tribal regalia does not include any dangerous weapon or, except in compliance with an appropriate federal permit, any object that is otherwise prohibited by federal law.

StudentsStudent Discipline

- A. Development of Uniform Discipline System. It shall be the responsibility of the Superintendent to develop and maintain a system of uniform discipline. The discipline which may be imposed includes actions which are determined to be reasonably necessary to aid the student, to further school purposes, or to prevent interference with the educational process, such as (without limitation) counseling and warning students, parent contacts and parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling upon written consent of the parent or guardian, or in-school suspension. The discipline may also include out-of-school suspension (short-term or long-term) and expulsion.
1. Short-Term Suspension: Students may be excluded by the Principal or the Principal's designee from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:
    - a. Conduct that constitutes grounds for expulsion, whether the conduct occurs on or off school grounds; or
    - b. Other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff of the school, which occur on or off school grounds, if such conduct interferes with school purposes or there is a nexus between such conduct and school.

The following process will apply to short-term suspensions:

- a. The Principal or the Principal's designee will make a reasonable investigation of the facts and circumstances. A short-term suspension will be made upon a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
- b. Prior to commencement of the short-term suspension, the student will be given oral or written notice of the charges against the student. The student will be advised of what the student is accused of having done, an explanation of the evidence the authorities have, and be afforded an opportunity to explain the student's version of the facts.
- c. Within 24 hours or such additional time as is reasonably necessary, not to exceed an additional 48 hours, following the suspension, the Principal or administrator will send a written statement to the student and the student's parent or guardian describing the student's conduct, misconduct or violation of the rule or standard and the reasons for the action taken.
- d. An opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal or administrator ordering the short-term suspension before or at the time the student returns to school. The Principal or administrator shall determine who in addition to the parent

- or guardian is to attend the conference. The Principal shall document their attempt to make a reasonable effort to hold a conference with the parent or guardian.
- e. A student who is on a short-term suspension shall not be permitted to be on school grounds without the express permission of the Principal.
2. Long-Term Suspension: A long-term suspension means an exclusion from school and any school functions for a period of more than five school days but less than twenty school days. A student who is on a long-term suspension shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends a long-term suspension. The notice will include a description of the procedures for long-term suspension; the procedures will be those set forth in the Student Discipline Act.
  3. Expulsion:
    - a. Meaning of Expulsion. Expulsion means exclusion from attendance in all schools, grounds and activities of or within the system for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year, or (c) unless the expulsion is for conduct specified in these rules or in law as permitting or requiring a longer removal, in which case the expulsion shall remain in effect for the period specified therein. Such action may be modified or terminated by the school district at any time during the expulsion period. A student who has been expelled shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends an expulsion. The notice will include a description of the procedures for expulsion; the procedures will be those set forth in the Student Discipline Act.
    - b. Suspensions Pending Hearing. When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the Superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers. If the student is suspended pending the outcome of the hearing, the student may complete classwork and homework, including, but not limited to, examinations, missed during the period of suspension.

During this period, the student will not be required to attend the alternative programs for expelled students in order to complete classwork or homework.

- c. Summer Review. Any expulsion that will remain in effect during the first semester of the following school year will be automatically scheduled for review before the beginning of the school year in accordance with law.
- d. Alternative Education: Students who are expelled may be offered an alternative education program that will enable the student to continue academic work for credit toward graduation. A student will not be required to attend the alternative education program in order to complete classwork and homework. In the event an alternative education program is not provided, a conference will be held with the parent, student, the Principal or another school representative assigned by the Principal, and a representative of a community organization that assists young people or that is involved with juvenile justice to develop a plan for the student in accordance with law.
- e. Suspension of Enforcement of an Expulsion: Enforcement of an expulsion action may be suspended for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect. As a condition of such suspended action, the student and parents will be required to sign a discipline agreement.
- f. Students Subject to Juvenile or Court Probation. Prior to the readmission to school of any student who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to the order of the District Court, County Court, or Juvenile Court, who chooses to meet conditions of probation by attending school, and who has previously been expelled from school, the Principal or the Principal's designee shall meet with the student's probation officer and assist in developing conditions of probation that will provide specific guidelines for behavior and consequences for misbehavior at school (including conduct on school grounds and conduct during an educational function or event off school grounds) as well as educational objectives that must be achieved. If the guidelines, consequences, and objectives provided by the Principal or the Principal's designee are agreed to by the probation officer and the student, and the court permits the student to return to school under the agreed to conditions, the student may be permitted to return to school. The student may with proper consent, upon such return, be evaluated by the school for possible disabilities and may be referred for evaluation for possible placement in a special education program. The student may be expelled or otherwise disciplined for subsequent conduct as provided in Board policy and state statute.

- g. Returning from Expulsion. At the conclusion of an expulsion, the District will reinstate the student and accept nonduplicative, grade-appropriate credits earned by the student during the term of expulsion from any Nebraska accredited institution or institution accredited by one of the six regional accrediting bodies in the United States.
  - h. Exception for Pre-Kindergarten through Second Grade Students. Notwithstanding the foregoing, no pre-kindergarten through second grade student may be suspended from school, unless the student brings a deadly weapon on school grounds, in a school vehicle, or to a school activity. Instead, the Principal or Principal's designee may implement alternative disciplinary measures on a case-by-case basis if a pre-kindergarten through second grade student engages in misconduct that would otherwise result in a short-term suspension. If a pre-kindergarten through second grade student brings a deadly weapon on school grounds, in a school vehicle, or to a school activity, then the student may be suspended or expelled in accordance with this Policy's disciplinary procedures.
  - i. Religious Freedom. The District will not substantially burden a student's right to religious exercise unless the student's religious exercise is disruptive to the school environment, not permitted by staff, may pose a safety risk, or would otherwise interfere with the school day.
4. Emergency Exclusion: A student may be excluded from school in the following circumstances:
- a. If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
  - b. If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

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

If the emergency exclusion will be for five school days or less, the procedures for a short-term suspension shall be followed. If the Superintendent or his or her designee determines that an emergency exclusion shall extend beyond five days, a hearing may be held, upon a parent's timely request, and a final determination made within ten school days after the initial date of exclusion. Such procedures shall substantially comply with the procedures set forth in this policy for a long-term suspension or expulsion, and be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

5. Other Forms of Student Discipline: Administrative and teaching personnel may also take actions regarding student behavior, other than removal of students from school, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but are not limited to, counseling of students, parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation. The actions may also include in-school suspensions. When in-school suspensions, after-school assignments, or other disciplinary measures are assigned, the student is responsible for complying with such disciplinary measures. A failure to serve such assigned discipline as directed will serve as grounds for further discipline, up to expulsion from school.
- B. Student Conduct Expectations. Students are not to engage in conduct which causes or which creates a reasonable likelihood that it will cause a substantial disruption in or material interference with any school function, activity or purpose or interfere with the health, safety, well being or rights of other students, staff or visitors.
- C. Grounds for Short-Term Suspension, Long-Term Suspension, Expulsion or Mandatory Reassignment. The following conduct has been determined by the Board of Education to have the potential to seriously affect the health, safety or welfare of students, staff and other persons or to otherwise seriously interfere with the educational process. Such conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment, and any other lesser forms of discipline. The conduct is subject to the consequence of long-term suspension, expulsion, or mandatory reassignment where it occurs on school grounds, in a vehicle owned, leased, or contracted by the school and being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or an employee's designee, or at a school-sponsored activity or athletic event.
1. Willfully disobeying any reasonable written or oral request of a school staff member, or the voicing of disrespect to those in authority.
  2. Use of violence, force, coercion, threat, intimidation, harassment, or similar conduct in a manner that constitutes a substantial interference with school purposes or making any communication that a reasonable recipient would interpret as a serious expression of an intent to harm or cause injury to another.
  3. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, repeated damage or theft involving property, or setting or attempting to set a fire of any magnitude.
  4. Causing or attempting to cause personal injury to any person, including any school employee, school volunteer, or student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision.
  5. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student or making a threat which causes or may be expected to cause a disruption to school operations.

6. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon or that has the appearance of a weapon or bringing or possessing any explosive device, including fireworks.
7. Engaging in selling, using, possessing or dispensing of alcohol, tobacco, narcotics, drugs, controlled substance, or an inhalant; being under the influence of any of the above; possession of drug paraphernalia, or the selling, using, possessing, or dispensing of an imitation controlled substance as defined in section 28-401 of the Nebraska statutes, or material represented to be alcohol, narcotics, drugs, a controlled substance or inhalant. Tobacco means any tobacco product (including but not limited to cigarettes, cigars, and chewing tobacco), vapor products (such as e-cigarettes), electronic nicotine delivery systems, alternative nicotine products, tobacco product look-alikes, and products intended to replicate tobacco products either by appearance or effect. Use of a controlled substance in the manner prescribed for the student by the student's physician is not a violation. The term "under the influence" has a less strict meaning than it does under criminal law; for school purposes, the term means any level of impairment and includes even the odor of alcohol or illegal substances on the breath or person of a student; also, it includes being impaired by reason of the abuse of any material used as a stimulant.
8. Public indecency or sexual conduct. This includes "deep fakes" or other computer-generated images of other students or staff intended to bully, harass, intimidate, or humiliate another student or staff member.
9. Engaging in bullying, which includes any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or a school employee's designee, or at school-sponsored activities or school-sponsored athletic events.
10. Sexually assaulting or attempting to sexually assault any person. This conduct may result in an expulsion regardless of the time or location of the offense if a complaint alleging such conduct is filed in a court of competent jurisdiction.
11. Engaging in any activity forbidden by law which constitutes a danger to other students or interferes with school purposes. This conduct may result in an expulsion regardless of the time or location of the offense if the conduct creates or had the potential to create a substantial interference with school purposes, such as the use of the telephone or internet off-school grounds to threaten.
12. A repeated violation of any rules established by the school district or school officials if such violations constitute a substantial interference with school purposes, including (but not limited to) a violation of the District's dress code and electronic communication device rules.
13. Truancy or failure to attend assigned classes or assigned activities; or tardiness to school, assigned classes or assigned activities.
14. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, gender, disability, national origin, or religion.
- ~~15. Dressing or grooming in a manner which is dangerous to the student's health and safety or a danger to the health and safety of others or repeated violations of the~~

~~student dress and grooming standards; dressing, grooming, or engaging in speech that is lewd or indecent, vulgar or plainly offensive; dressing, grooming, or engaging in speech that school officials reasonably conclude will materially and substantially disrupt the work and discipline of the school; dressing, grooming, or engaging in speech that a reasonable observer would interpret as advocating illegal drug use.~~

~~16.15.~~ Willfully violating the behavioral expectations for riding school buses or vehicles.

A student who engages in the following conduct shall be expelled for the remainder of the school year in which it took effect if the misconduct occurs during the first semester, and if the expulsion for such conduct takes place during the second semester, the expulsion shall remain in effect for the first semester of the following school year, with the condition that such action may be modified or terminated by the school district during the expulsion period on such terms as the administration may establish:

- a. The knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student, except if caused by accident, self-defense, or on the reasonable belief that the force used was necessary to protect some other person and the extent of force used was reasonably believed to be necessary, or
- b. The knowing and intentional possession, use, or transmission of a dangerous weapon other than a firearm.

Knowingly and intentionally possessing, using, or transmitting a firearm on school grounds, in a school-owned or utilized vehicle, or during an educational function or event off school grounds, or at a school-sponsored activity or athletic event. This conduct shall result in an expulsion for one calendar year. "Firearm" means a firearm as defined in 18 U.S.C. 921, as that statute existed on January 1, 1995. That statute includes the following statement: "The term 'firearm' means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device." The Superintendent may modify such one year expulsion requirement on a case-by-case basis, provided that such modification is in writing. Bringing a firearm or other dangerous weapon to school for any reason is discouraged; however, a student will not be subject to disciplinary action if the item is brought or possessed under the following conditions:

- a. Prior written permission to bring the firearm or other dangerous weapon to school is obtained from the student's teacher, building administrator and parent.
- b. The purpose of having the firearm or other dangerous weapon in school is for a legitimate educational function.

For purposes of this policy, the term "dangerous weapon" includes any personal safety or security device (such as tasers, mace and pepper spray). If a student desires to carry or possess a personal safety or security device, the student must obtain prior approval from the building principal before bringing such device on school grounds. If a student obtains prior approval from the building principal, the student must store the device during the school day in the student's locker, in the

main office or in another secure location designated by the building principal. A student shall not carry a personal safety or security device during the school day.

D. Additional Student Conduct Expectations and Grounds for Discipline. The following additional student conduct expectations are established. Failure to comply with such rules is grounds for disciplinary action. When such conduct occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event, the conduct is grounds for long-term suspension, expulsion or mandatory reassignment.

1. Student Appearance: Students are expected to dress in a way that is appropriate for the school setting. Students should not dress in a manner that ~~is dangerous to the health and safety of anyone or is reasonably forecasted to~~ interfere with the learning environment or teaching process in our school. Following is a list of examples of attire that will not be considered appropriate, such list is not exclusive and other forms of attire deemed inappropriate by the administration may be deemed inappropriate for the school setting:
  - a. Clothing that shows an inappropriate amount of bare skin or underwear (~~midriffs, spaghetti straps, sagging pants~~) or clothing that is too tight, revealing or baggy, or tops and bottoms that do not overlap or any material that is sheer or lightweight enough to be seen through, or otherwise of an appropriate size and fit so as to be revealing or drag on the ground.
  - b. Clothing or jewelry that advertises or promotes beer, alcohol, tobacco, or illegal drugs.
  - c. Clothing or jewelry that could be used as a weapon (chains, spiked apparel) or that would encourage “horse-play” or that would damage property (e.g. cleats).
  - d. Head wear including hats, caps, bandannas, and scarves.
  - e. Clothing or jewelry which exhibits nudity, makes sexual references or carries lewd, indecent, or vulgar double meaning.
  - f. \_\_\_\_\_ Clothing or jewelry that is gang related

A student who is a member of an indigenous tribe of the United States or another country may wear tribal regalia in any location where the student is authorized to be on such school grounds or at any school function, as long as the tribal regalia does not interfere with the educational process and does not endanger another person, as determined by the administration. Further, students will also be permitted to wear attire, including religious attire, natural and protective hairstyles, adornments or other characteristics associated with race, national origin, or religion, as long as the attire does not interfere with the educational process and does not endanger another person, as determined by the administration.

No student shall be disproportionately affected by a dress code or grooming policy enforcement because of the student's gender, race, color, religion, disability, or national origin.

No school staff shall permanently or temporarily alter or cut a student's hair.

The final decision regarding attire and grooming will be made by the Principal or Superintendent. In the event a student is uncertain as to whether a particular item or method of grooming is consistent with the school's guidelines, the student should contact the Principal for approval, and may also review such additional posting of prohibited items or grooming which may be available in the Principal's office.

A student dress code violation will be treated as a minor rule violation and may not require the student to miss substantial classroom time, instructional time, or school activities. However, a repeated violation of school rules may subject the student to further discipline, as outlined in this Policy.

2. Academic Integrity.

- a. Policy Statement: Students are expected to abide by the standards of academic integrity established by their teachers and school administration. Standards of academic integrity are established in order for students to learn as much as possible from instruction, for students to be given grades which accurately reflect the student's level of learning and progress, to provide a level playing field for all students, and to develop appropriate values.

Cheating and plagiarism violate the standards of academic integrity. Sanctions will be imposed against students who engage in such conduct.

- b. Definitions: The following definitions provide a guide to the standards of academic integrity:

(1) "Cheating" means intentionally misrepresenting the source, nature, or other conditions of academic work so as to accrue undeserved credit, or to cooperate with someone else in such misrepresentation. Such misrepresentations may, but need not necessarily, involve the work of others. Cheating includes, but is not limited to:

(a) Tests (includes tests, quizzes and other examinations or academic performances):

(i) Advance Information: Obtaining, reviewing or sharing copies of tests or information about a test before these are distributed for student use by the instructor. For example, a student engages in cheating if, after having taken a test, the student informs other students in a later section of the questions that appear on the test.

(ii) Use of Unauthorized Materials: Using notes, textbooks, pre-programmed formulae in calculators, or other unauthorized material, devices or information while taking a test except as expressly permitted. For example, except for "open book"

- tests, a student engages in cheating if the student looks at personal notes or the textbook during the test.
- (iii) Use of Other Student Answers: Copying or looking at another student's answers or work, or sharing answers or work with another student, when taking a test, except as expressly permitted. For example, a student engages in cheating if the student looks at another student's paper during a test. A student also engages in cheating if the student tells another student answers during a test or while exiting the testing room, or knowingly allows another student to look at the student's answers on the test paper.
  - (iv) Use of Other Student to Take Test. Having another person take one's place for a test, or taking a test for another student, without the specific knowledge and permission of the instructor.
  - (v) Misrepresenting Need to Delay Test. Presenting false or incomplete information in order to postpone or avoid the taking of a test. For example, a student engages in cheating if the student misses class on the day of a test, claiming to be sick, when the student's real reason for missing class was because the student was not prepared for the test.
- (b) Papers (includes papers, essays, lab projects, and other similar academic work):
- i) Use of Another's Paper: Copying another student's paper, using a paper from an essay writing service, or allowing another student to copy a paper, without the specific knowledge and permission of the instructor.
  - (ii) Re-use of One's Own Papers: Using a substantial portion of a piece of work previously submitted for another course or program to meet the requirements of the present course or program without notifying the instructor to whom the work is presented.
  - (iii) Assistance from Others: Having another person assist with the paper to such an extent that the work does not truly reflect the student's work. For example, a student engages in cheating if the student has a draft essay reviewed by the student's parent or sibling, and the essay is substantially re-written by the student's parent or sibling. Assistance from home is encouraged, but the work must remain the student's.

- (iv) Failure to Contribute to Group Projects. Accepting credit for a group project in which the student failed to contribute a fair share of the work.
- (v) Misrepresenting Need to Delay Paper. Presenting false or incomplete information in order to postpone or avoid turning in a paper when due. For example, a student engages in cheating if the student misses class on the day a paper is due, claiming to be sick, when the student's real reason for missing class was because the student had not finished the paper.
- (c) Alteration of Assigned Grades. Any unauthorized alteration of assigned grades by a student in the teacher's grade book or the school records is a serious form of cheating.
- (2) "Plagiarism" means to take and present as one's own a material portion of the ideas or words of another or to present as one's own an idea or work derived from an existing source without full and proper credit to the source of the ideas, words, or works. Plagiarism includes, but is not limited to:
- (a) Failure to Credit Sources: Copying work (words, sentences, and paragraphs or illustrations or models) directly from the work of another without proper credit. Academic work frequently involves use of outside sources. To avoid plagiarism, the student must either place the work in quotations or give a citation to the outside source.
- (b) Falsely Presenting Work as One's Own: Presenting work prepared by another in final or draft form as one's own without citing the source, such as the use of purchased research papers or use of another student's paper.
- (3) "Contributing" to academic integrity violations means to participate in or assist another in cheating or plagiarism. It includes but is not limited to allowing another student to look at your test answers, to copy your papers or lab projects, and to fail to report a known act of cheating or plagiarism to the instructor or administration.
- c. Sanctions: The following sanctions will occur when a student engages in cheating, plagiarism, or contributing to an academic integrity offense:
- (1) Academic Sanction. The instructor will refuse to accept the student's work in which the academic integrity offense took place, assign a grade of "F" or zero for the work, and require the student to complete a test or project in place of the work within such time and under such conditions as the instructor may determine appropriate. In the event the student completes the replacement test or project at

a level meeting minimum performance standards, the instructor will assign a grade which the instructor determines to be appropriate for the work.

(2) Report to Parents and Administration. The instructor will notify the Principal of the offense and the instructor or Principal will notify the student's parents or guardian.

(3) Student Discipline Sanctions. Academic integrity offenses are a violation of school rules. The Principal may recommend sanctions in addition to those assigned by the instructor, up to and including suspension or expulsion. Such additional sanctions will be given strong consideration where a student has engaged in serious or repeated academic integrity offense or other rule violations, and where the academic sanction is otherwise not a sufficient remedy, such as for offenses involving altering assigned grades or contributing to academic integrity violations.

#### E. Law Violations

1. Any act of a student which is a basis for expulsion and which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code will be reported to law enforcement as soon as possible. Conduct to be reported for law enforcement referral includes conduct that may constitute a felony, conduct which may constitute a threat to the safety or well-being of students or others in school programs and activities, and conduct that the legal system is better equipped to address than school officials. Conduct that does not need to be reported for law enforcement referral includes typical adolescent behavior that can be addressed by school administrators without the involvement of law enforcement. In making the decision of whether to report, consideration should be given to the student's maturity, mental capacity, and behavioral disorders, where applicable. When appropriate, it shall be the responsibility of the referring administrator to contact the student's parent of the fact that the referral to legal authorities has been or will be made.

The foregoing reporting standards shall be reviewed annually by the school Board on or before August 1 of each year, be annually reviewed in collaboration with the County Attorney each year, be distributed to each student and his or her parent or guardian at the beginning of each school year, or at the time of enrollment if during the school year, and shall be posted in conspicuous places in each school during the school year.

2. When a principal or other school official releases a minor student to a peace officer (e.g., police officer, sheriff, and all other persons with similar authority to make arrests) for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parents or guardian.

Legal Reference: Neb. Rev. Stat. Sections 79-254 to 79-296  
Neb. Rev. Stat. Section 79-2,160~~LB-43 (2024)~~

Date of Adoption: [Insert Date]

## Notice of Nondiscrimination

The Malcolm Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military or** veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

### Students:

Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151  
[ryan.terwilliger@mps148.org](mailto:ryan.terwilliger@mps148.org)

Amber Dolliver, PK-6 Principal, 10000 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151  
[amber.dolliver@mps148.org](mailto:amber.dolliver@mps148.org) (Title IX)

### Employees and Others:

Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151  
[ryan.terwilliger@mps148.org](mailto:ryan.terwilliger@mps148.org).

Amber Dolliver, PK-6 Principal, 10000 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151  
[amber.dolliver@mps148.org](mailto:amber.dolliver@mps148.org) (Title IX)

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the OCR at One Petticoat Lane, 1010 Walnut Street, 3rd Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

**Complaint Form  
Discrimination, Harassment or Retaliation**

The Malcolm Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military or** veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. This complaint form is to be used when a person has a complaint related to discrimination, harassment or retaliation on such bases in regard to employment or the programs and activities of the school district.

Refer to Board Policy 4003 and/or 5401 for the particulars of the complaint and grievance process. You may attach additional materials to this form if needed.

The applicable coordinator may be contacted if you have questions about filling out this complaint form:  
Students: Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151 (ryan.terwilliger@mps148.org).  
Employees and Others: Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151 (ryan.terwilliger@mps148.org).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

(1) Description of the complaint: \_\_\_\_\_  
\_\_\_\_\_.

(2) Names of any witnesses to the matter being complained about: \_\_\_\_\_  
\_\_\_\_\_.

(3) Identify and attach any document supporting the complaint: \_\_\_\_\_  
\_\_\_\_\_.

(4) Confidentiality: I \_\_\_ do \_\_\_ do not give consent to my identity being shared with the person(s) against whom I am complaining. If I do not give consent, I understand that the investigation may be hindered, but that the District will nonetheless investigate and take prompt and effective action to remediate the concerns I have raised, if appropriate.  
\_\_\_\_\_  
\_\_\_\_\_.

(5) Relief requested (what I want done in response to this complaint): \_\_\_\_\_  
\_\_\_\_\_.

The undersigned states: The facts in this complaint are true to the best of my knowledge, information and belief. I give permission for an investigation to be made into this complaint. I understand that the District will take steps to prevent me being retaliated against for filing this complaint, that I am to notify the District if any such retaliation occurs, and that the District will take prompt and strong responsive action if retaliation occurs.

Received by: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Personnel - All EmployeesDrug and Substance Use and Abuse

It is the policy of the Malcolm Public Schools District to eliminate the influence of drugs, alcohol and other chemicals within the school environment and to educate students against the usage of drugs, alcohol and illegal substances. The District will implement regulations and practices which will ensure compliance with laws relating to drugs and alcohol, including: the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act of 1991, and all regulations and rules promulgated pursuant thereto.

**Section 1 Drug-Free Workplace**

The District has established the school as a drug-free workplace. The drug-free workplace for this purpose includes school grounds, school utilized vehicles, and places in which school activities are held. The school district recognizes that the use, possession, or being under the influence of illicit drugs or alcohol constitutes a hazard to the positive development of students and employees and a substantial interference with school purposes.

1. The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any district property or district sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace.
2. The possession or distribution of a look-alike drug or look-alike controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the District's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time.
3. As a condition of employment, employees will abide by the District's drug-free workplace policies and notify the Superintendent or designee in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
4. Disciplinary sanctions, up to and including termination of employment and referral for prosecution, will be imposed upon employees who violate the aforementioned standards of conduct. Sanctions for violation thereof may include the requirement that the employee complete an appropriate rehabilitation program, reprimands, and non-renewal, cancellation, or termination of contract of employment.
5. Employees shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.

6. Employees shall be furnished with a paper or digital copy of this policy.

This policy supplements and is in addition to all other policies, regulations, practices, procedures and contractual provisions regarding or related to the improper or unlawful possession, use, or distribution of illicit drugs and alcohol.

### **Section 2 Alcohol and Drug Testing**

The District will implement regulations and practices which will insure compliance with the Omnibus Transportation Employee Testing Act of 1991, the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act, and all regulations and rules promulgated pursuant to such Acts. Employees in "safety-sensitive" positions, as defined by the Act and regulations promulgated thereunder, including employees whose position requires a commercial driver's license (CDL), shall be tested for alcohol and controlled substances as required by law. (See attached Appendix "1"). Refusal to submit to such pre-employment testing, or testing positive, shall disqualify an applicant from employment. Reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing shall also be conducted. Employees who test positive shall be immediately removed from safety-sensitive positions and shall be removed from employment.

Date of Adoption	6/20/22
Date Amended	
Date Reviewed/Affirmed	2/19/2024

Legal Reference: 41 U.S.C. §§701 to 707  
49 U.S.C. §§5331(b) and 31306; 49 CFR Part 382

## 4009 - APPENDIX 1

**CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING:  
FEDERAL REGULATIONS, MALCOLM PUBLIC SCHOOLS' COMPLIANCE  
POLICIES AND PROCEDURES, AND EDUCATIONAL MATERIALS**

The U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHWA) have issued regulations requiring that individuals who perform safety-sensitive functions and who are required to maintain a commercial driver's license (CDLs) be tested for controlled substances and alcohol and not engage in controlled substances use or alcohol misuse. Information concerning those regulations, Malcolm Public Schools policies and procedures, and educational materials relating to controlled substances use and alcohol misuse is set forth as follows:

**(A) The persons designated by Malcolm Public Schools to answer employee questions about these materials are:**

Superintendent of Schools  
Secondary Principal

**(B) The categories of employees who are subject to the provisions of the federal controlled substances and alcohol use and testing regulations are:**

Individuals who perform safety-sensitive functions and who are required to maintain a commercial driver's license (CDLs), including bus drivers and distribution and maintenance employees who are subject to driving commercial motor vehicles.

**(C) The term "safety-sensitive functions" means:**

- (1) All time waiting to be dispatched, unless the driver has been relieved from duty;
- (2) All time inspecting equipment or inspecting, servicing, or conditioning any commercial motor vehicle (i.e., a vehicle in excess of 26,000 pounds GVWR or designed to carry 16 or more passengers, including the driver) at any time;
- (3) All driving time (i.e., time spent at the controls of a commercial motor vehicle in operation);
- (4) All time, other than driving time, in or upon any commercial motor vehicle;
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time spent performing the driver requirements of 49 CFR §§392.40 and 392.41 relating to accidents;
- (7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**(D) Employee conduct that is prohibited by the federal controlled substances and alcohol use and testing regulations includes:**

1. **Alcohol concentration.**  
No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
2. **Alcohol possession.**  
No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.
3. **On-duty use.**  
No driver shall use alcohol while performing safety-sensitive functions.
4. **Pre-duty use.**  
No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. **Use following an accident.**  
No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.
6. **Refusal to submit to a required alcohol or controlled substances test.**  
No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substances test.
7. **Controlled substances use.**  
No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
8. **Controlled substances test.**  
No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

**(E) The circumstances under which an employee will be tested for alcohol and/or controlled substances pursuant to the federal regulations include:**

1. **Pre-employment testing.**  
Prior to the first time a driver performs safety-sensitive functions, the driver shall undergo testing for alcohol and controlled substances. No safety-sensitive functions are to be performed unless the driver has been administered an alcohol test with a result indicating an alcohol concentration less than 0.04, and has received a controlled substances test result from the medical review officer indicating a verified negative test result.
2. **Post-accident testing.**
  - (a) As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver:
    - (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

- (2) Who receives a citation under State or local law for a moving traffic violation arising from the accident shall undergo a test for alcohol and controlled substances.
- (b) (1) *Alcohol tests.* Shall be administered within two hours following the accident unless such cannot reasonably be done, and not more than eight hours following the accident.
- (2) *Controlled substance tests.* Shall be administered within 32 hours following the accident.
- (c) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. The driver shall be permitted to leave the immediate scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care, but shall otherwise remain readily available for testing.

### 3. **Random testing.**

(a) Drivers shall be subject to random testing. The minimum annual percentage rate for random alcohol testing should be 25 percent of the average number of driver positions, or such minimum annual percentage rate as established from time to time by the FHWA. The minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of driver positions.

(b) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.

(c) The random alcohol and controlled substances tests shall be unannounced and the dates for administering random alcohol and controlled substances tests shall be spread reasonably throughout the calendar year.

(d) Each driver who is notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function at the time of notification, the driver shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.

### 4. **Reasonable suspicion testing.**

(a) A driver shall submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations (except for possession of alcohol).

(b) Under federal law, notwithstanding the absence of a reasonable suspicion alcohol test, a driver is prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol and must not perform or continue to perform safety-sensitive functions, until:

- (i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
- (ii) Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.

5. **Return-to-duty testing.**

(a) Alcohol. If a driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations concerning alcohol and has not been terminated, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(b) Controlled Substances. If a driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations concerning controlled substances, and has not been terminated, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

6. **Follow-up testing.**

Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver shall, if still employed, be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional in accordance with the provisions of federal regulations.

Random, reasonable suspicion, and follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

**(F) The procedures that will be used to test for the presence of alcohol and controlled substances, to protect the employee and the integrity of the testing processes, to safeguard the validity of the test results, and to ensure that those results are attributed to the correct employee include:**

The procedures outlined in 49 CFR 40, concerning procedures for Transportation Workplace Drug and Alcohol Testing Program, will be followed. This includes use of a "split sample" approach for drug testing and chain of custody procedures including documentation of screening aliquots.

**(G) An employee is required to submit to alcohol and controlled substances tests administered pursuant to the federal regulations.**

**(H) A "refusal to submit" to an alcohol or controlled substance test includes:**

*Refuse to submit* (to an alcohol or controlled substances test) means that a driver (1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process. A failure to remain readily available for post-accident testing, or to notify the employer of the need for such testing, or to proceed to the test site immediately for random testing, may be deemed by the employer to constitute a refusal to submit.

**The consequences for refusing to submit to an alcohol or controlled substances test are as follows:** A driver who has refused to submit to a required alcohol or controlled substance test is subject to the same consequences as a driver who has tested positive on an alcohol (concentration of 0.04 or greater) or controlled substances test.

**(I) The consequences under the federal regulations for employees who have violated the federal regulations relating to controlled substances and alcohol use and testing include:**

The driver shall be removed from and not permitted to perform safety-sensitive functions. The driver shall be referred for evaluation by a substance abuse professional for a determination of what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances abuse.

Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by the federal regulations, the driver shall, if still employed, undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.

In addition, each driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use, if still employed,

- (i) Shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed, and
- (ii) Shall be subject to unannounced follow-up alcohol and controlled substances tests administered by the employer following the driver's return to duty.

The driver may also be subject to the penalty provisions of 49 U.S.C. § 521(b).

**(J) The consequences under the federal regulations for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04 include:** Removal from safety-sensitive functions for a period of not less than 24 hours following administration of the test.

**(K) Information to assist employees in avoiding alcohol misuse and controlled substances use, signs and symptoms of an alcohol or a controlled substances problem, and available methods of intervening when such a problem is suspected:** Information will be made available by the counselor to employees upon request.

**(L) The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse:**

- (i) A verified positive, adulterated, or substituted drug test result;
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher;
- (iii) A refusal to submit to any test required by law;
- (iv) An employer's report of actual knowledge of:
  - (A) On duty alcohol use;
  - (B) Pre-duty alcohol use;

(C) Alcohol use following an accident; and

(D) Controlled substance use;

(v) A substance abuse professional report of the successful completion of the return-to-duty process;

(vi) A negative return-to-duty test; and

(vii) An employer's report of completion of follow-up testing.

Legal Reference: 49 CFR §382.601(b)(12).

Date of Adoption: June 2022

Date of Amendment: June 16, 2025

**APPLICANT'S CONSENT  
TO OBTAIN PAST DRUG AND ALCOHOL TEST RESULTS**

I, \_\_\_\_\_ [insert applicant's name], understand that as a condition of hire with [Name] Public Schools ("School District") I must give the School District written Consent to obtain the results of all DOT required drug and/or alcohol tests (including any refusals to be tested) from all of the companies for which I worked as a driver, or for which I took a pre-employment drug and/or alcohol test during the past two (2) years. I also understand that the School District requires me to consent to access to the same information concerning any non-DOT driver drug and/or alcohol tests which I took during this same period of time. I have also been advised and understand that my signing of this consent does not guarantee me a job or guarantee that I will be offered a position with the School District.

Below I have listed all of the companies for which I worked as a driver, or for which I took a pre-employment driver position drug and/or alcohol test during the past two (2) years. I hereby consent to the School District obtaining from those companies, and I hereby consent to those companies furnishing to the School District, all requested information concerning my drug and alcohol tests, including:

- (i) \_\_\_\_\_ all DOT and non-DOT alcohol test results of 0.04 or greater during the past two (2) years;
- (ii) \_\_\_\_\_ all verified positive DOT and non-DOT drug test results during the past two (2) years;
- (iii) \_\_\_\_\_ all instances in which I refused to submit to a DOT required drug and/or alcohol test during the past two (2) years;
- (iv) \_\_\_\_\_ any other violations of DOT agency drug and alcohol testing regulations during the past two (2) years; and
- (v) \_\_\_\_\_ documentation of successful completion of DOT return-to-duty requirements (including follow-up tests) in the event of a violation of a DOT drug and alcohol testing regulations during the past two (2) years.

I specifically authorize the companies to fully complete the School District's Report of Past Drug and/or Alcohol Test Results form.

The following is a list of all of the companies for which I worked as a driver, or for which I took a pre-employment driver position drug and/or alcohol test, during the past two (2) years:

Company name—Dates worked for/took pre-employment test

**APPLICANT CERTIFICATION**

I have carefully read and fully understand this Consent to release my past drug and alcohol test results. In authorizing the release of my test results, I consent and agree to waive any physician-patient privilege that may otherwise exist with respect to the confidentiality of my drug and alcohol test results. I further release the Company and its medical review officer, and any officer, employee or agent of the Company or medical review officer whose disclosure of the results is in accordance with this release from any and all claims or causes of actions which may result from the disclosure of such test results to the person or persons identified on this release form.

In signing below, I certify that all of the information which I have furnished on this form is true and complete, and that I have identified all of the companies for which I have either worked, or for which I took a pre-employment drug and/or alcohol test, as a driver during the past two years. I understand that this information is material to my hiring and that my failure to provide true and complete information will automatically disqualify me for a position with the School District or, in the event that I am hired, subject me to immediate termination. Further, I understand that in the event of receipt of a report of past drug and/or alcohol violation, any conditional offer of employment will be revoked and in the event I have been hired, any employment will be automatically ended.

\_\_\_\_\_  
Signature of Applicant—Print Name—Date—Reviewed: November 15th, 2022

General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

I, (Driver Name), hereby provide consent to [Name] Public Schools (“District”) to conduct a limited query of the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. This consent is valid for so long as I remain an applicant for, or an employee of, the District for a position that requires a CDL.

I understand that if the limited query conducted by the District indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the District without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the District to conduct a limited query of the Clearinghouse, the District must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA’s drug and alcohol program regulations.

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Employee Signature

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Date

StudentsAdmission RequirementsMinimum Age:

A child shall be eligible for admission into kindergarten at the beginning of the school year if the child is five years of age or will be five years of age on or before July 31 of the calendar year in which the school year for which the child is seeking admission begins. The School Board shall admit a child who will reach the age of five years on or after August 1 and on or before October 15 of such school year 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 is capable of carrying the work of kindergarten which can be demonstrated through a recognized assessment procedure approved by the Board.

Early Admission to Kindergarten:

The following assessment procedure for determining if a child is capable of carrying the work of kindergarten is approved and shall be made available to interested persons:

Early kindergarten enrollment exceptions may be made for younger children who are intellectually advanced. At a minimum, eligibility for the admission shall be based upon an analysis of the child's: (1) mental ability, (2) emotional/social development, (3) pre academic skills, and (4) fine motor skills.

The kindergarten early entrance assessment procedures are designed to identify and place in kindergarten those children who:

- a. will turn 5 years of age between August 1 and October 15;
- b. are deemed by parents or guardians as being intellectually advanced and likely to benefit from advanced grade placement; and
- c. are selected on the basis of testing by professionals trained and certified to administer the assessments that will produce evidence of strength in:
  1. mental ability defined as scoring 84th percentile or above on a standardized assessment of cognitive ability such as the Wechsler Pre Primary Scale of Intelligence III, or the Stanford-Binet V;
  2. a test of emotional/social development such as the Behavior Assessment System for Children, Second Edition (BASC-2);
  3. 75th percentile or greater on a test of pre academic skills such as the Woodcock Johnson III; and
  4. a test of fine motor ability, scoring 75th percentile or above on a standardized measurement such as the Beery VMI.

In the discretion of the Superintendent or designee, the assessments may be administered by the School District's professional staff, or the parents or guardians may be required, at their own expense, to have all or some of the required assessments completed by reputable professionals and to submit the results of such assessments to the School District.

The decision regarding early entrance to kindergarten requires careful consideration of all factors that affect kindergarten success with final determination to be made based on the recommendation of the District Evaluation Team, to be composed of such individuals as the Superintendent or designee determine appropriate. The academic, social, and emotional readiness, as well as the student's physical development and well-being, must be weighed with institutional factors also considered. Sound decision making in the area of early entrance to kindergarten is dependent upon reliable information regarding a student's readiness and a thoughtful balancing of the myriad of factors implicated by the decision. Parents will be notified in writing of the results of the Early Kindergarten Entrance assessment and the determination of the District Evaluation Team in a timely fashion; not to exceed three weeks after the assessments are completed.

Families who seek early admission of their child into kindergarten must obtain an *Early Entrance to Kindergarten Packet* from the School District Administration.

Parents must fill out the early entrance application forms, which include a parent questionnaire and obtain and attach a reference letter from someone who is well acquainted with the child but not a relative of the child. The person providing this reference should know the child well enough that they can speak with some expertise about the child's attributes and abilities. The reference letter should indicate whether this person recommends the child be schooled with children who will be a year older than the child and, if so, the evidence this person has concerning the child's mental ability, fine and gross motor ability, visual and auditory discrimination, emotional/social development, and communication skills. Suggestions for this reference letter are a preschool teacher, a Sunday school teacher, a day-care provider, or a physician.

The assessment request, reference letter and parent questionnaire must be completed and returned to the District no later than May 25th of the spring before fall enrollment to allow summer assessment to be completed.

Decisions regarding early kindergarten entrance must include consideration of the above and shall not be made based on sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status of the child or the child's parents or guardians. Institutional factors, such as capacity, may also be considered.

Admission to First Grade:

A child may be eligible to enter first grade, even if the child has not attended kindergarten, if the child is six years of age or will be six years of age on or before October 15 of the current school year and school officials determine that first grade is the appropriate placement for the child.

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), Haemophilus Influenzae type b (Hib), invasive pneumococcal disease and other diseases as required by applicable law, by immunization, prior to enrollment, unless the parent or legal guardian submits a written statement that establishes than an exception to the immunization requirements are met.
- (5) 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 the military family will be stationed in the State of Nebraska during the current or following school year, **and the parent resides in or is stationed on federally owned property within the boundaries of the District**, the District will enroll preliminarily the parent’s students, **including any such student that has an Individualized Education Plan, a 504 Plan, or otherwise receives special education services.**

Legal Reference:     Neb. Rev. Stat. Sections 43-2001 to 43-2012  
                               Neb. Rev. Stat. Sec. 79-214  
                               Neb. Rev. Stat. Sections 79-217 to 79-223  
                               Neb. Rev. Stat. Sec. 79-266.01  
                               173 NAC Chapters 3 and 4 (HHS Regulations)

Date of Adoption	7/23/12
Date Amended	6/16/25
Date Reviewed/Affirmed	3/18/2024

## 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 2019-2020**~~
- 9.8. **Affidavit (For Child to Enroll Early in Kindergarten)**
- 10.9. **Request for Non-disclosure of High School Personal Information to Institutions of Higher Education and Military Recruiters**
- 11.10. **Section 9528. Armed Forces Recruiter Access to Students and Student Recruiting Information**

**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 identity and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate, may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of the birth certificate cannot be produced. (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 2019-2020 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 Influenzae 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.

Forms to submit objections are available from the school.

The following information is provided to assist a parent or guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify: Information about free or reduced-cost visual evaluations may be obtained from the Nebraska Foundation for Children's Vision (NFCV), [nechildrensvision.org](http://nechildrensvision.org), 1633 Normandy Court, Suite A, Lincoln, NE 68512—Fax 402-476-6547—Phone 402-474-7716. To identify a participating SEE TO LEARN doctor nearest you, call 1-800-960-3937. For assistance from VISION USA call 1-800-766-4466. In addition, Lions Clubs throughout Nebraska are committed to assisting disadvantaged families by sponsoring eye exams and eyewear. NOA member doctors will provide eye exams at no cost if no other resources are available.

**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            )  
  )  
COUNTY OF \_\_\_\_\_  )        **ss.**

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

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

[Legal Reference: Neb. Rev. Stat. sections 79-217 and 79-221; HHS Regulation 173 NAC 3]

**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

**REFUSAL OF IMMUNIZATION  
For Medical Reasons**

**As the physician of:**

Child's Last Name	First Name	Age
Birth Date	School	Grade

**A. I have elected to not immunize this student against the following disease(s): (check box\*)**

- Diphtheria
- Tetanus
- Pertussis
- Polio
- Measles (Rubeola)
- Mumps
- Rubella (German Measles)
- Hepatitis B
- Varicella (chickenpox)

**In my opinion, this/these immunization(s) would be injurious to the health and well-being of**

- The student
- A member of the student's household or family

Comments \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Physician                      Date

\* Each disease for which a vaccine has not been administered must be checked. Parent / guardian must submit dates of immunization for all other diseases.

**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:

\_\_\_\_\_ (Name of child/student) (Birth date of child/student)

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 [Name] Public Schools responsible for any injury or harm caused by or relating to such refusal to obtain a physical examination of 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]*



**Department of Health and Human Services**  
**Waiver of Physical Examination/Visual Evaluation Requirement**

School Name (if desired) \_\_\_\_\_

*Note to Parent/Guardian: please complete and return to the school health office if you wish to have your child waived from these requirements as allowed by Nebraska law. If you have questions, please contact the school nurse or the school office. Thank you.*

As a Parent/Guardian of - Student Name	Student ID#
School Name	Grade

I object to the following requirements for school entry as legislated in Nebraska Revised Statutes 79-214 and 79-220.

Check which apply:

- Physical examination by a licensed physician, physician assistant or advance nurse practitioner within six months prior to school entry. *(Applies to: Kindergarten or beginner grade, out of state transfers to any grade, and seventh grade).*
- Visual evaluation by a licensed physician, physician assistant, advanced nurse practitioner, or vision professional (optometrist or ophthalmologist) within six months prior to school entry. *(Applies to: Kindergarten or entry grade and out of state transfer to any grade).*

I understand that I may request information to assist me in receiving information about reduced-cost vision examination as required by NRS 79-220.

I understand provisions in the law allow me to waive the requirement for this examination by my signed statement.

SIGN HERE \_\_\_\_\_  
 Signature of Parent/Guardian Date

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Summary of the School Immunization Rules and Regulations**

<b>Student Age Group</b>	<b>Required Vaccines</b>
Ages 2 through 5 years enrolled in a school based program not licensed as a child care provider	<p>4 doses of DTaP, DTP, or DT vaccine</p> <p>3 doses of Polio vaccine</p> <p>3 doses of Hib vaccine or 1 dose of Hib given at or after 15 months of age</p> <p>3 doses of pediatric Hepatitis B vaccine</p> <p>1 dose of MMR or MMRV given on or after 12 months of age</p> <p>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.</p> <p>4 doses of pneumococcal or 1 dose of pneumococcal given on or after 15 months of age</p>
Students entering school (Kindergarten or 1 <sup>st</sup> Grade depending on the school district's entering grade)	<p>3 doses of DTaP, DTP, DT, or Td vaccine, one given on or after the 4<sup>th</sup> birthday</p> <p>3 doses of Polio vaccine</p> <p>3 doses of pediatric Hepatitis B vaccine or 2 doses of adolescent vaccine if student is 11-15 years of age</p> <p>2 doses of MMR or MMRV vaccine, given on or after 12 months of age and separated by at least one month</p> <p>2 doses 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. If the child has had varicella disease, they do not need any varicella shots.</p>
Students entering 7 <sup>th</sup> grade	<p>Must be current with the above vaccinations AND receive 1 dose of Tdap (contain Pertussis booster)</p>
Students transferring from outside the state at any grade	<p>Must be immunized appropriately according to the grade entered.</p>

Source: Nebraska Immunization Program, Nebraska Department of Health and Human Services. For additional information, call 402-471-6423.

The School Rules & Regulations are available on the internet: [http://dhhs.ne.gov/Pages/reg\\_t173.aspx](http://dhhs.ne.gov/Pages/reg_t173.aspx) (Title 173: Control of Communicable Diseases – Chapter 3; revised and implemented 2011)  
 Updated 01/26/2018



**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.

## Students

### Full-time and Part-time Enrollment

#### Full-time Enrollment

Students must be enrolled in Malcolm Public Schools on a full-time basis. Full-time basis is defined as attending classes for the full instructional day within the public school system.

Exceptions are permitted only for:

1. enrolled students attending another state accredited institution such as a vocational-technical school or a college or university for school credit;
2. enrolled students taking the limited number of credits needed to graduate in the school year;
3. enrolled students in need of modified school attendance as an accommodation for a disability or similar unique circumstance;
4. enrolled students receiving special education services where the student's IEP requires a modified schedule, or non-enrolled students receiving special education services or other legally mandated services required to be provided to eligible resident children under state and federal laws and regulations;
5. students from other school districts participating in programs offered by the District pursuant to an interlocal agreement or other arrangement approved by the School Board; and
6. non-public school students in accordance with the policies and procedures set forth in this policy.

#### Part-Time Enrollment of Non-Public School Students

The School Board shall allow the part-time enrollment of students who are residents of the school district and who are also enrolled in a private, denominational, or parochial school or in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Such students are referred to herein as "non-public school students."

The School Board establishes the following guiding principles for enrollment of non-public school students:

- (1) The primary school for a non-public school student is the student's private, denominational, parochial or home school.
- (2) Enrollment of a non-public school student in Malcolm Public Schools is allowed for the purpose of providing enhanced educational opportunities not otherwise available to the non-public school student. It is not to supplant programming of the student's primary school.
- (3) Non-public school students are not to be given priority over full-time students.
- (4) Non-public school students are to be enrolled only in programs or courses that are educationally appropriate for the student.
- (5) Enrollment of non-public school students is not to negatively affect the educational services to be provided to full-time students.

The School Board establishes the following specific policies and procedures for enrollment of non-public school students. In the event the specific policies and procedures require interpretation or do not fully resolve an issue, the above established guiding principles are to be considered.

A. Non-Public School Student Enrollment Application Procedures.

1. Application. Parent or guardian must submit an Application of Non-Public School Student for Part-Time Enrollment to the principal of the school the student desires to attend.
2. Deadline for Applications. The application must be received by August 1<sup>st</sup> preceding the school year the student wishes to enroll.
  - a. Change of Residence Exception: The application deadline for a student who becomes a resident of the District after the school year has commenced is: 20 calendar days after the student becomes a resident of the District. The principal may delay enrollment until the next following quarter or semester starts, or at such other time as determined to be educationally appropriate.
  - b. High School Course Exception: The application deadline for a student who desires to enroll in a second semester high school course is December 1<sup>st</sup>.
3. Action on Applications. The principal will review the application and will notify the parent of the approval or denial of the application within 2 weeks of receipt of the application or 2 weeks prior to the start of school or 2 weeks prior to the start of the next semester, whichever is later.
4. Appeals. The parent or guardian may appeal the principal's action to deny their application. Any such appeal must be submitted to the Superintendent within 14 calendar days from the date of the principal's action. The appeal shall be in writing and shall be decided on the basis of the written submission. The Superintendent may request the parent or guardian to provide further explanation or information and the appeal may be denied in the event the parent or guardian fails to fully respond on a timely basis. The Superintendent shall decide the appeal within 10 calendar days of the submission of the appeal. The Superintendent may make a decision later than the 10 days in the event good reason for delay exists. Good reason includes but is not limited to the Superintendent being unable to gather the information the Superintendent determines necessary to make the decision within the decision period.
5. Annual Applications. Part-time enrollment is determined annually. Application must be made each school year. There will be no guarantee that enrollment will be continued from one year to the next.

B. Non-Public School Student Admission

1. Admission Requirements. Students must meet the normal admission requirements. This includes the requirements that the student: be a resident of the District, be of school attendance age and not have graduated or have received a GED.
2. Admission Process. Students must complete the normal enrollment process and forms required by the District and/or the building for enrollment of all children. This includes the requirements relating to: birth certificates, immunizations, physical examinations, and visual evaluations.

C. Non-Public School Student Enrollment Standards

1. Maximum Enrollment. Students may not enroll in more than 2 middle school or high school courses during any one semester. Elementary students may not enroll in programming of greater than 90 minutes of instruction each day.
2. Capacity Limits. Enrollment will ordinarily be subject to capacity limits. Any grade level, program, or course which has been determined to be at capacity for option enrollment purposes will not ~~ordinarily not~~ be available for non-public school students.
3. Integrated Courses. Students must meet prerequisite requirements to be enrolled in a course by appropriate credits earned through an accredited program. The principal may on a discretionary basis allow prerequisite requirements to be satisfied where the student provides reasonable indications that the academic criteria have been met, such as results from achievement tests or other indications of adequate preparation.
4. Educationally Appropriate Programs and Courses. Students will not be allowed to enroll in programs or courses which the school administration determines to not be educationally appropriate for the student. Determination of whether a program or course is educationally appropriate will be made based on the standards the District uses for making academic placement decisions.
5. Selection of Courses. Subject to Paragraphs 1 through 4 of this Paragraph C, and all other applicable provisions of this Policy, non-public school students may select their courses.

D. Non-Public School Student Policies

1. General Standard. Non-public school students who are enrolled part-time are to be subject to the same standards as full-time enrolled students except

where appropriate to reflect their part-time status.

2. Building assignment. Students must enroll in the attendance center that serves the student's residence, provided that the administration reserves the authority to make a different attendance center assignment. A student may request assignment to an attendance center other than that of the student's residence under the intra-district transfer procedures.
3. No Partial Part-Time Enrollment. Students must apply for enrollment and attend the entire school year for which enrollment is made or, for high school courses, for the full length of the course. Once enrolled, part-time students will be required to participate in all activities, programs, and tests related to the program or course for which the student is enrolled, including as applicable State or District-wide assessments, as full-time students.
4. Student Conduct Policies. Students enrolled on a part-time basis shall be required to follow all school policies that apply to other students at any time the part-time student is present on school grounds or at a school-sponsored activity or athletic event. This includes the District's student conduct policies. Students enrolled on a part-time basis shall be subject to discipline, including suspension or expulsion, for violation of student conduct rules.
5. Attendance. Students enrolled on a part-time basis are not exempt from the compulsory attendance laws or from the District's attendance policies. Students who engage in excessive absenteeism as defined in Board policy are to be reported under the truancy laws.
6. Presence on School Grounds. Students enrolled on a part-time basis are to be present on school grounds during the school day only at the times required for their attendance in the program or course in which they are enrolled. Exceptions may be made in the discretion of the principal or the principal's designee. Students must sign in and out of the school by following the building level procedure. Students are responsible for being aware of any changes in the school schedule during inclement weather or for other reasons.
7. Transportation. Students enrolled on a part-time basis are not entitled to transportation or transportation reimbursement, unless otherwise required by law. Full-time students will be given first consideration for parking on the high school campus.
8. Academic Honors. Students enrolled on a part-time basis will not be eligible to graduate or receive a diploma from the District or receive academic honors (for example, class rank and honor roll) except to the extent the student meets all requirements of the District's policies for such, including attainment of minimum credits and semesters of attendance.

9. Extracurricular Activities. Any student who is a resident of the District and who is enrolled in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements may participate in any of the District’s extracurricular activity programs to the same extent and subject to the same requirements, conditions, and procedures as a full-time student in the District. Non-resident students may only be admitted on a part-time basis or permitted to participate in a school-sponsored extracurricular activity when required by law. The District’s Activities Director will coordinate with the student’s parent or guardian to secure assurances of compliance with these expectations. Any student covered by this subsection must enroll in five credit hours through the District in any the semester in which the student participates in an extracurricular activity. There shall be no preference given to any student participating in any extracurricular activity based off their status as a full-time or part-time student. Part-time students will be expected to comply with the same or similar expectations as full-time students to participate in any activity, including team rules. Participation in activities that are subject to the bylaws of the Nebraska School Activities Association (NSAA) will be limited to those students who meet the NSAA bylaws.

Legal Reference: Neb. Rev. Stat. Sec. 79-2,136 and Sec. 79-526  
 LB 705, § 75  
 Title 92, Nebraska Administrative Code, Chapter 10

Date of Adoption	7/23/12
Date Amended	<u>6/16/25</u>
Date Reviewed/Affirmed	3/18/2024



StudentsStudent Discipline

- A. Development of Uniform Discipline System. It shall be the responsibility of the Superintendent to develop and maintain a system of uniform discipline. The discipline which may be imposed includes actions which are determined to be reasonably necessary to aid the student, to further school purposes, or to prevent interference with the educational process, such as (without limitation) counseling and warning students, parent contacts and parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling upon written consent of the parent or guardian, or in-school suspension. The discipline may also include out-of-school suspension (short-term or long-term) and expulsion.
1. Short-Term Suspension: Students may be excluded by the Principal or the Principal's designee from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:
- a. Conduct that constitutes grounds for expulsion, whether the conduct occurs on or off school grounds; or
  - b. Other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff of the school, which occur on or off school grounds, if such conduct interferes with school purposes or there is a nexus between such conduct and school.

The following process will apply to short-term suspensions:

- a. The Principal or the Principal's designee will make a reasonable investigation of the facts and circumstances. A short-term suspension will be made upon a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
- b. Prior to commencement of the short-term suspension, the student will be given oral or written notice of the charges against the student. The student will be advised of what the student is accused of having done, an explanation of the evidence the authorities have, and be afforded an opportunity to explain the student's version of the facts.
- c. Within 24 hours or such additional time as is reasonably necessary, not to exceed an additional 48 hours, following the suspension, the Principal or administrator will send a written statement to the student and the student's parent or guardian describing the student's conduct, misconduct or violation of the rule or standard and the reasons for the action taken.
- d. An opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal or administrator ordering the short-term suspension before or at the time the student returns to school. The Principal or administrator shall determine who in addition to the parent

- or guardian is to attend the conference. The Principal shall document their attempt to make a reasonable effort to hold a conference with the parent or guardian.
- e. A student who is on a short-term suspension shall not be permitted to be on school grounds without the express permission of the Principal.
2. Long-Term Suspension: A long-term suspension means an exclusion from school and any school functions for a period of more than five school days but less than twenty school days. A student who is on a long-term suspension shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends a long-term suspension. The notice will include a description of the procedures for long-term suspension; the procedures will be those set forth in the Student Discipline Act.
3. Expulsion:
- a. Meaning of Expulsion. Expulsion means exclusion from attendance in all schools, grounds and activities of or within the system for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year, or (c) unless the expulsion is for conduct specified in these rules or in law as permitting or requiring a longer removal, in which case the expulsion shall remain in effect for the period specified therein. Such action may be modified or terminated by the school district at any time during the expulsion period. A student who has been expelled shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends an expulsion. The notice will include a description of the procedures for expulsion; the procedures will be those set forth in the Student Discipline Act.
- b. Suspensions Pending Hearing. When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the Superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers. If the student is suspended pending the outcome of the hearing, the student may complete classwork and homework, including, but not limited to, examinations, missed during the period of suspension.

During this period, the student will not be required to attend the alternative programs for expelled students in order to complete classwork or homework.

- c. Summer Review. Any expulsion that will remain in effect during the first semester of the following school year will be automatically scheduled for review before the beginning of the school year in accordance with law.
- d. Alternative Education: Students who are expelled may be offered an alternative education program that will enable the student to continue academic work for credit toward graduation. A student will not be required to attend the alternative education program in order to complete classwork and homework. In the event an alternative education program is not provided, a conference will be held with the parent, student, the Principal or another school representative assigned by the Principal, and a representative of a community organization that assists young people or that is involved with juvenile justice to develop a plan for the student in accordance with law.
- e. Suspension of Enforcement of an Expulsion: Enforcement of an expulsion action may be suspended for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect. As a condition of such suspended action, the student and parents will be required to sign a discipline agreement.
- f. Students Subject to Juvenile or Court Probation. Prior to the readmission to school of any student who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to the order of the District Court, County Court, or Juvenile Court, who chooses to meet conditions of probation by attending school, and who has previously been expelled from school, the Principal or the Principal's designee shall meet with the student's probation officer and assist in developing conditions of probation that will provide specific guidelines for behavior and consequences for misbehavior at school (including conduct on school grounds and conduct during an educational function or event off school grounds) as well as educational objectives that must be achieved. If the guidelines, consequences, and objectives provided by the Principal or the Principal's designee are agreed to by the probation officer and the student, and the court permits the student to return to school under the agreed to conditions, the student may be permitted to return to school. The student may with proper consent, upon such return, be evaluated by the school for possible disabilities and may be referred for evaluation for possible placement in a special education program. The student may be expelled or otherwise disciplined for subsequent conduct as provided in Board policy and state statute.

- g. Returning from Expulsion. At the conclusion of an expulsion, the District will reinstate the student and accept nonduplicative, grade-appropriate credits earned by the student during the term of expulsion from any Nebraska accredited institution or institution accredited by one of the six regional accrediting bodies in the United States.
  - h. Exception for Pre-Kindergarten through Second Grade Students. Notwithstanding the foregoing, no pre-kindergarten through second grade student may be suspended from school, unless the student brings a deadly weapon on school grounds, in a school vehicle, or to a school activity. Instead, the Principal or Principal's designee may implement alternative disciplinary measures on a case-by-case basis if a pre-kindergarten through second grade student engages in misconduct that would otherwise result in a short-term suspension. If a pre-kindergarten through second grade student brings a deadly weapon on school grounds, in a school vehicle, or to a school activity, then the student may be suspended or expelled in accordance with this Policy's disciplinary procedures.
  - i. Religious Freedom. The District will not substantially burden a student's right to religious exercise unless the student's religious exercise is disruptive to the school environment, not permitted by staff, may pose a safety risk, or would otherwise interfere with the school day.
4. Emergency Exclusion: A student may be excluded from school in the following circumstances:
- a. If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
  - b. If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

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

If the emergency exclusion will be for five school days or less, the procedures for a short-term suspension shall be followed. If the Superintendent or his or her designee determines that an emergency exclusion shall extend beyond five days, a hearing may be held, upon a parent's timely request, and a final determination made within ten school days after the initial date of exclusion. Such procedures shall substantially comply with the procedures set forth in this policy for a long-term suspension or expulsion, and be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

5. Other Forms of Student Discipline: Administrative and teaching personnel may also take actions regarding student behavior, other than removal of students from school, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but are not limited to, counseling of students, parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation. The actions may also include in-school suspensions. When in-school suspensions, after-school assignments, or other disciplinary measures are assigned, the student is responsible for complying with such disciplinary measures. A failure to serve such assigned discipline as directed will serve as grounds for further discipline, up to expulsion from school.
- B. Student Conduct Expectations. Students are not to engage in conduct which causes or which creates a reasonable likelihood that it will cause a substantial disruption in or material interference with any school function, activity or purpose or interfere with the health, safety, well being or rights of other students, staff or visitors.
- C. Grounds for Short-Term Suspension, Long-Term Suspension, Expulsion or Mandatory Reassignment. The following conduct has been determined by the Board of Education to have the potential to seriously affect the health, safety or welfare of students, staff and other persons or to otherwise seriously interfere with the educational process. Such conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment, and any other lesser forms of discipline. The conduct is subject to the consequence of long-term suspension, expulsion, or mandatory reassignment where it occurs on school grounds, in a vehicle owned, leased, or contracted by the school and being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or an employee's designee, or at a school-sponsored activity or athletic event.
1. Willfully disobeying any reasonable written or oral request of a school staff member, or the voicing of disrespect to those in authority.
  2. Use of violence, force, coercion, threat, intimidation, harassment, or similar conduct in a manner that constitutes a substantial interference with school purposes or making any communication that a reasonable recipient would interpret as a serious expression of an intent to harm or cause injury to another.
  3. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, repeated damage or theft involving property, or setting or attempting to set a fire of any magnitude.
  4. Causing or attempting to cause personal injury to any person, including any school employee, school volunteer, or student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision.
  5. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student or making a threat which causes or may be expected to cause a disruption to school operations.

6. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon or that has the appearance of a weapon or bringing or possessing any explosive device, including fireworks.
7. Engaging in selling, using, possessing or dispensing of alcohol, tobacco, narcotics, drugs, controlled substance, or an inhalant; being under the influence of any of the above; possession of drug paraphernalia, or the selling, using, possessing, or dispensing of an imitation controlled substance as defined in section 28-401 of the Nebraska statutes, or material represented to be alcohol, narcotics, drugs, a controlled substance or inhalant. Tobacco means any tobacco product (including but not limited to cigarettes, cigars, and chewing tobacco), vapor products (such as e-cigarettes), electronic nicotine delivery systems, alternative nicotine products, tobacco product look-alikes, and products intended to replicate tobacco products either by appearance or effect. Use of a controlled substance in the manner prescribed for the student by the student's physician is not a violation. The term "under the influence" has a less strict meaning than it does under criminal law; for school purposes, the term means any level of impairment and includes even the odor of alcohol or illegal substances on the breath or person of a student; also, it includes being impaired by reason of the abuse of any material used as a stimulant.
8. Public indecency or sexual conduct. This includes "deep fakes" or other computer-generated images of other students or staff intended to bully, harass, intimidate, or humiliate another student or staff member.
9. Engaging in bullying, which includes any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or a school employee's designee, or at school-sponsored activities or school-sponsored athletic events.
10. Sexually assaulting or attempting to sexually assault any person. This conduct may result in an expulsion regardless of the time or location of the offense if a complaint alleging such conduct is filed in a court of competent jurisdiction.
11. Engaging in any activity forbidden by law which constitutes a danger to other students or interferes with school purposes. This conduct may result in an expulsion regardless of the time or location of the offense if the conduct creates or had the potential to create a substantial interference with school purposes, such as the use of the telephone or internet off-school grounds to threaten.
12. A repeated violation of any rules established by the school district or school officials if such violations constitute a substantial interference with school purposes, including (but not limited to) a violation of the District's dress code and electronic communication device rules.
13. Truancy or failure to attend assigned classes or assigned activities; or tardiness to school, assigned classes or assigned activities.
14. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, gender, disability, national origin, or religion.
- ~~15. Dressing or grooming in a manner which is dangerous to the student's health and safety or a danger to the health and safety of others or repeated violations of the~~

~~student dress and grooming standards; dressing, grooming, or engaging in speech that is lewd or indecent, vulgar or plainly offensive; dressing, grooming, or engaging in speech that school officials reasonably conclude will materially and substantially disrupt the work and discipline of the school; dressing, grooming, or engaging in speech that a reasonable observer would interpret as advocating illegal drug use.~~

~~16.15.~~ Willfully violating the behavioral expectations for riding school buses or vehicles.

A student who engages in the following conduct shall be expelled for the remainder of the school year in which it took effect if the misconduct occurs during the first semester, and if the expulsion for such conduct takes place during the second semester, the expulsion shall remain in effect for the first semester of the following school year, with the condition that such action may be modified or terminated by the school district during the expulsion period on such terms as the administration may establish:

- a. The knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student, except if caused by accident, self-defense, or on the reasonable belief that the force used was necessary to protect some other person and the extent of force used was reasonably believed to be necessary, or
- b. The knowing and intentional possession, use, or transmission of a dangerous weapon other than a firearm.

Knowingly and intentionally possessing, using, or transmitting a firearm on school grounds, in a school-owned or utilized vehicle, or during an educational function or event off school grounds, or at a school-sponsored activity or athletic event. This conduct shall result in an expulsion for one calendar year. "Firearm" means a firearm as defined in 18 U.S.C. 921, as that statute existed on January 1, 1995. That statute includes the following statement: "The term 'firearm' means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device." The Superintendent may modify such one year expulsion requirement on a case-by-case basis, provided that such modification is in writing. Bringing a firearm or other dangerous weapon to school for any reason is discouraged; however, a student will not be subject to disciplinary action if the item is brought or possessed under the following conditions:

- a. Prior written permission to bring the firearm or other dangerous weapon to school is obtained from the student's teacher, building administrator and parent.
- b. The purpose of having the firearm or other dangerous weapon in school is for a legitimate educational function.

For purposes of this policy, the term "dangerous weapon" includes any personal safety or security device (such as tasers, mace and pepper spray). If a student desires to carry or possess a personal safety or security device, the student must obtain prior approval from the building principal before bringing such device on school grounds. If a student obtains prior approval from the building principal, the student must store the device during the school day in the student's locker, in the

main office or in another secure location designated by the building principal. A student shall not carry a personal safety or security device during the school day.

D. Additional Student Conduct Expectations and Grounds for Discipline. The following additional student conduct expectations are established. Failure to comply with such rules is grounds for disciplinary action. When such conduct occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event, the conduct is grounds for long-term suspension, expulsion or mandatory reassignment.

1. Student Appearance: Students are expected to dress in a way that is appropriate for the school setting. Students should not dress in a manner that ~~is dangerous to the health and safety of anyone or is reasonably forecasted to~~ interfere with the learning environment or teaching process in our school. Following is a list of examples of attire that will not be considered appropriate, such list is not exclusive and other forms of attire deemed inappropriate by the administration may be deemed inappropriate for the school setting:
  - a. Clothing that shows an inappropriate amount of bare skin or underwear (~~midriffs, spaghetti straps, sagging pants~~) or clothing that is too tight, revealing or baggy, or tops and bottoms that do not overlap or any material that is sheer or lightweight enough to be seen through, or otherwise of an appropriate size and fit so as to be revealing or drag on the ground.
  - b. Clothing or jewelry that advertises or promotes beer, alcohol, tobacco, or illegal drugs.
  - c. Clothing or jewelry that could be used as a weapon (chains, spiked apparel) or that would encourage “horse-play” or that would damage property (e.g. cleats).
  - d. Head wear including hats, caps, bandannas, and scarves.
  - e. Clothing or jewelry which exhibits nudity, makes sexual references or carries lewd, indecent, or vulgar double meaning.
  - f. \_\_\_\_\_ Clothing or jewelry that is gang related

A student who is a member of an indigenous tribe of the United States or another country may wear tribal regalia in any location where the student is authorized to be on such school grounds or at any school function, as long as the tribal regalia does not interfere with the educational process and does not endanger another person, as determined by the administration. Further, students will also be permitted to wear attire, including religious attire, natural and protective hairstyles, adornments or other characteristics associated with race, national origin, or religion, as long as the attire does not interfere with the educational process and does not endanger another person, as determined by the administration.

No student shall be disproportionately affected by a dress code or grooming policy enforcement because of the student's gender, race, color, religion, disability, or national origin.

No school staff shall permanently or temporarily alter or cut a student's hair.

The final decision regarding attire and grooming will be made by the Principal or Superintendent. In the event a student is uncertain as to whether a particular item or method of grooming is consistent with the school's guidelines, the student should contact the Principal for approval, and may also review such additional posting of prohibited items or grooming which may be available in the Principal's office.

A student dress code violation will be treated as a minor rule violation and may not require the student to miss substantial classroom time, instructional time, or school activities. However, a repeated violation of school rules may subject the student to further discipline, as outlined in this Policy.

2. Academic Integrity.

- a. Policy Statement: Students are expected to abide by the standards of academic integrity established by their teachers and school administration. Standards of academic integrity are established in order for students to learn as much as possible from instruction, for students to be given grades which accurately reflect the student's level of learning and progress, to provide a level playing field for all students, and to develop appropriate values.

Cheating and plagiarism violate the standards of academic integrity. Sanctions will be imposed against students who engage in such conduct.

- b. Definitions: The following definitions provide a guide to the standards of academic integrity:

(1) "Cheating" means intentionally misrepresenting the source, nature, or other conditions of academic work so as to accrue undeserved credit, or to cooperate with someone else in such misrepresentation. Such misrepresentations may, but need not necessarily, involve the work of others. Cheating includes, but is not limited to:

(a) Tests (includes tests, quizzes and other examinations or academic performances):

(i) Advance Information: Obtaining, reviewing or sharing copies of tests or information about a test before these are distributed for student use by the instructor. For example, a student engages in cheating if, after having taken a test, the student informs other students in a later section of the questions that appear on the test.

(ii) Use of Unauthorized Materials: Using notes, textbooks, pre-programmed formulae in calculators, or other unauthorized material, devices or information while taking a test except as expressly permitted. For example, except for "open book"

- tests, a student engages in cheating if the student looks at personal notes or the textbook during the test.
- (iii) Use of Other Student Answers: Copying or looking at another student's answers or work, or sharing answers or work with another student, when taking a test, except as expressly permitted. For example, a student engages in cheating if the student looks at another student's paper during a test. A student also engages in cheating if the student tells another student answers during a test or while exiting the testing room, or knowingly allows another student to look at the student's answers on the test paper.
  - (iv) Use of Other Student to Take Test. Having another person take one's place for a test, or taking a test for another student, without the specific knowledge and permission of the instructor.
  - (v) Misrepresenting Need to Delay Test. Presenting false or incomplete information in order to postpone or avoid the taking of a test. For example, a student engages in cheating if the student misses class on the day of a test, claiming to be sick, when the student's real reason for missing class was because the student was not prepared for the test.
- (b) Papers (includes papers, essays, lab projects, and other similar academic work):
- i) Use of Another's Paper: Copying another student's paper, using a paper from an essay writing service, or allowing another student to copy a paper, without the specific knowledge and permission of the instructor.
  - (ii) Re-use of One's Own Papers: Using a substantial portion of a piece of work previously submitted for another course or program to meet the requirements of the present course or program without notifying the instructor to whom the work is presented.
  - (iii) Assistance from Others: Having another person assist with the paper to such an extent that the work does not truly reflect the student's work. For example, a student engages in cheating if the student has a draft essay reviewed by the student's parent or sibling, and the essay is substantially re-written by the student's parent or sibling. Assistance from home is encouraged, but the work must remain the student's.

- (iv) Failure to Contribute to Group Projects. Accepting credit for a group project in which the student failed to contribute a fair share of the work.
- (v) Misrepresenting Need to Delay Paper. Presenting false or incomplete information in order to postpone or avoid turning in a paper when due. For example, a student engages in cheating if the student misses class on the day a paper is due, claiming to be sick, when the student's real reason for missing class was because the student had not finished the paper.
- (c) Alteration of Assigned Grades. Any unauthorized alteration of assigned grades by a student in the teacher's grade book or the school records is a serious form of cheating.
- (2) "Plagiarism" means to take and present as one's own a material portion of the ideas or words of another or to present as one's own an idea or work derived from an existing source without full and proper credit to the source of the ideas, words, or works. Plagiarism includes, but is not limited to:
- (a) Failure to Credit Sources: Copying work (words, sentences, and paragraphs or illustrations or models) directly from the work of another without proper credit. Academic work frequently involves use of outside sources. To avoid plagiarism, the student must either place the work in quotations or give a citation to the outside source.
- (b) Falsely Presenting Work as One's Own: Presenting work prepared by another in final or draft form as one's own without citing the source, such as the use of purchased research papers or use of another student's paper.
- (3) "Contributing" to academic integrity violations means to participate in or assist another in cheating or plagiarism. It includes but is not limited to allowing another student to look at your test answers, to copy your papers or lab projects, and to fail to report a known act of cheating or plagiarism to the instructor or administration.
- c. Sanctions: The following sanctions will occur when a student engages in cheating, plagiarism, or contributing to an academic integrity offense:
- (1) Academic Sanction. The instructor will refuse to accept the student's work in which the academic integrity offense took place, assign a grade of "F" or zero for the work, and require the student to complete a test or project in place of the work within such time and under such conditions as the instructor may determine appropriate. In the event the student completes the replacement test or project at

a level meeting minimum performance standards, the instructor will assign a grade which the instructor determines to be appropriate for the work.

(2) Report to Parents and Administration. The instructor will notify the Principal of the offense and the instructor or Principal will notify the student's parents or guardian.

(3) Student Discipline Sanctions. Academic integrity offenses are a violation of school rules. The Principal may recommend sanctions in addition to those assigned by the instructor, up to and including suspension or expulsion. Such additional sanctions will be given strong consideration where a student has engaged in serious or repeated academic integrity offense or other rule violations, and where the academic sanction is otherwise not a sufficient remedy, such as for offenses involving altering assigned grades or contributing to academic integrity violations.

#### E. Law Violations

1. Any act of a student which is a basis for expulsion and which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code will be reported to law enforcement as soon as possible. Conduct to be reported for law enforcement referral includes conduct that may constitute a felony, conduct which may constitute a threat to the safety or well-being of students or others in school programs and activities, and conduct that the legal system is better equipped to address than school officials. Conduct that does not need to be reported for law enforcement referral includes typical adolescent behavior that can be addressed by school administrators without the involvement of law enforcement. In making the decision of whether to report, consideration should be given to the student's maturity, mental capacity, and behavioral disorders, where applicable. When appropriate, it shall be the responsibility of the referring administrator to contact the student's parent of the fact that the referral to legal authorities has been or will be made.

The foregoing reporting standards shall be reviewed annually by the school Board on or before August 1 of each year, be annually reviewed in collaboration with the County Attorney each year, be distributed to each student and his or her parent or guardian at the beginning of each school year, or at the time of enrollment if during the school year, and shall be posted in conspicuous places in each school during the school year.

2. When a principal or other school official releases a minor student to a peace officer (e.g., police officer, sheriff, and all other persons with similar authority to make arrests) for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parents or guardian.

Legal Reference: Neb. Rev. Stat. Sections 79-254 to 79-296  
Neb. Rev. Stat. Section 79-2,160~~LB-43 (2024)~~

Date of Adoption: [Insert Date]

## Students

### Extracurricular Activity

#### **Section 1 Extracurricular Activity Philosophy**

Extracurricular activity programs enrich the curriculum of the school by making available a wide variety of activities in which a student can participate. Extracurricular activity programs are considered an integral part of the school's program of education that provide experiences that will help students physically, mentally and emotionally.

The element of competition and winning, though it exists, is controlled to the point it does not determine the nature or success of the program. This is considered to be educationally and psychologically sound because of the training it offers for living in a competitive society. Students are stimulated to want to win and excel, but the principles of good sportsmanship prevail at all times to enhance the educational values of contests. Participation in activities, both as a competitor and as a student spectator, is an integral part of the students' educational experiences. Such participation is a privilege that carries with it responsibilities to the school, team, student body, community and the students themselves. In their play and their conduct, students are representing all of these groups. Such experiences contribute to the knowledge, skill and emotional patterns that they possess, thereby making them better individuals and citizens.

#### Safety

The District's philosophy is to maintain an activities program which recognizes the importance of the safety of the participants. To ensure safety, participants are required to become fully familiar with the dangers and safety measures established for the activity in which they participate, to adhere to all safety instructions for the activity in which they participate, to inform their coach or sponsor when they are injured or have health problems that require their activities be restricted, and to exercise common-sense.

#### Warning for Participants and Parents

The purpose of this warning is to bring your attention to the existence of potential dangers associated with athletic injuries. Participation in any intramural or athletic activity may involve injury of some type. The severity of such injury can range from minor cuts, bruises, sprains and muscle strains to more serious injuries to the body's bones, joints, ligaments, tendons, or muscles, to catastrophic injuries to the head, neck and spinal cord. On rare occasions, injuries can be so severe as to result in total disability, paralysis or death. Even with appropriate coaching, appropriate safety instruction, appropriate protective equipment and strict observance of the rules, injuries are still a possibility.

## Section 2 Extracurricular Activity Code of Conduct

Purpose of the Code of Conduct. Participation in extracurricular activities is a privilege. The privilege carries with it responsibilities to the school, team, student body, and the community. Participants are not only representing themselves, but also their school and community in all of their actions. Others judge our school on the student participants' conduct and attitudes, and how they contribute to our school spirit and community image.

The student participants' performance and devotion to high ideals and values make their school and community proud. Consequently, participation is dependent upon adherence to this Code of Conduct and the school district's policies, procedures and rules.

### Scope of the Code of Conduct.

Activities Subject to the Code of Conduct: The Code of Conduct applies to all extracurricular activities. Extracurricular activities means student activities or organizations which are supervised or administered by the school district which do not count toward graduation or grade advancement and in which participation is not otherwise required by the school.

Extracurricular activities include but are not limited to: all sports, cheerleading, dance team, Pep Club, Pep Band, vocal, band, speech and drama, One-Act, FBLA, ~~FFA~~, FCCLA, Spanish Club, Art Club, Student Council, Student Advisory Board, National Honor Society, and other school sponsored organizations and activities. The Code of Conduct also applies to participation in school sponsored activities such as school dances and royalty for such activities.

A participant means a student who participates in, has participated in, or will participate in an extracurricular activity.

When: The Code of Conduct rules apply to conduct which occurs at any time during the school year, and also includes the time frame which begins with the official starting day of the fall sport season established by the NSAA and extends to the last day of the spring sport season established by the NSAA, whether or not the student is a participant in an activity at the time of such conduct.

The rules also apply when a student is participating or scheduled to participate in an extracurricular activity that is held outside the school year or the NSAA season. For example, if an FBLA or ~~FCCLA-FFA~~ student plans to participate in a ~~conference event~~ in July and commits a Code of Conduct infraction in June, the student may be suspended from participating in the ~~conference event~~. Conduct during the summer months may also affect a student's participation under the team selection and playing time guidelines.

Where: The Code of Conduct rules apply regardless of whether the conduct occurs on or off school grounds. If the conduct occurs on school grounds, at a school function or event, or in a school vehicle, the student may also be subject to further discipline under the general student code of conduct. A student who is suspended or expelled from school shall not be permitted to participate in activities during the period of the suspension or expulsion, and may also receive an extended activity suspension.

**Grounds for Extracurricular Activity Discipline.** Students who participate in extracurricular activities are expected to demonstrate cooperation, patience, pride, character, self respect, self-discipline, teamwork, sportsmanship, and respect for authority. The following conduct rules have been determined by the Board of Education to be reasonably necessary to aid students, further school purposes, and prevent interference with the educational process. Such conduct constitutes grounds for suspension from participation in extracurricular activities and grounds for other restrictions or disciplinary measures related to extracurricular activity participation:

1. Willfully disobeying any reasonable written or oral request of a school staff member, or the voicing of disrespect to those in authority.
2. Use of violence, force, coercion, threat, intimidation, bullying, harassment or similar conduct in a manner that constitutes a substantial interference with school or extracurricular activity purposes or making any communication that a reasonable person would interpret as a serious expression of an intent to harm or cause injury to another.
3. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property, repeated damage or theft involving property or setting or attempting to set a fire of any magnitude.
4. Causing or attempting to cause personal injury to any person, including a school employee, school volunteer, or student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect another person shall not constitute a violation.
5. Threatening or intimidating any student for the purpose of, or with the intent of, obtaining money or anything of value from a student or making a threat which causes or may be expected to cause a disruption to school operations.
6. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon (including personal safety or security devices, such as tasers, mace and pepper spray, unless a District administrator gives prior approval) or that has the appearance of a weapon, or bringing or possessing any explosive device, including fireworks, on school grounds or at a school function or event, or in a manner that is unlawful or contrary to school activity rules.
7. Engaging in selling, using, possessing or dispensing of alcohol, tobacco, narcotics, drugs, controlled substance, or an inhalant; being under the influence of any of the above; possession of drug paraphernalia, or the selling, using, possessing, or dispensing of an imitation controlled substance as defined in section 28-401 of the Nebraska statutes, or material represented to be alcohol, narcotics, drugs, a controlled substance or inhalant. Tobacco means any tobacco product (including

but not limited to cigarettes, cigars, and chewing tobacco), vapor products (such as e-cigarettes), electronic nicotine delivery systems, alternative nicotine products, tobacco product look-alikes, and products intended to replicate tobacco products either by appearance or effect. Use of a controlled substance in the manner prescribed for the student by the student's physician is not a violation. The term "under the influence" has a less strict meaning than it does under criminal law; for school purposes, the term means any level of impairment and includes even the odor of alcohol or illegal substances on the breath or person of a student; also, it includes being impaired by reason of the abuse of any material used as a stimulant.

8. Public indecency.
9. Sexual assault or attempting to sexually assault any person. Engaging in sexual conduct, even if consensual, on school grounds or at a school function or event.
10. Engaging in any activity forbidden by law which constitutes a danger to other students, interferes with school purposes or an extracurricular activity, or reflects a lack of high ideals.
11. Repeated violation of any of the school rules.
12. Truancy or failure to attend assigned classes or assigned activities; or tardiness to school, assigned classes or assigned activities.
13. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to a school employee, school volunteer, or student. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, gender, national origin, or religion.
- ~~14. Dressing or grooming in a manner which is dangerous to the student's health and safety or a danger to the health and safety of others or repeated violations of dress and grooming standards; dressing, grooming, or engaging in speech that is lewd or indecent, vulgar or plainly offensive; dressing, grooming, or engaging in speech that school officials reasonably conclude will materially and substantially disrupt the work and discipline of the school or of an extracurricular activity; dressing, grooming, or engaging in speech that a reasonable observer would interpret as advocating illegal drug use.~~
- ~~14.~~
- ~~15.14.~~ Willfully violating the behavioral expectations for those students riding ~~[Name]~~Malcolm Public Schools buses or vehicles used for activity purposes.
- ~~16.15.~~ Failure to report for the activity at the beginning of the season. Reporting for one activity may count as reporting on time if there is a change in activity within the season approved by the coach or the supervisor.
- ~~17.16.~~ Failure to participate in regularly scheduled classes on the day of an extracurricular activity or event.
- ~~18.17.~~ Failure to attend scheduled practices and meetings. If circumstances arise to prevent the participant's attendance, the validity of the reason will be determined by the coach or sponsor. Every reasonable effort should be made to notify the coach or sponsor prior to any missed practice or meeting.

~~19.18.~~ All other reasonable rules or regulations adopted by the coach or sponsor of an extracurricular activity shall be followed, provided that participants shall be advised by the coach or sponsor of such rules and regulations in writing.

~~20.19.~~ Failure to comply with any rule established by the Nebraska School Activities Association, including, but not limited to, the rules relating to eligibility.

All terms used in the Code of Conduct have a less strict meaning than under criminal law and are subject to reasonable interpretation by school officials.

### **Drug and Alcohol Violations.**

#### Meaning of Terms.

Use or consume includes any level of consumption or use. Use of a controlled substance in the manner prescribed for the student by the student's physician is not a violation.

Under the influence means any level of impairment and includes even the odor of alcohol on the breath or person of a student, or the odor of an illicit drug on the student. Also, it includes being impaired by reason of the abuse of any material used as a stimulant.

Possession includes having control of the substance and also includes being in the same area where the substance is present and no responsible adult present and responsible for the substance. Possession includes situations where, for example:

- (1) Alcohol is in a vehicle in which the student is present. The student is considered to be in possession if the student is aware that the alcohol is in the vehicle, even though the student has not touched or consumed the alcohol; and
- (2) Alcohol is present at a party attended by the student. The student is considered to be in possession if the student is aware that alcohol is at the party and fails to immediately leave the party, even though the student has not touched or consumed the alcohol.

In these situations, a violation would not exist if the alcohol is in the control of a parent or guardian or other responsible adult (age 21 or older) such that students are not allowed to access the alcohol. A violation would also not exist if the student did not know or have a reasonable basis to know that alcohol would be present, and the student leaves the location where the alcohol is present as soon the student could safely do so. (Students are expected to leave immediately, but are not to do so in a manner that would endanger them. For example, you are not to leave in a car being driven by a person who has been drinking just to get away from the alcohol party immediately when there is no other way to get home. Instead, you should call for a safe ride home and, while waiting, clearly distance yourself from the alcohol).

### **Consequences.**

Students may be suspended from practices or participation in interscholastic competition or participation in co-curricular activities for violations of the Code of Conduct. The period of suspension or other discipline for such offenses shall be determined by the school administration.

The disciplinary consequence will be determined based on consideration of the seriousness of the offense, any prior violations, the student's compliance with the self-reporting obligations, the student's level of cooperation and willingness to resolve the matter, and the student's demonstration of a commitment to not commit future violations.

Because of the significance of drug and alcohol violations on the student participants, other students and the school, the following consequences are established for such violations:

### **Drugs and Alcohol.**

An activity participant who violates the drug or alcohol rules (other than steroids) shall be prohibited from participating in any extracurricular activity for the following minimum periods:

1. First Violation: 45 days.
2. Second or Any Subsequent Offense: One calendar year.
3. Reduction for Self-Reporting: If the student has self-reported, the first violation shall be reduced to 21 days for the first violation. A commensurate reduction (approximately one-half, as determined by the administration) for a second or subsequent violation shall be given for self-reporting.
4. Reduction for Participation in Chemical Dependency Program: If the student and parents agree to participate in a school-approved program for chemical dependency, the consequence will be reduced to only the next activity in which the student was to participate (including at least one contest) in the case of a first violation, and to a commensurate reduction (approximately 80%, as determined by the administration, for a second or subsequent violation).  
The program must be administered by a certified alcohol and drug abuse counselor and be approved by the school authorities. The student will need to successfully complete the approved chemical dependency program. Proof of successful completion of program must be submitted in writing to the Activities Director. Failure to participate and successfully complete the approved chemical dependency program may cause the participating student to be suspended from extracurricular activities for one calendar year. All costs associated with the program are to be borne by the student/parent or guardian.
5. More Serious Violations: In the event of more serious drug or alcohol violations, such as students engaging in use of especially serious drug offenses (cocaine, meth, etc.) or procuring alcohol for minors, the consequence of the violation is not limited by the foregoing, and may be established in the good discretion of the administration.

**Steroid Offenses.** A student who possesses, dispenses, delivers, or administers anabolic steroids shall be prohibited from participating in any extracurricular activity for the following minimum periods:

1. First Violation: 30 consecutive days.
2. Second or Any Subsequent Offense: One calendar year.

**When Suspensions Begin.** All suspensions begin with the next scheduled activity in which the student is a participant, after the determination by school officials of the sanction to be imposed; provided that the school officials shall have the discretion to establish a time period for the suspension that makes the suspension have a real consequence for the student. During a suspension, participants may be required or permitted to practice at the sole discretion of the coach or activity sponsor. Suspensions in the Spring will be carried over to the Fall when the suspension has not been fully served or when determined appropriate for the suspension to have a real consequence for the student.

**Letters and Post-Season Honors.** A student who commits a Code of Conduct violation is:

1. Eligible to letter, provided the student meets the criteria of the coach or sponsor.
2. Not eligible to receive honors during the sport or activity in which they are participating at the time of the offense and/or in sports or activities in which they have been suspended due to a code violation. The coach/sponsor, with the **Athletic Activities** Director's approval, may make an exception where the student has self-reported or otherwise demonstrated excellence in character allowing for such honors.

**Self-Reporting.** A student who violates the Code of Conduct must self-report. The self-report must be made to: the principal, **athletic-activities** director, or the head coach or sponsor of an activity in which the student participates. The student's parent or guardian may initiate the self-reporting process, but the student will be later required to give a written statement of the self-report. The self-report must be made the earlier of: (1) before the end of the next school day after the conduct occurred and (2) before participation in an extracurricular or co-curricular activity.

In making a self-report, the student must identify the events that took place, what conduct the student engaged in, and any witnesses to the student's conduct, and will be required to put this information in a written statement. In the event the student has received a criminal citation, charge, or ticket, and proclaims innocence of a violation, the student will be required to self-report such offense and provide information as to why they should be found innocent, not as it relates to the criminal offense, but as it relates to the Code of Conduct.

All students are expected to be honest and forthright with school officials. In the event the coach or activity sponsor or any school administrator asks a student participant for information pertaining to compliance (or lack of compliance) by the student or other student participants with the Code of Conduct or eligibility conditions for participation in activities, the student is expected to fully, completely, and honestly provide the information. Students may be disciplined for a failure to be honest and forthright.

**Determining a Violation Has Occurred.** A violation of the Code of Conduct will be determined to have occurred based on any of the following criteria:

1. When a student is cited by law enforcement and school officials have a reasonable basis for determining that grounds for the issuance of the citation exist.
2. When a student is convicted of a criminal offense. Conviction includes, without limitation, a plea of no contest and an adjudication of delinquency by the juvenile court.
3. When a student admits to violating one of the standards of the Code of Conduct.
4. When a student is accused by another person of violating one of the standards of the Code of Conduct and school officials determine that such information is reliable.
5. When school officials otherwise find sufficient evidence to support a determination that a violation has occurred.

**Procedures for Extracurricular Discipline.** The following procedures are established for suspensions from participation in extracurricular activities:

1. Investigation. The school official(s) considering the suspension will conduct a reasonable investigation of the facts and circumstances and determine whether the suspension will help the student or other students, further school purposes, or prevent an interference with a school purpose.
2. Meeting. Prior to commencement of the suspension, the school official considering the suspension or their designee will provide the student an opportunity to give the student's side of the story. The meeting for this purpose may be held in person or via a telephone conference.
  - a. The student will be given oral or written notice of what the student is accused of having done, an explanation of the evidence the school has, and the opportunity to explain the student's version. Detail is not required where the activity participant has made a self-report or otherwise admits the conduct. Names of informants may be kept confidential where determined to be appropriate.
  - b. The suspension may be imposed prior to the meeting if the meeting can not reasonably be held before the suspension is to begin. In that case the meeting will occur as soon as reasonably practicable. The student is responsible for cooperating in the scheduling of the meeting.
3. Notice Letter. Within two school days (two business days if school is not in session), or such additional time as is reasonably necessary following the suspension, the AthleticActivities Director or the AthleticActivities Director's designee will send a written statement to the student and the student's parents or guardian. The statement will describe the student's conduct violation and the discipline imposed. The student and parents or guardian will be informed of the opportunity to request a hearing.
4. Informal Hearing Before Superintendent. The student or student's parent/guardian may request an informal hearing before the Superintendent. The Superintendent

may designate the Athletic Activities Director or another administrator not responsible for the suspension decision as the Superintendent's designee to conduct the hearing and make a decision.

- a. A form to request such a hearing must be signed by the parent or guardian. A form will be provided with the notice letter or otherwise be made available by request from the Principal's office.
- b. The request for a hearing must be received by the Superintendent's office within five days of receipt of the notice letter.
- c. If a hearing is requested:
  - i. The hearing will be held within ten calendar days of receipt of the request; subject to extension for good cause as determined by the Superintendent or the Superintendent's designee.
  - ii. The Superintendent or the Superintendent's designee will notify the participants of the time and place of the hearing a reasonable time in advance to allow preparation for the hearing.
  - iii. Upon conclusion of the hearing, a written decision will be rendered within five school days (ten calendar days if school is not in session). The written decision will be mailed or otherwise delivered to the participant, parents or guardian.
  - iv. A record of the hearing (copies of documents provided at the hearing and a tape recording or other recordation of the informal hearing) will be kept by the school if requested sufficiently in advance of the hearing by the parent/guardian.
5. No Stay of Penalty. There will be no stay of the penalty imposed pending completion of the due process procedures
6. Opportunity for Informal Resolution. These due process procedures do not prevent the student or parent/guardian from discussing and settling the matter with the appropriate school officials at any stage.

### **Section 3     Attendance**

Student participants are expected to meet the following attendance expectations:

1. Attend school regularly. Students who have "excessive absences" as determined under the school's attendance policy are ineligible to participate in extracurricular activity contests or performances. Students who have four or more unexcused absences in the semester of participation will be ineligible to participate in extracurricular activity contests or performances.
2. Be on time for all scheduled practices, contests and departure for contests. In the event a participant is unable to attend a practice or contests the participant should contact the coach or sponsor in advance.

3. On the day of a contest, performance or other activity, be in attendance for the full day. A student who is not in attendance the full day is ineligible for the contest, performance, or activity.

Exceptions may be made for extenuating circumstances, such as doctor/dentist appointments or family emergencies. The exception must be approved by the Principal or ~~Athletic Activities~~ Director.

Every attempt should be made to be in attendance the day of a contest. Sleeping in to rest up for the game will not be considered an extenuating circumstance, nor will going home ill and then returning to play in the contest later that day.

#### Section 4 Academic Standards

Participation in extracurricular school activities is encouraged and desirable for all students. At the same time, the primary mission and responsibility for each student is to establish a firm academic foundation. A student participating in extracurricular school activities must show evidence of sincere effort towards scholastic achievement. To be eligible for participation in extracurricular activities, students must:

1. Be enrolled in at least 25 credit hours in the semester of participation.
2. Maintain passing grades in all courses. A student who is not passing one or more classes at progress reporting times will be ineligible to participate in extracurricular activity contests or performances if the grade remains below passing one week after progress reporting time. The student will remain ineligible until the student is passing all classes.
3. Maintain an overall "C" average to participate in extracurricular activities, except school dances.
4. Academic requirements do not apply to:
  - (A) Instructional field trips which are a part of the scheduled course learning experience; or
  - (B) Activities or events which are a part of the student's grade requirements.

Eligibility criteria for part-time students is governed by Policy 5004, NSAA bylaws, and state law.

Legal Reference: Neb. Rev. Stat. Sections 79-254 to 79-296

Date of Adoption	7/23/12
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Date Amended	<u>6/16/25</u>
Date Reviewed/Affirmed	3/18/2024

StudentsPromotion and Retention

Students will typically progress annually from grade to grade. A student may be retained at a grade level or be required to repeat a course or program when such is determined in the judgment of the Principal, in consultation with the student's teachers and counselor, to be appropriate for the educational interests of the student and the school's educational program.

If a parent or guardian would like their student to retake a grade level, the parent or guardian must meet with the Superintendent or designee to discuss the student repeating a grade. At that meeting, the parent or guardian must provide evidence of academic needs, illness, or excessive absenteeism that would warrant the student to repeat the grade. A student in kindergarten through fourth grade may be retained due to academic needs, illness, or excessive absenteeism. A student in grades fifth through twelfth grade may be retained due to excessive absenteeism. At such meeting, the Superintendent or designee shall identify any alternative educational opportunities, including remedial instruction, if applicable, and verify any special education supports available to such student. If the student's parent or guardian still intends for their student to repeat a grade, such parent or guardian shall then complete the required form and return such form to the District. Upon completion of the form and if all requirements pursuant to this policy and law are met, the District shall permit the student to repeat the student's grade for the next school year.

Legal Reference: Neb. Rev. Stat. ' 79-526 & 79-2,161

Date of Adoption	7/23/12
Date Amended	6/16/25
Date Reviewed/Affirmed	3/18/2024

## Notification of Rights Under FERPA

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. They are:

- 1) The right to inspect and review the student’s education records within 45 days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- 2) The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading **at the time the record was created**.

Parents or eligible students may ask the School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- 3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests **or otherwise allowed by law**. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the District discloses education records without consent to officials of another School District in which a student seeks or intends to enroll.

- 4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the office that administers FERPA is:

Kathleen Styles, Office of the Chief Privacy Officer  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

### **Notice Concerning Directory Information**

The District may disclose directory information. **The primary purpose of directory information is to allow the District to include information from your child's education records in certain school publications. Examples may include:**

- A playbill, showing your student's role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members.

Under FERPA, "directory information" is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without a parent's prior written consent. Outside organizations include, but are not limited to, companies that manufacture class rings or publish yearbooks. The types of personally identifiable information that the District has designated as directory information are as follows:

1. Student's Name, address, telephone ~~listing~~ **number**, and the name, address, telephone ~~listings (if not unlisted)~~ **number**, e-mail address and ~~work or~~ other contact information of the student's parent/guardian or other adult acting in loco parentis or with authority to act as parent or guardian in educational matters for the student;
2. School and dates of attendance;
3. Student's current grade;
4. Student's enrollment status (e.g. full-time or part-time);
- ~~5. Student's date of birth and place of birth;~~
5. Student's extra-curricular participation;
6. Student's achievement awards or honors;
7. Student's weight and height if a member of an athletic team; **and**
- ~~8. Student's photograph; and~~
- ~~9. School or school district the student attended before he or she enrolled in Malcolm Public Schools.~~

Notwithstanding the foregoing, the District does not designate as directory information personally identifiable information from students' education records where the District determines that the disclosure to the potential recipient poses a risk to student safety or well-being, including but not limited to circumstances where the potential recipient is a registered sex offender and the personally identifiable information would permit the potential recipient to communicate with or otherwise contact the student, **or would otherwise not be in a student's best interests.**

A parent or eligible student has the right to refuse to let the District designate information about the student as directory information. **Parents or guardians may refuse to allow their student's information to be designated as "directory information" at any time during the school year, so long as the parent or guardian notifies the Superintendent in writing. The period of time within which a parent or eligible student has to notify the District in writing that he or she does not want information about the student designated as directory information is as follows: two weeks from the time this information is first received. Please contact the Superintendent's office to indicate your refusal to have your child's information designated as directory information.**

~~The District may disclose information about former students without meeting the conditions in this section.~~

### **OPTIONAL**

~~In addition, notice is further given that FERPA permits the disclosure of personally identifiable information from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the District to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. The District may disclose personally identifiable information from the education records of a student without obtaining prior written consent of the parents or the eligible student —~~

- ~~• To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the District has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) — (a)(1)(i)(B)(2) are met. (§99.31(a)(1))~~
- ~~• To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))~~
- ~~• To authorized representatives of the U.S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as the Nebraska Department of Education. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of personally identifiable information to outside entities that are designated by~~

~~them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)~~

- ~~• In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))~~
- ~~• To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))~~
- ~~• To organizations conducting studies for, or on behalf of, the District, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))~~
- ~~• To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))~~
- ~~• To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))~~
- ~~• To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))~~
- ~~• To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))~~
- ~~• Information the District has designated as "directory information" under §99.37. (§99.31(a)(11))~~

~~The District's policy is for education records to be kept confidential except as permitted by the FERPA law, and the District does not approve any practice which involves an unauthorized disclosure of education records. In some courses student work may be displayed or made available to others. Also, some teachers may have persons other than the teacher or school staff, such as volunteers or fellow students, assist with the task of grading student work and returning graded work to students. The District does not either approve or disapprove such teaching practices, and designates such student work as directory information and/or as non-education records. Each parent and eligible student shall be presumed to have accepted this designation in the absence of the parent or eligible student giving notification to the District in writing in the manner set forth above pertaining to the designation of directory information. Consent will be presumed to have been given in the absence of such a notification from the parent or eligible student.~~

#### **Notice Concerning Designation of Law Enforcement Unit:**

The District designates the Lancaster County Sheriff's Department as the District's "law enforcement unit" for purposes of (1) enforcing any and all federal, state or local law, (2) maintaining the physical security and safety of the schools in the District, and (3) maintaining safe and drug free schools.

StudentsAssociation Activities

The Malcolm Public School District is a member of the Nebraska School Activities Association, which is a voluntary organization of public and parochial schools of Nebraska organized for the purpose of promoting and regulating the competition between schools in what is generally known as the extracurricular activities.

All students participating in extracurricular activities shall follow the rules provided by the Nebraska School Activities Association and rules of Malcolm Public Schools. **The Superintendent or designee shall, as required by law, designate each school-sponsored interscholastic athletic team or sport as either: (1) boys; (2) girls; or (3) mixed.**

Students who represent Malcolm Public Schools in any of its allied or extracurricular activities shall practice a high level of citizenship both in school and in community living.

Date of Adoption	7/23/12
Date Amended	6/16/25
Date Reviewed/Affirmed	3/18/2024

**Complaint Form  
Discrimination, Harassment or Retaliation**

The Malcolm Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military or** veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. This complaint form is to be used when a person has a complaint related to discrimination, harassment or retaliation on such bases in regard to employment or the programs and activities of the school district.

Refer to Board Policy 4003 and/or 5401 for the particulars of the complaint and grievance process. You may attach additional materials to this form if needed.

The applicable coordinator may be contacted if you have questions about filling out this complaint form:  
Students: Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151 (ryan.terwilliger@mps148.org).  
Employees and Others: Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151 (ryan.terwilliger@mps148.org).

Name: \_\_\_\_\_ Date: \_\_\_\_\_

(1) Description of the complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(2) Names of any witnesses to the matter being complained about: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(3) Identify and attach any document supporting the complaint: \_\_\_\_\_  
\_\_\_\_\_.

(4) Confidentiality: I \_\_\_ do \_\_\_ do not give consent to my identity being shared with the person(s) against whom I am complaining. If I do not give consent, I understand that the investigation may be hindered, but that the District will nonetheless investigate and take prompt and effective action to remediate the concerns I have raised, if appropriate.  
\_\_\_\_\_  
\_\_\_\_\_.

(5) Relief requested (what I want done in response to this complaint): \_\_\_\_\_  
\_\_\_\_\_.

The undersigned states: The facts in this complaint are true to the best of my knowledge, information and belief. I give permission for an investigation to be made into this complaint. I understand that the District will take steps to prevent me being retaliated against for filing this complaint, that I am to notify the District if any such retaliation occurs, and that the District will take prompt and strong responsive action if retaliation occurs.

Signature: \_\_\_\_\_  
Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Students (& Employees)Anti-discrimination, Anti-harassment, and Anti-retaliation**A. Elimination of Discrimination.**

The Malcolm Public School District hereby gives this statement of compliance and intends to comply with all state and federal laws prohibiting discrimination. This ~~school~~ School district District intends to take any necessary measures to assure compliance with such laws against any prohibited form of discrimination.

The Malcolm Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, military or veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status ~~sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status~~ in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151 ryan.terwilliger@mps148.org

Amber Dolliver, PK-6 Principal, 10000 NW 112<sup>th</sup> St., Malcolm, NE 68402 (402) 796-2151 amber.dolliver@mps148.org (Title IX) Students: Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup>, Malcolm, NE 68402

(402) 796-2151 (ryan.terwilliger@mps148.org).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact OCR at One Petticoat Lane, 1010 Walnut Street, 3rd Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

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

The Malcolm Public School District is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, military or veteran status, national or

~~ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status~~, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

Discriminatory harassment because of a person's ~~sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, military or veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status~~, may include, but is not limited to:

- a. Name-calling,
- b. Teasing or taunting,
- c. Insults, slurs, or derogatory names or remarks,
- d. Demeaning jokes,
- e. Inappropriate gestures,
- f. Graffiti or inappropriate written or electronic material,
- g. Visual displays, such as cartoons, posters, or electronic images,
- h. Threats or intimidating or hostile conduct,
- i. Physical acts of aggression, assault, or violence, or
- j. Criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

- a. Unwelcome sexual advances or propositions,
- b. Requests or pressure for sexual favors,
- c. Comments about an individual's body, sexual activity, or sexual attractiveness,
- d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,

- f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
- g. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled “Grievance Procedures,” below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

All District employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

## **2. Anti-retaliation:**

The District prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The District will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the District will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

## **3. Grievance (or Complaint) Procedures:**

Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the compliance coordinator designated to handle complaints of discrimination (designated coordinator). If the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation (“discrimination”) to the designated coordinator, or in the case of students, to another staff person (such as a counselor or principal).

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

*i. Level 1 (Investigation and Findings):*

Once the District receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the District will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation. The District will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The District will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The District will aim to complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist as determined by the investigator. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity ~~if of~~ the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. If extenuating circumstances exist, the extended timeframe to complete the investigation will be determined by the investigator and in compliance with any legal requirements not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees to a longer timeline. Periodic status updates will be given to the parties, when appropriate.

The District's investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.

- c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:

- a. A summary of the facts,
- b. Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and
- c. If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate discrimination, harassment or other inappropriate conduct.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made. The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District may, when appropriate or when legally required will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **one (1) working-day week** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose relevant information to a student who was discriminated against or harassed.

*ii. Level 2 (Appeal to the Superintendent):*

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **five (5) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent’s determination at the time it is issued, and a copy will be sent to the designated compliance

coordinator. [If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.]

*iii. Level 3 (Appeal to the Board):*

If the party is not satisfied with the Superintendent's determination, he or she may file an appeal in writing with the Board of Education **within five (5) working days** after receiving the Superintendent's determination. The Board of Education will review the appeal, the Superintendent's determination, the investigative documentation and decision, and allow the party to address the Board or a committee of the Board of Education at a Board meeting to present his or her appeal. ~~The party will be allowed to address the Board at the Board's next regularly scheduled Board meeting (unless the Board receives the appeal within one week of the next regularly scheduled Board meeting) or at a time and date agreed to by the Board, designated compliance officer and the party.~~ The Board or Committee of the Board of Education may, in its discretion, will issue a written determination about the appeal ~~within thirty (30) days after the party addresses the Board.~~ The Board or a Committee of the Board may, in the alternative, vote on the appeal and send the party the outcome of the vote. The party who filed the appeal will be sent the Board's determination ~~at the time it is issued, and a copy will be sent to the designated compliance coordinator.~~ The Board's determination, and any actions taken, will be final on behalf of the District.

**4. Confidentiality:**

The identity of the complainant will be kept confidential to the extent permitted by state and federal law. The District will notify the complainant of the anti-retaliation provisions of applicable laws and that the District will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the District from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that its ability to respond may be limited. Even if the District cannot take disciplinary action against the alleged harasser, the District will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted,

**5. Training:**

The District will ensure that relevant District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees.

**6. Designated Compliance Coordinators:**

Designated compliance coordinators will be responsible for:

- a. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.

- b. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- c. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- d. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- e. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- f. Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- g. Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- h. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- i. Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- j. Recommending changes to this policy and grievance procedure.
- k. Performing other duties as assigned.

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

#### **7. Preventive Measures:**

The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas (B.6.a-g) identified in the Training section, above.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District's anti-discrimination, anti-harassment, and

anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.

Date of Adoption	7/23/12
Date Amended	<u>6/16/25</u>
Date Reviewed/Affirmed	3/18/2024

Students

Identification of Learners with High Ability

The Board of Education recognizes that the student population includes students with exceptional academic abilities. Efforts to refer and identify learners with high ability will be made at each grade level. Multiple criteria shall be used for identification purposes and identification efforts shall be inclusionary.

~~Learners with high ability shall be identified in the academic areas of mathematics, science, social studies, and language arts. Identification of learners in grades 3-11 with high ability in the specified academic areas shall be based on the criteria listed below. Students shall meet two of the following criteria to be identified as a learner with high ability.~~

- ~~1) Composite total test score of the 95<sup>th</sup> percentile or above on the NRT **OR**, 95<sup>th</sup> percentile or above in math, reading, language arts, science, or social studies; **PLUS** a composite total of 80% or above on the same test.~~
- ~~2) A score of above average or higher on a cognitive screening test.~~
- ~~3) Teacher nomination.~~

~~A listing of students who meet the district District criteria for learners of high ability and the areas of high capability of each of those students will be made available to classroom teachers, by the school School district District administration, within the first thirty (30) days of each school year.~~

~~Within the first thirty (30) days of each school year, the school School district District administration shall make available to parents or guardians of identified learners with high ability information about how their child has been identified.~~

~~The administration shall implement the district wide plan for learners with high ability, as such plan is modified from time to time, in accordance with applicable laws and regulations.~~

Legal Reference: Neb. Rev. Stat. §§ 79-1106 to 79-1108.03  
NDE Rule 3

Date of Adoption	7/23/12
Date Amended	6/16/25
Date Reviewed/Affirmed	3/18/2024

StudentsFoster Care Student Transportation

In accordance with federal and state law, the District's written transportation procedures for foster care children are as follows:

**Students to be Transported**

DHHS will contact the District to inform the District of a foster care student living in the District and/or to be educated by the District. The District will communicate with DHHS on any further matters concerning said foster care student(s).

**School of Origin**

The District will work to develop a transportation plan for each foster care student needing transportation to the student's school of origin, as defined and required by federal law. Each student's situation will be different, so there is no single transportation plan for every foster care student. Transportation options may include: (1) the foster care family; (2) a bus or school vehicle; (3) transportation to a pickup location; or (4) some other form of transportation in accordance with state and federal law. Foster care students on an IEP may require other considerations and/or different transportation obligations.

When required by law, the District will coordinate the foster care student's transportation to the school of origin while any disputes regarding transportation until the disputes are resolved.

**Costs**

If the student can be transported by the District without the District incurring any additional costs, then the District will normally transport the student. However, if the District will need to incur additional costs to transport the student, then DHHS will cover any such additional costs associated with the foster care student's transportation. If the District and DHHS are unable to agree on a transportation plan, the District and DHHS will work together to resolve any differences.

**Oversight, Implementation, and Administration**

The District's Homeless Liaison is responsible for overseeing these procedures, updating them as needed, and otherwise ensuring that the District complies with the transportation requirements for foster care students.

Legal Reference: 20 U.S.C. § 6312.

Date of Adoption: [Insert Date]

InstructionElectronic Communication Devices and Cell Phones

All students are prohibited from accessing or using an electronic communication device while on school property or attending a school instructional function, unless:

1. When required by a student's Individualized Education Program or 504 Plan;
2. When authorized by the District for educational purposes during instructional time;
3. In the case of an emergency or perceived threat of danger;
4. When necessary to monitor or manage a student's health care; or
5. When determined appropriate by the Superintendent or Superintendent's designee.

All exceptions listed herein must be approved in advance by the appropriate school staff member.

Any student who violates this Policy may be subject to discipline under the District's Student Discipline Policy.

Legal Reference: LB 140 (2025)

Date of Adoption: [Insert Date]

InstructionParental/Community Involvement in Schools

Lancaster County School District 55-0148, a/k/a Malcolm Public Schools, after having conducted a public hearing concerning parental involvement and participation, declares that it shall be the policy of the District:

1. In the event any parent, guardian, or educational decisionmaker of a student has a complaint or objection to textbooks, tests, curriculum materials, activities, digital materials, websites or applications used for learning, training materials for teachers, administrators, or staff, and any other instructional materials, the parent, guardian, or educational decisionmaker may request a personal conference with the parent and appropriate school personnel to discuss such concerns as the Superintendent or designee may deem appropriate. The Superintendent or designee shall prepare a complaint form which may be used by a parent, guardian, or educational decisionmaker to express objections to any such instructional material. Such complaint forms shall seek information including, but not limited to, the specific instructional material complained of, the reason for the complaint, and a proposed resolution of the complaint by the parent, guardian, or educational decisionmaker.
2. Upon reasonable advance request a parent, guardian, or educational decisionmaker will be permitted to attend and monitor courses, assemblies, counseling sessions, and other instructional activities unless the school determines that such attendance would substantially interfere with a legitimate school interest, which includes the interests of the parent's child, other students, and the educational staff.
3. Parents, guardian, or educational decisionmaker are encouraged to communicate to school staff when the parent, guardian, or educational decisionmaker believes it to be appropriate for their child to be excused from testing, classroom instruction, learning materials, activities, guest speaker events, and other school experiences that the parent, guardian, or educational decisionmaker finds objectionable. The Superintendent or designee shall make a provision on the complaint form hereinabove referenced for receiving information from a parent, guardian, or educational decisionmaker concerning what specific testing, classroom instruction, or other school experience the parent, guardian, or educational decisionmaker finds objectionable, the basis for the parent's objection and a proposed solution for dealing with the objection that would be satisfactory to the parent, guardian, or educational decisionmaker and consistent with the mission of the District and legitimate school interests. Parents, guardian, and educational decisionmakers are encouraged to contact the building principal with any questions about any test, curriculum, or surveys.
4. Upon request of a parent, guardian, or educational decisionmaker, the District will provide access to the education records of their child consistent with applicable law. Access will be provided during regular business hours of the school.

5. The District will notify parents, **guardians, or educational decisionmakers** when their child may be subjected to a norm-referenced (standardized) or criterion referenced test. When reasonable to do so or required by law the parents, **guardians, or educational decisionmakers** will be notified of where a sample of such test might be observed and the date upon which such test will be administered. As to all testing by the District, experimental evaluation methodologies, experimental testing instruments and any testing instrument which would tend to inquire into the values, beliefs, or privacy rights of any student, or parent, ~~or~~ guardian, **or educational decisionmaker** of such student shall be prohibited unless a parent, **guardian, or educational decisionmaker** requests in writing that such tests be administered to their child.
- ~~6. Prior to any school sponsored survey being administered to the students of the District, it shall be the responsibility of the Superintendent or designee to notify the parent or parents of each student involved in the survey of the nature of the survey, the date and time when such survey shall be administered, and the purpose for which and the uses of which survey exist from the school's perspective.~~
6. Parents, guardians, and educational decisionmakers will be notified in advance of any school-sponsored survey administered to students of the District when the survey concerns one or more of the following areas:
  - Political affiliations or beliefs of the student or the student's parent, guardian, or educational decisionmaker;
  - Mental or psychological problems of the student or the student's family;
  - Sex behavior or attitudes;
  - Illegal, anti-social, self-incriminating, or demeaning behavior;
  - Critical appraisals of other individuals with whom respondents have close family relationships;
  - Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - Religious practices, affiliations, or beliefs of the student or student's parent, guardian, or educational decisionmaker; or
  - Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Any survey administered by the District that asks a student to disclose any of the aforementioned topics, including any non-anonymous survey requesting a student provide information relating to drug, vape, alcohol, or tobacco use, then the District will, at least fifteen days prior to the administration of the survey, notify parents, guardians, and educational decisionmakers that their students will receive the survey. This notice must describe the nature and types of questions included in the survey, the purposes and age-appropriateness of the survey, how information collected by the survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results of such survey will be disclosed. After receiving such notice, parents, guardians, and educational decisionmakers may request a copy of the survey, review the survey, and/or exempt their student from participating in the survey.

No survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six.

No personally identifiable information of any student survey shall be disclosed unless permitted or required by state and federal law.

7. As a general matter, substantive decision-making processes will be left to the judgment of the professional staff, administration and the Board of Education, subject to an effort to receive information from parents, guardians, or educational decisionmakers as to any concerns, objections, or other information such parents, guardians, or educational decisionmakers would wish to provide to the School District concerning a parent’s, guardian’s, or educational decisionmaker’s access, involvement, and participation in activities of the school.

Legal Reference: Neb. Rev. Stat. §§ 79-530 to 79-533  
 Family Educational Rights and Privacy Act, 20 U.S.C. 1232g  
 Protection of Pupil Rights Amendment, 20 U.S.C. 1232h

Date of Adoption	7/23/12
Date Amended	6/16/25
Date Reviewed/Affirmed	5/20/2024

Instruction

Behavioral Intervention and Classroom Management

1. Purpose

The District is committed to creating a learning environment where every individual is valued, respected, and supported. This Policy emphasizes the shared responsibility of individuals for their actions and their ability to learn, grow, and thrive. This Policy further provides a framework for encouraging positive behavior, addressing challenges in a caring and constructive way, and ensuring safe and supportive school and classroom environments.

2. General Principles

As part of the District’s commitment to all students, the Board hereby implements a tiered-system of support to foster a positive school climate and culture, encourage appropriate student behavior, and provide the necessary supports for academic and behavioral success.

This Policy does not replace or alter the Student Discipline Act when behaviors warrant student disciplinary action under that Student Discipline Act.

3. Standards

<b>Tier 1: Universal Supports</b>			
	<b>District Level</b>	<b>School Level</b>	<b>Classroom Level</b>
<b>Sound Infrastructure &amp; Shared Leadership</b>	Develop and maintain a district-wide behavior framework, ensuring alignment with the district's vision and goals. Establish a leadership team to oversee implementation and sustainability.	Create school-level leadership teams to implement the district behavior framework. Build systems to support staff in consistent implementation of universal behavior strategies.	Teachers set up clear, consistent behavior expectations aligned with school and district policies. Classroom routines and physical environments are structured to promote positive behaviors.
<b>Layered Continuum of Support</b>	Ensure all schools have access to evidence-based universal behavior practices and instructional tools for promoting positive behavior.	Develop a school-wide plan for teaching and reinforcing positive behavior expectations for all students.	Integrate the development of emotional and interpersonal skills into daily instruction and explicitly teach expected behaviors.
<b>Data-Based Decision-Making</b>	Implement a district-wide behavior data system for tracking	Use behavioral data to assess school culture,	Collect and reflect on classroom behavior data to identify patterns or

	student behavioral incidents, attendance, and other indicators of behavior. Analyze district trends to guide support for schools.	climate and adjust universal supports.	unanticipated signs of distress and adjust teaching practices as needed.
<b>Communication and Collaboration</b>	Share district-wide behavior policies, expectations, and data with all stakeholders, including families and the community.	Develop intervention teams to identify students in need of Tier 2 support and manage their plans.	Teachers collaborate with intervention teams to integrate targeted strategies into the classroom.
<b>Tier 2: Targeted Supports</b>			
	<b>District Level</b>	<b>School Level</b>	<b>Classroom Level</b>
<b>Sound Infrastructure &amp; Shared leadership</b>	Provide a menu of evidence-based Tier 2 intervention and training for implementation.	Develop intervention teams to identify students in need of Tier 2 support and manage their plans.	Teachers collaborate with intervention teams to integrate targeted strategies into the classroom that align with school and district policies.
<b>Layered Continuum of Support</b>	Allocate resources to support targeted interventions, such as additional staff or training for small group supports.	Implement interventions such as mentoring programs, social skills groups, or targeted behavior coaching.	Provide additional supports like daily progress monitoring and structured break.
<b>Data-Based Decision-Making</b>	Use district-wide systems to track the effectiveness of Tier 2 interventions and adjust as needed.	Monitor progress using behavior data: point sheets, observations, or student self-assessments and input data in district-wide systems.	Document daily data on student progress to evaluate the impact of interventions.
<b>Communication and Collaboration</b>	Facilitate communication between schools, families, and community partners about available Tier 2 supports.	Engage families in the intervention process by providing regular updates and involving them in problem solving and goal setting.	Maintain open lines of communication with families about their child's progress and strategies to promote support the behavior goals at home.
<b>Tier 3: Intensive, Individualized Supports</b>			
	<b>District Level</b>	<b>School Level</b>	<b>Classroom Level</b>
<b>Sound Infrastructure &amp; Shared leadership</b>	Ensure access to specialized staff to design and oversee intensive interventions.	Assemble a multidisciplinary team to develop and implement Functional Behavioral Assessments (FBAs) and Behavior	Collaborate with specialists to integrate individualized supports into classroom routines that align with school and district policies.

		Intervention Plans (BIPs).	
<b>Layered Continuum of Support</b>	Coordinate external services and resources for students requiring wraparound support beyond the school.	Provide interventions or sessions tailored to the student's unique needs and communicate with external services and resources to align supports for students.	Consistently implement accommodations and modifications, such as sensory supports or de-escalation plans, to address individual behaviors.
<b>Data-Based Decision-Making</b>	Regularly review data on Tier 3 interventions and outcomes to ensure its effectiveness.	Use detailed, frequent data collection to refine and adjust BIPs based on student progress.	Implement daily monitoring and adjust individualized strategies as data indicates.
<b>Communication and Collaboration</b>	Partner with community agencies to align supports for students with complex needs.	Conduct regular meetings with families to review and revise plans based on student progress.	Provide ongoing feedback to families and specialists about the student's daily performance, progress, and needs.

4. Addressing Dysregulated Behavioral and Classroom Removal

This Policy outlines a structured approach for managing dysregulated behavior that disrupts the learning environment or poses safety concerns. The aim is to ensure the safety and well-being of all students and staff, while supporting the student in developing self-regulation skills and reintegrating into the classroom.

A. Criteria for Removal

- i. *Safety Concerns*: Immediate removal may occur if a student poses a threat to their own safety, the safety of others, or the environment.
- ii. *Disruption to Learning*: Removal may be necessary if the student's behavior significantly disrupts instruction or the learning environment.
- iii. *Attempted Interventions*: Whenever possible, staff should use de-escalation techniques, behavior redirection, or other Tier 1 or Tier 2 interventions before considering removal. Severe behaviors that endanger safety may bypass prior interventions.

B. Procedure for Removal

- i. *Behavior Documentation*: The teacher or staff member documents the behavior leading to the removal, including antecedents, attempted interventions, and the incident itself. A clear, objective description of the behavior must be included.

- ii. *Safe Transition*: The student is escorted to a designated safe space, such as the office or a designated calming area, by trained personnel. Efforts are made to ensure the student remains calm and safe during the transition.
- iii. *Notification*: Parents or guardians are notified as soon as possible about the removal. A detailed account of the behavior and any interventions attempted are shared.

#### C. Post-Removal Actions

- i. *Restorative Meeting*: A meeting involving the student, parents or guardians, teacher or other designated staff member, and administrator may be scheduled to review the behavior, its impact, and steps to prevent recurrence. The meeting emphasizes restoring relationships and understanding the root cause of the behavior.
- ii. *Behavior Support Plan (if needed)*: For recurring incidents, a behavior support plan is developed or reviewed, including targeted interventions and supports aligned with the student's needs. The plan may include strategies such as check-ins, mentoring, or additional behavioral learning supports.

#### D. Transition Back to the Classroom

- i. *Reintegration Plan*: The student returns to the classroom with appropriate support, which may include a reintegration checklist, a designated buddy, or frequent check-ins with a trusted adult. Expectations and routines are explicitly reviewed with the student.
- ii. *Ongoing Support and Monitoring*: Follow-up meetings with the student, teacher or other designated staff member, and parents/guardians are scheduled to evaluate progress. Data from behavior observations are used to adjust interventions and supports as needed.
- iii. *Focus on Positive Growth*: A strengths-based approach is applied to recognize and reinforce improvements in behavior.

#### 5. Communication and Collaboration

Families are partners in addressing the student's behavior and supporting reintegration. School staff will provide clear and transparent communication about any incident, the student's plan for return, and available resources. Collaboration will also occur between general education, special education, school psychologist, behavior specialists, school counselors, and/or social workers to ensure all supports align with the student's needs and strengths.

#### 6. Required Training

The District will ensure that school employees are trained in behavioral awareness and intervention as required by this Policy and state law. The Superintendent is hereby delegated the authority and responsibility to develop or contract for such training and to ensure that the appropriate staff receive said training as required by state law.

#### 7. Monitoring and Feedback

Parents, guardians, students, advocates and community members are encouraged to provide feedback on this Policy and the District's actions under this Policy. The Superintendent or designee is also directed to provide any feedback to the Board of Education as the Superintendent deems appropriate.

Legal Reference: Neb. Rev. Stat. § 79-262.01

Date of Adoption: [Insert Date]

Community RelationsPersonnel - All Employees and StudentsAnti-discriminationA. **Elimination of Discrimination.**

The policy of Malcolm Public Schools is to not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military or** veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, in admission or access to, or treatment with regard to employment or with regard to its programs and activities.

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

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

B. **Preventing Harassment and Discrimination of Employees and Students.**

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

For purposes of this policy, discrimination or harassment based on a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military or** veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, is prohibited. The following are general definitions of what might constitute prohibited harassment.

a. In general, ethnic or racial slurs or other verbal or physical conduct relating to a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military or** veteran status, national or ethnic origin,

age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, constitutes harassment when they unreasonably interfere with the person's work performance or create an intimidating work, instructional or educational environment.

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

Sexual harassment may exist when:

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

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

## 2. **Procedures:**

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

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

Date of Adoption	6/21/21
Date Amended	11/20/23; 6/16/25
Date Reviewed/Affirmed	

Legal Reference: Title VI, 42 U.S.C. Sec. 2000d, Title VII, 42 U.S.C. Sec. 2000e, Title IX; 20 U.S.C. Sec. 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. Sec. 48-1101 et seq.  
 Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. Sec. 621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. Sec. 48-1001 et seq.;  
 Americans with Disabilities Act (ADA), 42 U.S.C. Sec. 12101 et seq.  
 Section 504 of the Rehabilitation Act of 1973 (Section 504)  
 Pregnancy Discrimination Act, 42 U.S.C. Sec. 2000e(k)  
 Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Sec. 4301 et seq.  
 Neb. Rev. Stat. Sec. 79-2,115, et seq

## Business Operations

### Procurement Plan – School Food Authorities

The following procurement policy statement shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. This statement is meant to provide guidance to ~~our~~ personnel and vendors on acceptable and/or required procurement practices. ~~Our~~The goal is to fully implement all required and recommended procurement rules, regulations and policies set forth in 2 CFR 200, 7 CFR parts 210, 3016 and 3019, and by the State Agency.

### **Procurement Policy**

The purchasing procedure to be followed shall be determined by the anticipated total annual expenditure on items related to the food service program:

- When the annual total for food service program related items is less than \$250,000 (~~small purchase simplified acquisition~~ threshold) per procurement event or in aggregate purchases this organization will follow the informal ~~Small-Purchase simplified acquisition threshold P~~ procedures.
- When the annual total for food service program related items is greater than \$250,000 (~~small purchase simplified acquisition~~ threshold) per year per procurement event or in aggregate purchases this organization will follow the Formal Competitive Solicitation Procedures.

### Micro-Purchase Procedures

Micro-Purchases may be used for single purchases under \$10,000 made with a vendor [2 CFR 200.320(a)].

Prices will be reviewed for reasonableness [2 CFR 200.320(a)].

Purchases will be spread equitably among all qualified sources [2 CFR 200.320(a)].

### Small Purchase Simplified Acquisition Threshold Procedures

For purchases made below the ~~small purchase simplified acquisition~~ threshold, ~~Small Purchase simplified acquisition P~~ procedures will be utilized to purchase necessary goods and services. When ~~Small Purchase simplified acquisition threshold P~~ procedures are used, this organization will take the following steps:

1. Contact a reasonable number of qualified vendors.
2. Write specifications for goods and services.
3. Document each vendor's quoted price. (ex. log sheet)
3. Select the company that provides the lowest, most responsive, and responsible bid.
4. Document supplier who was awarded the quote.
5. Manage orders by confirming product and prices match quotes.

### Formal Competitive Solicitation Procedures

For purchases made in excess of the ~~small-purchase~~ simplified acquisition threshold, a Formal Competitive Solicitation will be conducted. When Formal Competitive Solicitation Procedures are used, this organization will take the following steps:

1. Prepare an Invitation for Bid (“IFB”) or Request for Proposal (“RFP”) document specifically addressing the items to be procured
  - a. Include detailed specifications
  - b. Ensure price will be most heavily weighted
2. Publicly announce and advertise the bid/proposal at least 21 calendar days prior to bid opening
  - a. Announcements will include the date, time and location in which bids will be opened
3. Determine the most responsive and responsible bid/proposal by using the selection criteria set forth in the bid/proposal document
  - a. Responsible bidders will be those whose bid/proposal conform to all of the terms, conditions and requirements of the IFB/RFP
  - b. Responsible bidders will be those who are capable of performing successfully under the terms and conditions of the contract.
4. Award the contract
  - a. To the most responsive and responsible bidder based on the criteria set forth in the IFB/RFP
  - b. At least two weeks before program operations begin
  - c. If a protest is received, it must be handled in accordance with 7 CFR 210.21
5. Retain all records pertaining to the formal competitive bid process for a period of five years plus the current year

(Note: If the ~~small-purchase~~ simplified acquisition threshold established in the sponsor’s procurement policy statement is less than \$150,000, the smaller bid threshold will govern.)

### Procurement Summary

This organization incorporates the following elements into the Procurement Policy Statement, as required by 2 CFR 200 and 7 CFR parts 210, 3016 and 3019.

A. Competition: We shall demonstrate our goods and services are procured in an openly competitive manner. Competition will not be unreasonably restricted. [7 CFR 210.21(c)(1)] [2 CFR Part 200.319(a)(1-7)]

~~B.~~ Comparability: We recognize for true competition to take place, we must maintain reasonable product specifications to adequately describe the products to be purchased and the volume of planned purchases based upon pre-planned menu cycles. [2 CFR 200.319(a)(6)]

B.

- C. Documentation: We shall maintain for the current year and the preceding three years all significant materials that will serve to document our policies and procedures. [2 CFR 200.318(i)]
- D. Code of Conduct: This program shall be governed by the attached Code of Conduct and it shall apply to all personnel, employees, directors, agents, officers, volunteers or any person(s) acting in any capacity concerning the food service procurement program. [2 CFR 200.318(c)(1)]
- E. Contract Administration: Purchases shall be checked or verified by designated staff to assure that all goods and services are received and prices verified. All invoices and receipts shall be signed, dated, and maintained in the documentation file. [2 CFR Part 200.318(b)]
- G. General Requirements:
  1. Small, minority, veteran-owned and women's businesses enterprises and labor surplus firms are used when possible. [2 CFR 200.321]
  2. Ensure compliance with the Buy American Provision when purchasing food 7 CRF 210.21(d).
  3. A cost or price analysis in connection with every procurement action in excess of the Small Purchase simplified acquisition T threshold including contract modifications. [2 CFR 200.323(a)]
  4. Documented Procurement Procedures and activities will be maintained. [2 CFR 200.318(a)]
- H. Duties of Food Service Supervisor:
  1. Plan the goods or services needed for the school food service program for the school year based on planned menus through needs assessment, forecasting and budgeting.
  2. Develop written specifications for food/supplies needed. Include details such as descriptions and product requirements (e.g. packaging, weight, pack size, etc.) for needed goods or services.
  3. Compare product specifications among all vendors/contractors. Information for prices obtained from grocery stores, farmer's markets, etc.
  4. Make procurement awards based on the lowest and best vendor's response as determined by quality, availability, service, and price.
  5. Place and confirm orders with vendors or make plans to purchase the required items.
  6. To make procurement awards based on the lowest and best vendor's response as determined by quality, availability, service and price.
  7. To work with vendors on a fair and equal basis.
  8. To conduct an in-house procurement review once per year.

<u>Date of Adoption</u>	<u>6/17/19</u>
<u>Date Amended</u>	<u>1/15/24; 6/16/25</u>
<u>Date Reviewed/Affirmed</u>	

Date of Adoption	6/17/19
Date Amended	
Date Reviewed/Affirmed	

Business OperationsInternal Controls

The District will develop and maintain internal control procedures as required by law and in accordance with sound fiscal monitoring practices that will ensure appropriate oversight of state and federal funds. The following internal control procedures will be utilized for all federal grants:

Generally: If the District receives federal awards, grants, or other funds, the District will:

- (a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that the District manages the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. The District will endeavor to develop and maintain these internal controls consistent with the “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO);
- (b) Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal award;
- (c) Evaluate and monitor the District's compliance with statutes, regulations and the terms and conditions of federal award;
- (d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings; and
- (e) Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency, or pass-through entity, designates as “sensitive” or the District considers sensitive, consistent with applicable federal, state, and local laws regarding privacy and responsibility over confidentiality.

Legal Reference: 2 C.F.R. § 200.303.

Management requirements: The District will manage equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until the District disposes of such equipment. The District will, as a minimum, meet the following requirements:

- 1) Maintain property records of the equipment (including equipment description, serial number or other identification number, source of funding, acquisition date, and the like);
- 2) Maintain a physical inventory procedure, with an inventory occurring at a minimum of every two (2) years;
- 3) Implement a Control System procedure;

- 4) Continue to develop and implement adequate maintenance procedures for the equipment;
- 5) Continue to develop and implement sales procedures for the equipment; and
- 6) Continue to develop and implement disposition procedure for the equipment.

Legal Reference: 2 C.F.R. §§ 200.313 & 200.33.

Procurement: The District will use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the requirement standards imposed by law, including:

- 1) A procedure for micro-purchases (Under \$10,000);
- 2) A procedure for ~~small purchases~~ simplified acquisition thresholds (between \$10,000 to \$250,000);
- 3) A procedure for sealed bids;
- 4) A procedure for competitive proposals; and
- 5) A procedure for noncompetitive bids.

Legal Reference: 2 C.F.R. §§ 200.317 through 200.326.

Cross-Reference: Policies 3130 & 3131.

Record Retention: Financial records, supporting documents, statistical records, and all other related records pertinent to a federal award will be retained for a period of three (3) years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the federal awarding agency or pass-through entity in the case of a sub-recipient.

For all other records, the District will retain such records for the length of time as required by law.

Legal Reference: 2 C.F.R. § 200.333.

Suspension and Debarment: The District will not contract with any entity or individual who has been debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. Before entering into a contract regarding a federal award, the District will verify that a vendor has not been debarred, suspended or otherwise excluded, and the District will maintain a copy of said verification.

Legal Reference: 2 C.F.R. § 200.213.

Financial Management: The District will maintain financial management systems to account for the federal funds, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award. These records will be sufficient to permit the District to prepare reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award. The financial management system will provide for the following:

- 1) Identifying all of the federal awards received and expended and the federal programs under which they were received;

- 2) Ensuring that accurate, current, and complete disclosure of the financial results of each federal award or program are maintained in accordance with reporting requirements;
- 3) Identifying adequately the source and application of funds for federally-funded activities;
- 4) Ensuring effective controls over and accountability for all funds, property, and other assets;
- 5) Comparing actual expenditures with budget amounts for each federal award;
- 6) Ensuring payments of federal funds are made in accordance with applicable law, including 2 CFR § 200.305; and
- 7) Determining the allowability of costs in accordance with applicable law and the conditions of the federal award.

Legal Reference: 2 C.F.R. § 200.302.

Program Income: The District will consult with the federal awarding agency and refer to the applicable law and federal program terms and conditions to determine how to account for, deduct and otherwise handle income from federal programs.

Legal Reference: 2 C.F.R. § 200.307.

Cost Sharing or Matching: For all federal awards, any shared costs or matching funds and all contributions, including cash and third party in-kind contributions, must be accepted as part of the District's cost sharing or matching, when such contributions meet all of the following criteria:

- 1) Are verifiable from the District's records;
- 2) Are not included as contributions for any other Federal award;
- 3) Are necessary and reasonable for accomplishment of project or program objectives;
- 4) Are allowable under the applicable Cost Principles requirements;
- 5) Are not paid by the Federal Government under another Federal award, except where the federal statute authorizing a program specifically provides that Federal funds made available for such program can be applied to matching or cost sharing requirements of other Federal programs;
- 6) Are provided for in the approved budget when required by the federal awarding agency; and
- 7) Conform to other provisions of the law or terms and conditions of the federal award, as applicable.

Legal Reference: 2 C.F.R. § 200.306.

Compensation: Compensation for personal services includes all remuneration for services of employees rendered during the period of performance under the federal award, including, but not limited to wages, salaries, and fringe benefits. Costs of compensation may be allowable under federal law and the federal grant to the extent that they satisfy the following requirements:

- 1) Is reasonable for the services rendered; and
- 2) Conforms to the established written expectations of the District, as applied consistently to both Federal and non-Federal activities.

If the District intends to charge compensation to federal awards, such charges will be based on records that accurately reflect the work performed, and will:

- 1) Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- 2) Be incorporated into the official records of the District;
- 3) Reasonably reflect the total activity for which the employee is compensated by the District, not exceeding 100% of compensated activities;
- 4) Encompass both federally-assisted and all other activities compensated by the District on an integrated basis, but may include the use of subsidiary records as defined in the District's written procedures;
- 5) Comply with the established accounting policies and practices of the District; and
- 6) Differentiate and account for the distribution of the employee's salary or wages among specific activities or cost objectives if the employee works on more than one (1) Federal award; a Federal award and non-Federal award; an indirect cost activity and a direct cost activity; two (2) or more indirect activities which are allocated using different allocation bases; or an unallowable activity and a direct or indirect cost activity.

Budget estimates will generally not be used to support charges to Federal awards but may be used for interim accounting purposes.

Legal Reference: 2 C.F.R. §§ 200.430 & 200.431.

Federal Funds for Construction Projects: For all federal awards, the District will comply with all applicable legal requirements, including the Davis-Bacon Act.

Legal Reference: 34 C.F.R. § 75.600, et seq.

Capitalization and Depreciation: The District will follow the rules for selected items of cost at 2 C.F.R. Part 200, Subpart E, when charging these specific expenditures to a federal grant. When applicable, District staff will check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, federal, state, or program-specific rules, including the terms and conditions of the award, may deem a cost as unallowable and District personnel shall follow those requirements. The following rules of allowability apply to equipment and other capital expenditures:

- A. Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the federal awarding agency or pass-through entity.
- B. Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$5,000 or more have the prior written approval of the federal awarding agency or pass-through entity.
- C. Capital expenditures for improvements to land, buildings, or equipment which materially increase their value or useful life are unallowable as a direct cost except with the prior written approval of the federal awarding agency or pass-through entity.

D. Allowability of depreciation on buildings, capital improvements, and equipment shall be in accordance with 2 CFR § 200.436 and 2 CFR § 200.465.

E. When approved as a direct cost by the federal awarding agency or pass-through entity under Sections A - C, capital expenditures will be charged in the period in which the expenditure is incurred, or as otherwise determined appropriate and negotiated with the Federal awarding agency.

F. If the District is instructed by the federal awarding agency to otherwise dispose of or transfer the equipment, the costs of such disposal or transfer are allowable.

G. Any depreciation will be computed, charged, and recorded in a manner consistent with federal regulations and any requirements of the federal awarding agency.

Legal Reference: 2 C.F.R. §§200.436 & 200.439.

Maintaining Records: Financial records, supporting documents, statistical records, and all other District records pertinent to a federal award must be retained for the minimum period time as required by federal law or the terms of the federal awarding agency, whichever is longer in time.

Legal Reference: 2 C.F.R. § 200.334.

Conflict of Interest: Notwithstanding any other Board ~~Policies-policies~~ or ~~Proceduresprocedures~~, the District shall ensure that it avoids any conflicts of interest regarding any federal awards. The District will disclose in writing any potential conflict of interest to the federal awarding agency or pass-through entity in accordance with applicable federal awarding agency policy.

Legal Reference: 2 C.F.R. § 200.112.

Unexpected or Extraordinary Circumstances: For all federal awards, if the District does not currently have in place a sufficient policy that addresses extraordinary circumstances, such as those caused by COVID-19, the District may amend or create a policy at a later date in order to put emergency contingencies in place for federal and non-federal similarly situated employees. If the conditions exist for charges to be made to the federal grant, then charges may also be made to any non-federal sources that are used by the District in order to meet a matching requirement. The District will take other steps to comply with federal award requirements in the event of unexpected or extraordinary circumstances.

Legal Reference: 2 C.F.R. § 200, et seq.

Date of Adoption	6/20/22
Date Amended	<u>1/15/24; 6/16/25</u>
Date Reviewed/Affirmed	

Business OperationsSafe Driving Record Standard for Drivers

Standard for Pupil Transportation Vehicle Drivers: Each person who is required to have a permit to operate a pupil transportation vehicle for this School District shall meet all requirements to hold and continue to hold a pupil transportation operator's permit, **including the successful completion of a physical assessment and a Medical Examiner's Certificate.** One of the requirements for obtaining such a permit is that the person have a record of satisfactory driving as determined by Board policy. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 20 years; or
4. Accumulation of 5 or more points under the motor vehicle operators' license point system within the immediate prior 4 years. In the event the person has accumulated 3 or 4 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

Standard for Drivers of Small Vehicles for Activity Trips: Each person who drives a small vehicle (car or van) other than a pupil transportation vehicle for school activities and who is not required to have a permit to operate a pupil transportation vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 20 years; or
4. Accumulation of 5 or more points under the motor vehicle operators' license point system, within the immediate prior 4 years. In the event the person has accumulated 3 or 4 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

**Drivers who exclusively drive small vehicles for activity trips are not required to obtain a Medical Examiner's Certificate.**

Standard for Drivers of Other School Vehicles: Each person who drives a school vehicle other than a pupil transportation vehicle and does not transport students in the vehicle shall be

precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. In the event the person’s employment position requires driving vehicles as a function of the person’s employment, the employment may be terminated in the absence of a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 10 years; or
4. Accumulation of 6 or more points under the motor vehicle operators’ license point system within the immediate prior 4 years. In the event the person has accumulated 3, 4 or 5 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent’s designee based on the nature and proximity of the offense as it relates to safe transportation.

The record of satisfactory driving standards shall apply to all new employees from and after adoption of this policy. Existing employees shall be subject to the same standards, provided that the Superintendent or Superintendent’s designee may determine to permit an exception based on the existing employee’s record of satisfactory driving while employed with the District and the nature and proximity of prior driving offenses as such offenses relate to safe transportation.

Legal Reference: Neb. Rev. Stat. §§ 79-318, 79-602, 79-607 and 79-608  
 Neb. Rev. Stat. § 60-4,182 (point system)  
 Title 92, Nebraska Administrative Code, Chapters 91 & 92

Date of Adoption	7/23/12
Date Amended	6/16/25
Date Reviewed/Affirmed	1/15/24

Personnel - All Employees (& Students)Anti-discrimination, Anti-harassment, and Anti-retaliation**A. Elimination of Discrimination.**

The Malcolm Public Schools hereby gives this statement of compliance and intends to comply with all state and federal laws prohibiting discrimination. This school district intends to take any necessary measures to assure compliance with such laws against any prohibited form of discrimination.

The Malcolm Public Schools does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military or** veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students:

[Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 \(402\) 796-2151 ryan.terwilliger@mps148.org](mailto:ryan.terwilliger@mps148.org)

[Amber Dolliver, PK-6 Principal, 10000 NW 112<sup>th</sup> St., Malcolm, NE 68402 \(402\) 796-2151 amber.dolliver@mps148.org \(Title IX\)](mailto:amber.dolliver@mps148.org)

Employees and Others:

[Ryan Terwilliger, Superintendent, 10004 NW 112<sup>th</sup> St., Malcolm, NE 68402 \(402\) 796-2151 ryan.terwilliger@mps148.org](mailto:ryan.terwilliger@mps148.org)

[Amber Dolliver, PK-6 Principal, 10000 NW 112<sup>th</sup> St., Malcolm, NE 68402 \(402\) 796-2151 amber.dolliver@mps148.org \(Title IX\)](mailto:amber.dolliver@mps148.org)

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office of Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at One Petticoat Lane, 1010 Walnut Street, 3<sup>rd</sup> Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

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

The Malcolm Public Schools is committed to offering employment and educational opportunities to its employees and students in a climate free of discrimination.

Accordingly, unlawful discrimination, harassment or retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere.

Discriminatory harassment because of a person's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, **military** or veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, may include, but is not limited to:

- a. Name-calling,
- b. Teasing or taunting,
- c. Insults, slurs, or derogatory names or remarks,
- d. Demeaning jokes,
- e. Inappropriate gestures,
- f. Graffiti or inappropriate written or electronic material,
- g. Visual displays, such as cartoons, posters, or electronic images,
- h. Threats or intimidating or hostile conduct,
- i. Physical acts of aggression, assault, or violence, or
- j. Criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

- a. Unwelcome sexual advances or propositions,
- b. Requests or pressure for sexual favors,
- c. Comments about an individual's body, sexual activity, or sexual attractiveness,
- d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,

- e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
- g. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled "Grievance Procedures," below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

All District employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

## **2. Anti-retaliation:**

The District prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the District's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The District will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the District will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

## **3. Grievance (or Complaint) Procedures:**

Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the compliance coordinator

designated to handle complaints of discrimination. If the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation to the designated coordinator, or in the case of students, to another staff person (such as a counselor or principal).

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

*i. Level 1 (Investigation and Findings):*

Once the District receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the District will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation. The District will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The District will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The District will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, the District will notify the complainant of his or her right to file a criminal complaint, and District employees will not dissuade the complainant from filing a criminal complaint either during or after the District's investigation.

The District will aim to complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist **as determined by the investigator**. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees**

~~to a longer timeline.~~ be determined by the investigator and in compliance with any legal requirements. Periodic status updates will be given to the parties, when appropriate.

The District's investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:

- a. A summary of the facts,
- b. Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and
- c. If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate such discrimination, harassment or other inappropriate conduct.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made. The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District ~~will~~ **may, when appropriate or when legally required** send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **one (1) working-day week** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec. 11232g; 34 C.F.R.

Part 99, permits the District to disclose relevant information to a student who was discriminated against or harassed.

*ii. Level 2 (Appeal to the Superintendent):*

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **five (5) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. [If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.]

*iii. Level 3 (Appeal to the Board):*

If the party is not satisfied with the Superintendent's determination, he or she may file an appeal in writing with the Board of Education **within five (5) working days** after receiving the Superintendent's determination. The Board of Education will review the appeal, the Superintendent's determination, the investigative documentation and decision, and allow the party to address the Board ~~at a Board meeting or a committee of the Board of Education to present his or her appeal. The party will be allowed to address the Board at the Board's next regularly scheduled Board meeting (unless the Board receives the appeal within one week of the next regularly scheduled Board meeting) or at a time and date agreed to by the Board, designated compliance officer and the party.~~ The Board or a committee of the Board of Education may, in its discretion, ~~will~~ issue a written determination about the appeal ~~within thirty (30) days after the party addresses the Board.~~ The party who filed the appeal will be sent the Board's determination ~~at the time it is issued, and a copy will be sent to the designated compliance coordinator.~~ The Board's ~~or Committee's~~ determination, and any actions taken, will be final on behalf of the District.

**4. Confidentiality:**

The identity of the complainant will be kept confidential to the extent permitted by state and federal law. The District will notify the complainant of the anti-retaliation provisions of applicable laws and that the District will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, the District will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the District from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the District will inform the complainant that its ability to respond may be limited. Even if the District cannot take disciplinary action against the alleged harasser, the District will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

**5. Training:**

The District will ensure that relevant District employees are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees.

In addition, the District shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receive training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the District's grievance procedures and the applicable confidentiality requirements.

**6. Designated Compliance Coordinators:**

Designated compliance coordinators will be responsible for:

- a. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- b. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- c. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- d. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- e. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- f. Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- g. Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- h. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- i. Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- j. Recommending changes to this policy and grievance procedure.
- k. Performing other duties as assigned.

**7. Preventive Measures:**

The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting it on the District’s website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community.

The District also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the District’s anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.

Date of Adoption	6/21/21
Date Amended	6/16/25
Date Reviewed/Affirmed	2/19/2024

Legal Reference: Title VI, 42 U.S.C. Sec. 2000d, Title VII, 42 U.S.C. Sec. 2000e, Title IX; 20 U.S.C. Sec. 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. Sec. 48-1101 et seq.  
 Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. Sec. 621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. Sec. 48-1001 et seq.;

Americans with Disabilities Act (ADA), 42 U.S.C. Sec. 12101 et seq.  
 Section 504 of the Rehabilitation Act of 1973 (Section 504)  
 Pregnancy Discrimination Act, 42 U.S.C. Sec. 2000e(k)  
 Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Sec. 4301 et seq.  
 Neb. Rev. Stat. Sec. 79-2,115, et seq

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## MEMORANDUM

To: Dr. Brian Maschmann, ESU 6 Administrator  
From: Justin Knight, Perry Law Firm  
Date: June 2, 2025  
RE: 2025 School District Annual Policy Service Update

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The Legislature has adjourned after their 90-day session. This Memo covers the policy updates as a result of this past session, as well as legislation passed in prior sessions.

### A. REQUIRED POLICY UPDATES

**1. Policies 1200, 4003, and 5401 (and accompanying forms)** – AM 1617 to LB 150 updates Nebraska’s Fair Employment Practice Act to add “military or veteran status” as a protected class. As a result, our nondiscrimination policies have been updated to add this new protected class.

In addition, with the changes in federal guidance under the new presidential administration, some of the “hard” deadlines in these policies can be relaxed to give greater flexibility for internal investigations.

**2. Policies 3131 (“Procurement Plan”) & 3132 (“Internal Controls”)** – Several bidding references were updated in the federal regulations governing grants and federal audit requirements. These policies have been updated to reflect these changes, as well as adding a new preference for veteran-owned businesses that was added to 2 C.F.R. § 200.321.

**3. Policy 3410 (“Safe Driving Record Standard for Drivers”)** – NDE Rule 91 requires a medical exam for drivers of small vehicles (vans and cars with 10 passengers or less) when driving routes, but not for activities-only drivers. In other words, a small vehicle driver of a regular pick-up/drop-off route must have a medical exam; but a coach that drives a small vehicle only to activities does not. This requirement has created confusion in situations involving unexpected driving situations, part-time or temporary drivers, and the like. Policy 3410 has been updated to clarify Rule 91’s requirements.

It is also worth noting that the U.S. Department of Transportation has proposed revised regulations that would change the background and testing requirements, so there may be more policy updates on this topic next year.

**4. Policy 4009 (“Drug and Substance Use and Abuse”)** – Updates in federal driving requirements (relating to alcohol and drug reporting to the federal Clearinghouse) require adding language to this policy for bus drivers.

In addition, in light of these changes, Form A (accompanying Policy 4009) needs to be updated. However, Forms C and D can be rescinded since they are no longer necessary.

**5. Policy 5001 (“Admission”)** – LB 143 tweaked the student admission statutes for military families. Neb. Rev. Stat. § 79-215 now requires a school to provisionally enroll a student if the student’s family resides on a federally owned facility within the District. We have updated Policy 5001 to make this clearer.

**6. Policy 5101 (“Student Discipline”)** – There are three main changes to this Policy:

A. New Dress Code: Two years ago, LB 298 imposed a new dress code policy requirement. However, an analysis of the text of this new statutory mandate shows how contradictory and convoluted the statutory directives appear to encompass. For one, Neb. Rev. Stat. 79-2,158 dictates that each school have a policy that “is consistent with” a model policy adopted by the State Board of Education. Yet, the same statutory provision states that a District “may include any other procedures and provisions that the school board deems appropriate,” which suggests that the model policy is more of a sample than a prescription. In addition, 79-2,158(2) outlines three specific components of each *school’s* required policy, which further suggests that the State Board’s model policy is to be more of an example (otherwise the Legislature would have specified that the model policy itself must include those three items). Still, 79-2,159(4) lists that the State Board’s model policy “may” develop a health and safety standard within the model dress code. That same provision requires the State Board to include detailed steps that administrators must take in “health and safety” situations (including obtaining parental consent before requiring a student to change clothes), despite the “health and safety” provision being optional. In fairness to the State Board of Education (who was given this unfunded mandate by the Legislature), it is unsurprising that these inconsistencies within statute have led to significant confusion and anxiety among school administrators across the state.

With all of this confusion in mind, we have updated the “dress code” component of our Student Discipline Act to try and keep the required changes as straightforward as possible, while complying with the law’s dictates that a school dress code cannot be used to discriminate against any student.

We have also attached the State Board’s model policy in case your district would like to adopt the State Board’s model policy.

This new dress code policy must be adopted by July 1, 2025.

B. Cell Phones. LB 140 requires all schools to adopt a “cell phone” policy before the beginning of the 2025-2026 school year. (The new, required policy is listed as Policy 6113.) Policy 5101 has been updated to clearly reference the new cell phone law and student disciplinary consequences.

C. Added Language About “Deep Fakes.” Finally, in light of the increase in “deep fakes,” this Policy has been updated to add language that students can be disciplined for deep fake images of students or staff. As noted below, LB 383 criminalizes “deep fakes” in certain situations, but having clear language in board policy can help school administrators better address concerns within the school setting.

7. **Policy 5004 (“Full-time and Part-time Enrollment”)** – LB 306 updates the part-time enrollment statutes to provide more options for non-public schools to participate in extracurricular activities. LB 306’s language is subject to differing interpretations, especially after the Legislature changed the part-time statutes to address these same concerns two years ago. School administrators will need to familiarize themselves with these new rules before the 2025-2026 school year.

8. **Policy 5103 (“Extracurricular Activity Discipline”)** – For the same reasons listed in the changes to Policy 5101, the reference to dress code violations have been removed.

9. **Policy 5201 (“Promotion and Retention”) and (New) Policy 5201x (“Request to Repeat Grade Form”)** – Last year, the Legislature adopted a new law (§ 79-2,161) that allows parents to require their student to repeat a grade if the student qualifies under the statutory criteria. To apply to repeat a grade, a parent must submit a form prescribed by NDE. We have updated the new statutory reference to Policy 5201 and added that form as Policy 5201x.

10. **Policy 5202z (Notification of Rights Under FERPA)** – Within the past year, the U.S. Department of Education issued a “Model Notice” to update parents’ rights under FERPA. To remain consistent with DOE’s guidance, we have updated this Policy.

11. **Policy 5301 (“Association Activities”)** – LB 89 requires each school board to adopt a policy designating each school-sponsored interscholastic athletic team or sport as either biologically male, female, or co-ed. The bill does not require each sport or team listed in the Policy. In turn, we added language to Policy 5301 to authorize the Superintendent to make the required designations.

12. **Policy 5414 (“Identification of Learners with High Ability”)** – We realized this Policy may no longer be accurate or current with your district’s practices. As a result, we revised the Policy to give school administrators more discretion in developing criteria to identify high-ability learners.

**13. (New) Policy 5507 (“Foster Care Student Transportation”)** – NDE audits have frequently requested information about the District’s foster care transportation. The Every Student Succeeds Act only requires a school district to have “procedures” (not requiring board approval). However, given the confusion and ease of having a formal board policy in these audits, we have prepared Policy 5507 to memorialize a school district’s foster care transportation requirements.

**14. (New) Policy 6113 (“Electronic Communication Devices and Cell Phones”)** – For the same reasons listed in the changes to Policy 5101, LB 140’s cell phone requirements have been added to this new policy.

**15. Policy 6400 (“Parental/Community Involvement in Schools”)** – Last year, the Legislature passed LB 71 to, in part, update Nebraska’s parental involvement statutes. Policy 6400 has been updated to reflect these changes. Note that LB 71 requires the updated Parental Involvement to be approved by July 1, 2025, and posted to the school’s website by August 1, 2025.

Further, LB 428 (passed this year) requires additional revisions to Policy 6400. LB 428 adds new requirements for school-issued surveys, including the rights of parents to review and/or opt their student out of “sensitive” surveys. Depending on what types of surveys your district administers, this update may need to be carefully examined before the beginning of the 2025-2026 school year.

**16. (New) Policy 6931 (“Behavioral Intervention and Classroom Management”)** – Two years ago, the Legislature passed LB 1329 which, in part, required each school to adopt a policy on “behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in school.” The Legislature directed the State Board of Education to develop a “model policy” reflecting the new policy’s requirements. By August 1, 2025, each school must adopt a policy “consistent with or comparable to the model policy.” This policy will now be a requirement for accreditation by NDE. To ensure compliance with this new accreditation requirement, our Policy 6931 largely mirrors the State Board’s model policy.

## **B. POLICY RESCISSIONS**

**1. Policy 5001 Forms (“Summary of the School Immunization Rules and Regulations”)** – This Form has led to confusion and headaches for schools that have not kept this current. To avoid further confusion and consternation, we recommend rescinding this form in your Policy Manual.

**2. Policy 6410 (“Combined District and School Title I Parent and Family Engagement Policy”)** – The US Department of Education informed NDE that Title I involvement policies need to be more specifically tailored to each school district, instead of incorporated as a general policy. As such, NDE has recommended that schools rescind their Title I Involvement

Policy and, instead, complete the template available on their website: <https://www.education.ne.gov/federalprograms/title-i-a-educationally-disadvantaged/#TitleIParentandFamilyengagement>

Of note, the Title I engagement “policy” does not need to be Board approved (despite being called a “policy”) under the Every Student Succeeds Act.

### C. OPTIONAL POLICY AND/OR HANDBOOK UPDATES

1. **Policy 3241 (“Emergency Response Mapping”)** – Last year, schools that adopted an Emergency Response Mapping Policy were eligible to apply for safety and security grant funds. If your district was not approved for grant funds and no longer want an Emergency Response Mapping Policy on file, you could rescind Policy 3241 this summer.

### D. OTHER CONSIDERATIONS

1. **Title IX Procedures** – In light of the constant changes to the Title IX Regulations, we recommended last year to rescind any Board-approved procedures. Instead, we recommended a policy that delegated the Superintendent the authority to develop procedures consistent with Title IX. If you have not done so, we would strongly recommend it. A copy of those procedures is attached. The procedures also need to be posted on the school’s website.

2. **Veteran’s Preference** – LB 144 (passed this session without an emergency clause) will update Nebraska’s veteran’s preference laws. In particular, LB 144 adds the spouse of a veteran who “was killed in the line of duty or died due to his or her military service” as a person who qualifies for a veteran’s preference. This update is a good reminder to review your district’s application forms to ensure that the school’s job applications state that positions are “subject to a veteran’s preference,” per Neb. Rev. Stat. § 48-227(3).

3. **Paid Sick Leave Initiative** – Last November, the voters approved Initiative 436, which requires an increase in employer-provided paid sick leave. However, the Initiative exempted political subdivisions from the paid sick leave requirements. Therefore, there are no required changes to any school’s paid sick leave benefits.

4. **Nebraska’s Minimum Wage Increase.** Similar to the Paid Sick Leave Initiative, Nebraska’s recent Minimum Wage Increase Initiative does not apply to political subdivisions, so school districts are not legally required to follow the increases in the State’s minimum wage rates.

**5. Medical Marijuana Initiative.** Nebraska voters also approved the Medical Marijuana Initiative last November. LB 677 would have added specific statutory requirements for medical marijuana in schools, but LB 677 did not advance. Thus, we will need to work over the summer months to prepare for medical marijuana requests by staff, students, and community members on school grounds and at school activities.

**6. New Open Meetings Act Poster.** LB 521 “cleaned up” language within the Open Meetings Act. The changes to the Open Meetings Act are largely technical and do not require any policy updates. With that being said, each board is required to have a current copy of the Open Meetings Act posted during all board meetings. The bill has an emergency clause so each board will need to update their Open Meetings Act posters this summer.

**7. Forthcoming Update on Bidding Threshold.** This year, the State Board of Education will update the bidding threshold for construction, remodeling, or repair projects. This update will result in a future policy update.

**8. Changes to NPERS –** Two main bills changed different aspects of the Retirement System: LB’s 295 and 645. None of these require policy changes but are worth noting.

a. LB 295 largely makes technical changes to the retirement statutes. However, LB 295 makes some substantive changes that your business managers will want to follow any new procedures implemented by NPERS.

b. LB 645 will adjust both the employer, employee, and state retirement contribution percentages on an annual basis, depending on the state retirement plan’s funding ratio. When the plan is well-funded, contribution percentages will decrease. But when the plan needs additional funding, contributions will increase. This change will likely have a significant impact on negotiations moving forward, given that teachers’ retirement deductions will now fluctuate from year-to-year. We will provide more information on this change in the fall for your negotiations preparations.

**9. LB 383 –** LB 383 passed this session that adopts two main statutory frameworks: (1) criminalizing “deep fakes” and (2) generally requiring parental consent for a minor to create or maintain a social media account. To date, some County Attorneys have been reluctant to prosecute instances of “deep fakes,” so LB 383 establishes clear statutory authority for criminal charges moving forward. In addition, it remains to be seen how social media companies will respond to LB 383 in Nebraska, though your school’s technology coordinator will want to keep a close eye on any forthcoming changes.

**10. Computer Science and Technology** – Years ago, the Legislature adopted computer science and technology curriculum requirements. These requirements will begin to take effect during the 2025-2026 school year. Most (if not all) schools already incorporate technology into the curriculum, so this change may not be significant. However, next year (2027-2028), graduates must have completed a five-credit hour computer science course. These requirements can be found at Neb. Rev. Stat. 79-3304.

**11. LB 390 (Library Directory)** – LB 390 (passed this year) will require all school districts to adopt a policy requiring a catalog of all books in school libraries and allow parents the option of being notified when their student checks out a book. However, this policy does not need to be adopted until the beginning of the 2026-2027 school year, so we will wait to distribute a library catalog policy until next summer.

**12. School Psychologist Interstate Licensure Company** – The Legislature adopted the Interstate Compact to allow greater flexibility in licensed school psychologists to work in Nebraska schools. This does not require any policy updates but may be of interest to those schools looking to hire a school psychologist from a different state.

**13. New Anaphylaxis Policy Requirement** – LB 457 requires DHHS and NDE to the develop a model policy “for the prevention of anaphylaxis and during a medical emergency resulting from anaphylaxis.” This policy needs to be adopted by July 1, 2026. Since we do not have the model policy, we will wait until next summer to send the required anaphylaxis policy.

**14. Forthcoming NDE Rule 15 Changes** – The State Board of Education has not made substantive changes to NDE Rules over the past year, at least changes that require policy updates. The State Board is considering changes to NDE Rule 15 (English Language Learners) that might require policy updates next year, depending on the final version of Rule 15.

**15. NSAA Coaching Change.** Last year, the NSAA voted to change its bylaws. Previously, coaches were required to meet a certification requirement to coach NSAA activities. Now, NSAA Bylaw 2.12 waives the certification requirement. Moving forward, each school is responsible for vetting their coaches. Some districts have a policy requiring background checks on all hires (including coaches). This may be a discussion within your district on how you plan to handle evaluating coaching hires and positions.

As always, please let us know if you have any questions or concerns.