

OVERTON EAGLES

Overton Public School 24-0004
P.O. Box 310 401 7th Street
Overton, NE 68863-0310



Mark A. Aten, *Superintendent*
Brian Fleischman, *Principal*
Jody Skallberg, *Counselor*
Brian Fleischman, *Activities Director*

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NOTICE OF MEETING
BOARD OF EDUCATION
OF OVERTON, NEBRASKA

NOTICE IS HEREBY GIVEN, that a meeting of the Board of Education at School District 24-0004, of Overton, Nebraska will be held at 7:30 p.m. on Monday, June 10, 2024 at the Overton Public School LMC, which meeting is open to the public. An agenda for such meeting kept continuously current, is available for public inspection at the office of the Superintendent, in the Overton Public School Building, 401 7th Street, Overton, Nebraska.

Jared Walahoski
Secretary of the Board

Heather Brennan Clayton Jeffries Gordon Lassen Joel Meier Keith Rudeen Jared Walahoski

Overton Public School District 24-0004
Overton Board of Education
Board Meeting: June 10, 2024
401 7th Street, Overton, NE 68863
School LMC

Mission Statement: *The mission of Overton Public School is to provide opportunities for everyone to be Engaged, Enlightened, and Empowered.*

BOARD OF EDUCATION AGENDA:

- 7:30 **A. Call meeting to order**
- 7:35 **B. Compliance Statement**
- 7:40 **C. With consent of the Board, receive reports from School Personnel, Patrons, or Community Groups.**
- 7:45 **D. Read and consider communications**
- 7:50 **E. Approve agenda**
- 7:55 **F. Approve minutes**
- 8:00 **G. Act on bills for payment**
- H. Matters pending before the Board**
- 8:05 1. Consider approving the 2025 graduation ceremony plan, date, and time.
- 8:10 2. Consider approving the teaching contract for Dana Dea.
- 8:15 3. Consider approving the 2024-2025 Network Services contract with ESU 10.
- 8:20 4. Consider approving the bid with Hiland Dairy Foods.
- I. Board Reports and Discussion**
- 8:25 **Board Reports**
- a. Meetings Attended:
- b. Upcoming Meetings:
- c. Transportation Committee Report:
- d. Interlocal Committee Report:
- e. Facilities Committee Report:
- f. Curriculum Committee Report:
- g. Negotiations:
- Discussion**
- J. Administrative Reports**
- 8:35 1. Principal's Report
- 8:55 2. Superintendent's Report

Next regularly scheduled meeting is July 8, 2024

COMMENTS:

E.

1. The board will need to approve the 2024 graduation ceremony which is on Saturday, May 10, 2025.
2. Administration recommends the board approve the teaching contract for Dana Dea.
3. Superintendent recommends the board approve the 2024-2025 Network Services Contract with ESU 10.
4. The Food Director and superintendent recommend the board approve the bid with Hiland Dairy foods for the 2024-2025 school year.

DISCUSSION:

F.

1. **Board Reports and Discussion:**
 - a. Meetings Attended:
 - b. Upcoming Meetings:
 - c. Transportation:
 - d. Interlocal:
 - e. Facilities:
 - f. Curriculum:
 - g. Negotiations: 2025-2026 Process will Begin in September
2. Discussion Topics:
 - a. Summer Projects Update
 - b. July Board Meeting is scheduled for July 8, 2024
 - c. Student Fee Hearing in July
 - d. Review KSB Updated Board Policies

G.

Administrative Reports:

Principal's Report

1. Class Schedule Update
2. Enrollment Update
3. Handbook Updates Will be Available at the July Board Meeting

Superintendent's Report

1. Option Enrollment-
 - Out –
 - a.
 - b.
 - In -
 - a.
 - b.
 - Change of status –
 - a.
2. Board Meeting for July – Date and Time -- July 8, 2024
3. Budget Review
4. Financial Review
5. Projects
6. Food Program Review
7. Other

Overton Public Schools
Overton Board of Education

Minutes of the Regular Board of Education Meeting
Overton Public School District 24-0004

Board President or Presiding Officer: Meeting to Order and Roll Call.

The **June 10, 2024** regular monthly meeting of the Overton Public School Board of Education is called to order at 7:30 p.m. in the school LMC and is now in session. Roll call.

| | Present | Absent |
|-----------|---------|--------|
| Brennan | _____ | _____ |
| Jeffries | _____ | _____ |
| Lassen | _____ | _____ |
| Meier | _____ | _____ |
| Rudeen | _____ | _____ |
| Walahoski | _____ | _____ |

Excuse the absence of board member _____

| | Yes | No |
|-----------|-------|-------|
| Brennan | _____ | _____ |
| Jeffries | _____ | _____ |
| Lassen | _____ | _____ |
| Meier | _____ | _____ |
| Rudeen | _____ | _____ |
| Walahoski | _____ | _____ |

Vote _____

Compliance Statement: To be in compliance with LB 898, the Nebraska Open Meetings Law, I would like to inform the public that a copy of the Open Meetings Law is posted near the LMC check-out counter. This meeting has been published in the **June 6, 2024** edition of the The Beacon Observer, and also posted on the south doors of the school, Post Office, school's web site and the Security First Bank. There is packet provided for the public.

Comment Section: At this time, visitors may address the board. If it is regarding an agenda item, please state your name and refer to the agenda item. This is the only time you will be able to comment on the item. If it is regarding a topic not on the agenda, and not a personnel item, we will hear your comments but will not add the item to the action list, we may add it to the discussion list next month. If it is a personnel issue, you must follow steps outlined in Board Policy regarding personnel concerns. The total time allotted for the public comment will not exceed thirty minutes and each member of the public will be allotted not more than five minutes to address the Board. If a group wishes to speak, please designate one spokesperson for the group.

Guests Present: See Attached Document A.

The following presented reports to the Board:

1. _____ - Topic - _____
2. _____ - Topic - _____

3. _____ - Topic - _____

The following communications were read or presented to the Board:

1. _____ - Topic - _____

2. _____ - Topic - _____

3. _____ - Topic - _____

A Motion made by _____ and seconded by _____

to approve the agenda of the June 10, 2024 meeting.

Discussion:

| Votes: | YES | NO | ABSENT |
|-----------|-------|-------|--------|
| Brennan | _____ | _____ | |
| Jeffries | _____ | _____ | |
| Lassen | _____ | _____ | |
| Meier | _____ | _____ | |
| Rudeen | _____ | _____ | |
| Walahoski | _____ | _____ | |

Vote _____

A Motion made by _____ and seconded by _____

to approve the minutes of the May 13, 2024 regular board meeting as presented.

Discussion:

| Votes: | YES | NO | ABSENT |
|-----------|-------|-------|--------|
| Brennan | _____ | _____ | |
| Jeffries | _____ | _____ | |
| Lassen | _____ | _____ | |
| Meier | _____ | _____ | |
| Rudeen | _____ | _____ | |
| Walahoski | _____ | _____ | |

Vote _____

A motion by _____ and seconded by _____

to approve the June bill roster in the amount of \$243,817.61 and June payroll salary and benefits in the amount of \$298,120.04.

Discussion:

Votes:

YES

NO

ABSENT

Brennan

Jeffries

Lassen

Meier

Rudeen

Walahoski

Vote _____

MINUTES OF THE OVERTON PUBLIC SCHOOL BOARD OF EDUCATION
REGULAR MEETING
May 13, 2024
7:30 p.m.

Board President called the meeting to order. Members Present:

Brennan
Jeffries
Lassen
Meier
Walahoski

Notification: The May 13, 2024 meeting of the Overton Public School Board of Education was posted at the Overton Public School, on the Overton Public School website, Beacon Observer, Overton Post Office, and the Security First Bank.

Open Meetings Information: To be in compliance with LB 898, The Nebraska Open Meetings Act, Board President informed the public that a copy of the Open Meetings Law is posted near the LMC check-out counter.

Administration Present: Mark Aten, Superintendent and Brian Fleischman, Principal

Guests Present: Mackenzie Brand

Public Comments: No Public Comments.

Reports: No Reports.

Communications: ALICAP Insurance Report.

Other: The Board approved the absence of board member Rudeen. Motion carried 5-0-1. Voting Yes (5): Brennan, Jeffries, Lassen, Meier, and Walahoski. Voting No: (0). Absent (1) Rudeen.

Action Items:

1. **Agenda:** Moved by Lassen, seconded by Jeffries to approve the agenda of the May 13, 2024 regular monthly board meeting as presented. Discussion: Discussion was limited as there were no changes made to the agenda. Motion carried 5-0-1. Voting Yes (5): Brennan, Jeffries, Lassen, Meier, and Walahoski. Voting No: (0). Absent (1) Rudeen.
2. **Minutes:** Moved by Brennan, seconded by Meier to approve the minutes of the April 8, 2024 regular board meeting minutes as presented. Discussion: Discussion was limited as there were no corrections made to the minutes. Motion carried 5-0-1. Voting Yes (5): Brennan, Jeffries, Lassen, Meier, and Walahoski. Voting No: (0). Absent (1) Rudeen.
3. **Claims:** Moved by Walahoski, seconded by Lassen to pay the May General Fund bill roster in the amount \$84,563.02 and the payroll salary and benefits in the amount of \$307,705.91. Discussion: Superintendent provided additional information on several of the bills. Motion carried 5-0-1. Voting Yes (5): Brennan, Jeffries, Lassen, Meier, and Walahoski. Voting No: (0). Absent (1) Rudeen.
4. Moved by Brennan, seconded by Lassen to approve C&S Truck and Salvage and Shively Repair to complete the Rule 92 Mechanics Inspections. Discussion: Board agreed that both companies have met district expectations and should continue with the inspections. Motion

carried 5-0-1. Voting Yes (5): Brennan, Jeffries, Lassen, Meier, and Walahoski. Voting No: (0). Absent (1) Rudeen.

5. Moved by Walahoski, seconded by Brennan to approve the teaching contract with Madalyn Brugh beginning in the 2024-2025 school year. Discussion: Administration recommended the board approve the contract. Motion carried 5-0-1. Voting Yes (5): Brennan, Jeffries, Lassen, Meier, and Walahoski. Voting No: (0). Absent (1) Rudeen.
6. Moved by Walahoski, seconded by Jeffries to adjourn the meeting at 8:32 p.m. Discussion: Limited discussion as the board agreed it was time to adjourn. Motion carried 5-0-1. Voting Yes (5): Brennan, Jeffries, Lassen, Meier, and Walahoski. Voting No: (0). Absent (1) Rudeen.

Board Reports and Discussion Topics:

1. **Board Reports:**
 - a. Interlocal: No Report
 - b. Transportation: No Report
 - c. Curriculum: No Report
 - d. Facilities: No Report
2. **Discussion Topics:**
 - a. June meeting is scheduled for Monday, June 10, 2024 beginning at 7:30 p.m. in the LMC.
 - b. Industrial Technology program

Administrative Reports:

Principal's Report:

- a. Upcoming School Calendar Events
- b. 2023-2024 Facilities Report
- c. 2023-2024 School Hours Report

Superintendent's Report:

1. Enrollment Option Report
2. Option Enrollment -
 - Out: a.
 - In: a.
b.
c.
 - Change of Status: a. None
3. Financial Information & Update
4. Budget Review
5. Project Updates
6. Staffing Update
7. ALICAP Insurance Risk Inspection
8. Summer School Plans
9. Summer Food Program Report
10. Legislative Report

| | Overton Public School District | |
|---------------------------------------|--------------------------------|--|
| | Bill Roster | |
| | Month: | June |
| | Status: | Official |
| 6/10/2024 | Total: | \$ 243,817.61 |
| Vendor | Total Amount | New Code Description |
| ACCO Brands USA | \$ 233.22 | Reg. Instruct. LMC Supplies |
| Amazon Business | \$ 273.98 | Reg. Instruct. - Custodial Supplies |
| Amazon Business | \$ 77.37 | Reg. Instruct. Summer School Expenses |
| Amazon Business | \$ 2,195.86 | Reg. Instruct. - FCS Supplies |
| Amazon Business | \$ 2,211.79 | Reg. Instruct. - Voc. Bus. Supplies |
| Amazon Business | \$ 184.99 | Reg. Instruct. - K-4 Supplies |
| Amazon Business | \$ 16.98 | Administrative Office Supplies |
| Amazon Business | \$ 4,669.52 | Reg. Instruct. Technology Supplies |
| Apple Inc | \$ 135,346.92 | Technology Purchases -iPads/ComputersESSER III |
| Applied Communications Technology | \$ 159.24 | Fiscal Services - Phone Service |
| Beacon Observer | \$ 105.54 | Printing and Publishing Services |
| Black Hills Energy | \$ 323.97 | Operations of Buildings - Natural Gas |
| Blick Art Materials | \$ 207.11 | Reg. Instruct. - Art Supplies |
| Blick Art Materials | \$ 5.28 | Reg Instruct.-Fourth Gr Supplies |
| CenturyLink | \$ 61.96 | Operation of Buildings Communications - Long Distance Phone |
| Conditioned Air Mechanical | \$ 7,052.41 | Building Repairs and Maintenance - HVAC Repairs |
| Converse Flooring | \$ 18,738.48 | Building Improvements Construction Services |
| Dan's Sanitation | \$ 318.25 | Operation of Buildings Cleaning Services - Trash Removal |
| Dawson Public Power District - Prek | \$ 98.62 | Operation of Preschool - Electricity |
| Dawson Public Power District - School | \$ 3,456.05 | Operation of Buildings Electricity |
| Dawson Public Power District - Trans. | \$ 174.57 | Vehicle Servicing and Maintenance - Reg. Ed.- Bus Barn Energy |
| Didax | \$ 51.47 | Reg. Instuction - Math Supplies |
| Ecolab | \$ 103.35 | Operation of Buildings Pest Control |
| ESU 10 | \$ 500.00 | SPED Mental Health Services |
| ESU 10 | \$ 500.00 | SPED Mental Health Services |
| ESU 10 - SPED Services | \$ 12.54 | SPED Speech Path. & Audiology Ages Birth-2 |
| ESU 10 - SPED Services | \$ 7,925.60 | SPED Speech Path. & Audiology - Elementary |
| ESU 10 - SPED Services | \$ 1,189.34 | SPED Speech Path. & Audiology - Age 3-4 |
| ESU 10 - SPED Services | \$ 530.59 | SPED P.T. Services - Elementary |
| ESU 10 - SPED Services | \$ 194.00 | SPED Supervision - Birth - 2 |
| ESU 10 - SPED Services | \$ 194.00 | SPED Supervision - Ages 3-4 |
| ESU 10 - SPED Services | \$ 530.59 | SPED P.T. Services - Secondary |
| ESU 10 - SPED Services | \$ 802.91 | SPED O.T. Services - Elementary |
| ESU 10 - SPED Services | \$ 802.91 | SPED O.T. Services - Secondary |
| ESU 10 - SPED Services | \$ 882.88 | SPED Supervision - Elementary |
| ESU 10 - SPED Services | \$ 200.73 | SPED O.T. Services - Ages 3-4 |
| ESU 10 - SPED Services | \$ 200.73 | SPED O.T. Services - Birth - 2 |
| ESU 10 - SPED Services | \$ 132.65 | SPED P.T. Services - Ages 3-4 |
| ESU 10 - SPED Services | \$ 132.65 | SPED P.T. Services - Birth - 2 |
| ESU 10 - SPED Services | \$ 882.88 | SPED Supervision - Secondary |
| ESU 10 - SPED Services | \$ 129.10 | SPED Supervision - Vocational Secondary |
| ESU 10 - SPED Services | \$ 1,509.19 | SPED Psychological Services - Secondary |
| ESU 10 - SPED Services | \$ 1,509.19 | SPED Psychological Services - Elementary |
| ESU 10 - SPED Services | \$ 377.30 | SPED Psychological Services - Ages 3-4 |
| ESU 10 - SPED Services | \$ 377.29 | SPED Psychological Services - Birth - 2 |
| ESU 10 - SPED Services | \$ 50.13 | SPED Speech Path. & Audiology - Secondary |
| ESU 10 - SPED Services | \$ 993.00 | SPED Supervision - Secondary - Student Record Sys. Bill Adj. |
| Father Flanagan's Boys' Home | \$ 250.00 | SPED Books & Periodicals |
| Flinn Scientific | \$ 142.33 | Reg. Instruct. Science Supplies - Supplies |
| Flinn Scientific | \$ 3,231.98 | Reg. Instruct. Science Supplies - Chemicals & Lab Supplies |
| Foster Lumber, LLC | \$ 109.51 | Reg. Instruction - Custodial Supplies |
| Frontline Technologies | \$ 4,262.40 | Principal Web Based Software - AESOP Substitute System |
| Gallopede International | \$ 19.99 | Reg. Instruct. - Elementary Supplies - Grade 4 |
| GraceNotes | \$ 35.00 | Reg. Instruct. - Vocal Music Supplies |
| Great Plains Communication | \$ 101.95 | Internet Connection - Family Center |
| Guitar Center | \$ 50.97 | Reg. Instruct. Vocal Music Supplies |
| HD Supply (Home Depot Pro) | \$ 586.88 | Custodial Supplies |
| HireRight Solutions | \$ 77.10 | Vehicle Servicing and Maintenance - DOT Drug Testing |
| Johnson Fitness & Wellnes | \$ 415.45 | Reg. Instruct. P.E. Supplies - Fitness Center Equip. Maintenance |

| | | | |
|--|----|-----------|--|
| JW Pepper | \$ | 197.75 | Reg. Instruct. Instrum. - Instrumental Music Supplies |
| KSB School Law | \$ | 1,500.00 | District Legal Services - Legal Services |
| McGraw-Hill Schol Education Holdings LLC | \$ | 10,748.77 | Reg. Instruct. - ELA Resources |
| Mead Lumber Co. | \$ | 126.92 | Operation of Buildings Supplies |
| Menards | \$ | 92.27 | Operation of Buildings Supplies - Supplies |
| Midamerica Books | \$ | 34.95 | LMC Books & Periodicals |
| Midwest Floor Specialists | \$ | 1,630.00 | Maintenance - Flooring Supplies |
| Mike's Sprinkler Service | \$ | 112.71 | Care & Upkeep of Grounds - Sprinkler System Repair/Grass Seeding |
| Nasco | \$ | 229.65 | Reg. Instruct. - FCS Supplies |
| NCS Pearson | \$ | 1,225.00 | SPED Supplies - AIMS Web |
| NCSA | \$ | 260.00 | Principal Association Dues |
| Oriental Trading | \$ | 49.93 | Reg. Instruct. Fourth Grade Supplies |
| Paper101 | \$ | 3,527.95 | Reg. Instruction - Annual Paper Purchase |
| Plum Creek Market Place | \$ | 121.16 | Reg. Instruction - Family Consumer Science Supplies |
| Plum Creek Market Place | \$ | 21.66 | Reg. Instruct. Vo Ag. Supplies |
| PowerSchool Group LLC | \$ | 6,177.92 | Administrative Technology Services - PowerSchool Fees |
| QuaverEd, Inc | \$ | 1,800.00 | Reg. Instruct. Vocal Music Resource |
| Quill.com | \$ | 426.30 | Reg. Instruct. Science Supplies |
| Really Good Stuff | \$ | 121.55 | Reg. Instruct. Elementary Supplies - K-4 Supplies |
| Rochester 100 Inc | \$ | 175.90 | Reg. Instruct. K-4 Supplies |
| Scholastic | \$ | 306.29 | Reg. Instruct. - Books |
| School Specialty | \$ | 23.92 | Reg. Instruct. Fourth Grade Supplies |
| School Specialty | \$ | 34.15 | Reg. Instruct. Art Supplies |
| School Specialty | \$ | 139.00 | Principal Office Supplies |
| School Specialty | \$ | 13.34 | Reg. Instruct. - FCS Supplies |
| School Specialty | \$ | 5.01 | Reg. Instruct. Social Science Supplies |
| School Specialty | \$ | 5.01 | Library Media Services Supplies |
| Smart Apple Media | \$ | 446.49 | LMC Books & Periodicals |
| Staples | \$ | 400.96 | Reg. Instruct. Art Supplies |
| Staples | \$ | 371.31 | Reg. Instruct. - Principal Office Supplies |
| Staples | \$ | 217.88 | Reg. Instruct. Language Arts Supplies |
| T&T Mobile Washing | \$ | 425.00 | Vehicle Servicing and Maintenance - Bus Repairs Washing |
| Village of Overton | \$ | 573.00 | Reg. Instruct. - Utility Services |
| Village of Overton - Prek 3 | \$ | 48.00 | Early Childhood Utility Services |
| Village Uniform | \$ | 574.77 | Operation of Building - Uniform Cleaning |
| West Music | \$ | 265.99 | Regu. Instruct. - Vocal Music Supplies |
| Yanda's Music and Pro Audio | \$ | 1,007.87 | Reg. Instruct. Instrum. Music - Instruments |
| Zaner-Bloser Educational Publishers | \$ | 190.74 | Reg. Instruct. -Prek Supplies |
| Zaner-Bloser Educational Publishers | \$ | 309.10 | Reg. Instruct. Grade 3 Resources |
| Zaner-Bloser Educational Publishers | \$ | 386.38 | Reg. Instruct. Grade K Resources |
| Zaner-Bloser Educational Publishers | \$ | 324.56 | Reg. Instruct. Second Grade Resources |
| Zaner-Bloser Educational Publishers | \$ | 386.38 | Reg. Instruct. First Grade Supplies |
| Clearing Account | \$ | 2,871.38 | Supplies |

Matters Pending Before the Board:

Motion _____ Second _____

- 1. **Action Item:** Consider approving the 2025 graduation ceremony plan, date, and time

Motion: To approve the 2025 graduation ceremony plan, date, and time.

Discussion:

| | | | |
|-----------|-------|-------|------------|
| Votes: | YES | NO | ABSENT |
| Brennan | _____ | _____ | _____ |
| Jeffries | _____ | _____ | _____ |
| Lassen | _____ | _____ | _____ |
| Meier | _____ | _____ | _____ |
| Rudeen | _____ | _____ | _____ |
| Walchoski | _____ | _____ | _____ |
| | | | Vote _____ |

Motion _____ Second _____

- 2. **Action Item:** Consider approving the teaching contract for Dana Dea.

Motion: To approve the teaching contract for Dana Dea.

Discussion:

| | | | |
|-----------|-------|-------|------------|
| Votes: | YES | NO | ABSENT |
| Brennan | _____ | _____ | _____ |
| Jeffries | _____ | _____ | _____ |
| Lassen | _____ | _____ | _____ |
| Meier | _____ | _____ | _____ |
| Rudeen | _____ | _____ | _____ |
| Walchoski | _____ | _____ | _____ |
| | | | Vote _____ |

Motion _____ Second _____

- 3. **Action Item:** Consider approving the 2024-2025 Network Services Contract with ESU 10.

Motion: To approve the 2024-2025 Network Services Contract with ESU 10.

Discussion:

| | | | |
|----------|-------|-------|--------|
| Votes: | YES | NO | ABSENT |
| Brennan | _____ | _____ | _____ |
| Jeffries | _____ | _____ | _____ |

| | | | |
|-----------|-------|-------|-------|
| Lassen | _____ | _____ | _____ |
| Meier | _____ | _____ | _____ |
| Rudeen | _____ | _____ | _____ |
| Walahoski | _____ | _____ | _____ |

Vote _____

Motion _____ Second _____

4. Action Item: Consider approving the bid with Hiland Dairy Foods.

Motion: To approve the bid with Hiland Dairy Foods.

Discussion:

| | | | |
|-----------|-------|-------|--------|
| Votes: | YES | NO | ABSENT |
| Brennan | _____ | _____ | _____ |
| Jeffries | _____ | _____ | _____ |
| Lassen | _____ | _____ | _____ |
| Meier | _____ | _____ | _____ |
| Rudeen | _____ | _____ | _____ |
| Walahoski | _____ | _____ | _____ |

Vote _____

Motion _____ Second _____

5. Action Item: Consider adjourning the meeting.

Motion: To approve adjourning the meeting at _____ : _____ p.m.

Discussion:

| | | | |
|-----------|-------|-------|--------|
| Votes: | YES | NO | ABSENT |
| Brennan | _____ | _____ | _____ |
| Jeffries | _____ | _____ | _____ |
| Lassen | _____ | _____ | _____ |
| Meier | _____ | _____ | _____ |
| Rudeen | _____ | _____ | _____ |
| Walahoski | _____ | _____ | _____ |

Vote _____



Hiland Dairy Company
2901 Cuming Street
Omaha, NE 68131
402-344-4321 / 800-779-4321
Fax: 402-348-0849

January 1, 2024

To all interested parties:

Hiland Dairy Foods company processes and packages 100% of all four-ounce juice products domestically. We source our juice 100% domestically which meets the Buy American Provision that over 51% of the final processed product consists of agricultural commodities that were grown domestically, with the following exception--orange juice.

Orange juice is sourced domestically whenever possible (in season), but some orange juice supply is sourced internationally when necessary due to insufficient quantities of a satisfactory quality.

Our research reveals that the cost of attaining a product containing at least 51% domestically grown oranges would cause the price to be significantly higher than a non-domestic product.

Scott Barnard

District Sales Manager

A Splash of Freshness!



JUICE & MILK PRODUCTS FOOD SAFETY PROGRAMS

Hiland Dairy Foods is making every effort to ensure the safety of our products to our customers and consumers.

We have, therefore, instituted a comprehensive program, our Juice HACCP program & Milk Preventive Control program, in combination with supporting prerequisite programs, to form our Food Safety Systems Pyramid.

- I. Hazard Analysis of Critical Control Points (HACCP) is a food safety system designed to ensure the manufacture of safe food products, and to prove the product was made safely. *HA* (Hazard Analysis) is the where and how part of the HACCP program and *CCP* is the proof that the control of the process and conditions set are being followed.

We have a Food Safety team comprised of employees, from varied disciplines in the plant, and management. The team describes the food (each product type manufactured) and its distribution, identifies the intended use and consumer of the product, and provides on-site verification of flow diagrams for each product type manufactured. (Ex: white milk, chocolate milk, sour cream, etc).

During the developmental stages of the HACCP and Preventive Control program, the team conducted a hazard analysis (determining whether a biological, chemical, or physical threat was posed), identified the critical control point (CCP) in the product flow (pasteurization, time and temperature), showed what prerequisite programs were in place, if it was not a CCP, and established critical limits for each stage. In addition, monitoring procedures (ex: temperature recording devices, charts, etc.), corrective action and verification & validation procedures were established. Any changes made in a product types' flow diagram are reviewed in a timely manner and all systems validated annually.

- II. The attached sheet shows the prerequisite programs and their integration into the complete program (with no inference to their importance by their position on the pyramid).

A more detailed review of our program can be made, on site, with adequate notification and authorization.

Name Catie Faylor Title Quality Assurance Manager Date 03/22/2024



2901 Cuming Street
Omaha, NE 68131
(402) 344-4321 phone
(402) 346-0277 fax
www.HilandDairy.com

May 8, 2024

Overton Public Schools
401 7th St
Overton, NE 68863

Per your request, we are pleased to submit the following bid on dairy products for the 2024-2025 school year.

| <u>Unit</u> | <u>Product</u> | <u>Esc/De-Esc Pricing</u> |
|-------------|------------------------|---------------------------|
| ½ pint | 1% White Carton | \$0.4390 |
| ½ pint | Skim Chocolate Carton | \$0.4440 |
| ½ pint | Skim Strawberry Carton | \$0.4440 |
| Gallon | 2% White Milk | \$5.8500 |
| 5Lbs. | Cottage Cheese | \$10.500 |
| 5Lbs. | Sour Cream | \$10.000 |
| 4 oz. | Orange Juice | \$0.3000 |
| 4 oz. | Apple Juice | \$0.2900 |
| 5lbs. | Yogurt | \$7.8482 |

This bid is for Escalating/De-escalating. Please see attached clause for monthly cost adjustment factors for Esc/De-Esc pricing. **You can view nutritional information for all Hiland school products at <https://www.hilanddairy.com/products/school-milk>.**

The bid is (choose one) awarded to Hiland Dairy or declined and awarded to _____

Name and Title _____

Contact Phone _____ Email _____

Date _____ First Delivery Date _____

Please complete and scan this bid along with all competing bidder's information to: dbiere@hilanddairy.com.

Thank you,

David Biere, Branch Manager
Western Nebraska
Phone: (308)520-4182
dbiere@hilanddairy.com

Milk Escalator / De-Escalator Pricing Clause (DFA Supplied)

The pricing quoted is based on **May's 2024** Federal Milk Marketing Order for Class I Skim and Class I Butterfat. This pricing is subject to change as the cost of raw milk changes each month according to the USDA Federal Milk Market Price Announcements and Dairy Farmers of America.

The cost of milk fluctuates up and down each month based on the cost changes in raw milk. Changes of a minimum of \$.10 per CWT (up or down) will move the cost of a half pint \$.00054.

Prices will also be adjusted up or down based on cost changes in packaging, ingredients, labor, fuel, juice concentrate, re-sale products (ex. Tropicana, Sport Shake), etc. Supporting documentation will be supplied upon request.

All price changes will become effective on the 1st day of the month following the price announcement.

Overton Public School
Food Program
Recommendation by Terah Smith Food Program Director

Good morning- I have reviewed the milk bid and prices are very similar to last years so I would suggest that we keep Hiland as our milk provider. Not only do they comply with all Federal and State HAACP regulations, but it is also a locally produced product. This helps us with our Buy American provision of the NSLP.

Deliveries are made twice a week and the driver takes care of the ordering for me and will take back whatever we do not use. When they had problems with leaky milk cartons in Jan-March, they refunded us, they have very good customer service in that way.

Overall Hiland is a good company and I would recommend continuing our relationship.

Terah Smith

5054 Student Bullying

Definition of Bullying. Nebraska statute defines bullying as “an ongoing pattern of physical, verbal or electronic abuse.” The Centers for Disease Control and Prevention defines bullying as “any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated.” The school district’s administrators will consider these definitions when determining whether any specific situation constitutes bullying. These definitions include both in-person and cyberbullying behaviors.

Bullying Prohibited. Students are prohibited from engaging in any form of bullying behavior.

Reporting Bullying. Students who experience or observe bullying behavior must immediately report what happened to a teacher or administrator. Students may always confer with their parents or guardians about bullying they experience or witness, but the students must also ultimately report the situation to a teacher or administrator.

Bullying Investigations. School district staff will investigate allegations of bullying using the same practices and procedures that the district observes for student disciplinary matters. In no circumstance will school district staff be deliberately indifferent to allegations of bullying.

Disciplinary Consequences. The disciplinary consequences for bullying behavior will depend on the frequency, duration, severity and effect of the behavior.

A student who engages in bullying behavior on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, or at school-sponsored activities or school-sponsored athletic events may be subject to disciplinary consequences including but not limited to long-term suspension, expulsion, or mandatory reassignment.

Without limiting the foregoing, a student who engages in bullying behavior that materially and substantially interferes with or disrupts the educational environment, the district’s day-to-day operations, or the education process, regardless of where the student is at the time

of engaging in the bullying behavior, may be subject to discipline to the extent permitted by law.

Bullying Based on Protected Class Status. Bullying based on protected class status is unique and may require additional investigation. The appropriate district staff member or coordinator will promptly investigate bullying complaints that violate the district’s antidiscrimination policies.

Support for Students Who Have Experienced Bullying. Regardless of where the bullying occurred, the district will consider whether victims of bullying are suffering an adverse educational impact and, if appropriate, will refer those students to the district’s student assistance team.

Bullying Prevention and Education. Students and parents are encouraged to inform teachers or administrators orally or in writing about bullying behavior or suspected bullying behavior. School employees are required to inform the administrator of all such reports. The appropriate administrator shall promptly investigate all such reports. Each building shall engage in activities which educate students about bullying, bullying prevention and digital citizenship.

Policy Review. The school district shall review this policy annually.

Adopted on: _____
Revised on: _____
Reviewed on: _____

KAREN A. HAASE ^{NE, SD, IA, WY}
STEVE WILLIAMS ^{NE, SD}
BOBBY TRUHE ^{NE, SD}
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SARA HENTO ^{NE, SD}
SHARI RUSSELL, Paralegal

M E M O R A N D U M

To: KSB Policy Service Subscribers
From: KSB School Law
Date: May 28, 2024
Re: Annual Policy Updates

It's time for the 2024 KSB School Law policy updates. Below, we discuss the policy changes, the changes to our standard forms, and some issues raised by certain laws that do not necessarily require a policy change but present new obligations or things to keep in mind as you enter the 2024-25 school year. We have broken these down into 3 sections: "Policy Changes;" "Forms Changes;" and "Other Issues to Consider."

Please keep in mind that most approved bills go into effect three months after the legislature adjourns. This year the Unicameral adjourned sine die on April 18th, so the effective date of most bills will be July 19, 2024. However, if a bill has a specific effective date or an emergency clause, it goes into effect on the stated date or when passed and approved according to law.

Policy Changes

REVISIONS OF POLICY 2006: COMPLAINT PROCEDURE

The new Title IX regulations require Title IX appeals to follow the same procedures for other types of civil rights appeals. For years, OCR has requested a uniform process to handle all types of complaints of discrimination, including race, religion, disability, etc. This is why we designed policy 2006 to cover all of those types of complaints and appeals. The 2020 Title IX regulations obviously created an entirely separate process for Title IX. The new 2024 regulations don't require the same procedure across the board for Title IX and other types of civil rights complaints, but they do require a standard appeals process.

To blend the Title IX and other civil rights appeals, we had to make some substantial modifications to policy 2006. Now, most complaints and appeals end with the superintendent. We have significantly limited the types of complaints and appeals that can go to the full board. This was necessary to reconcile the civil rights appeals, because in practice most schools do not involve the full board in discrimination investigations unless they involve allegations against the superintendent. We have been talking for years about limiting items that actually get full board consideration. Is it the highest and best use of the board's time to hear "complaints" about playing time and who makes National Honor Society? We'll explain this in the update webinar, but it will be very important to discuss this with your full board. Now, only complaints about the superintendent and complaints about the wording (not implementation) or policy and about the budget get consideration from the board.

We understand some boards may like this, and others may want to stay involved as a last appeal step in all cases. We recommend against boards hearing all types of cases. At best, it will significantly delay the ability to impose discipline in Title IX cases involving sex discrimination if the process is not complete until the board hears the case. However, if your board does want to serve as the final appeal body for all claims, reach out to one of us, and we are happy to discuss it and help you modify the policy to fit your board's preference.

This change is required.

REVISION OF POLICY 2008: MEETINGS

Have you sent a notice of your school board meeting to your local newspaper only to find out the newspaper didn't publish your notice? Good news! LB 287 modifies the Open Meetings Act to resolve this problem.

Beginning July 19, 2024, and until January 1, 2025, in cases where the newspaper refuses, neglects, or is unable to timely publish the notice, the school district may lawfully advertise its meeting by (1) posting the notice on its website and (2) posting the notice in a "conspicuous public place" within its jurisdiction. The school must keep a written record of the posting.

Beginning January 1, 2025, school districts will have two options to choose from to give notice of their meetings, and it depends on whether you have time to get your notice in the local newspaper. Schools may select one of the following options:

- (1) Publish in a newspaper of general circulation within the school's jurisdiction that is finalized for printing prior to the time and date of the meeting AND (2) post on the newspaper's website, if available, AND (3) post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers; **OR**
- (1) Post to the newspaper's website, if available, AND (2) post to a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting.

After January 1, 2025, in cases where the newspaper refuses, neglects, or is unable to timely publish the notice, the school district may lawfully advertise its meeting by (1) posting the notice on its website, if available, and (2) submitting a post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers, AND (3) posting the notice in a "conspicuous public place" within its jurisdiction. The school must keep a written record of the posting. We will provide you with a new policy closer to January 1, 2025.

NOTE: You need to follow the current law until July 19, 2024.

Effective Date: July 19, 2024

This change is required. KSB will send out an updated policy this fall for the version that will be in effect starting January 1, 2025.

REVISION OF POLICY 2009: PUBLIC PARTICIPATION AT BOARD MEETINGS

As you've heard us say many times over the years, the Open Meetings Act only required school districts to allow public comment at "some" meetings. The Nebraska Attorney General's Office had informally indicated that allowing public comment once every three months would be sufficient to comply with the law. Well, those days are over. LB 43 now requires that except for closed sessions, public bodies must allow public comment at each meeting. We have revised this policy to reflect this new requirement.

Please keep in mind that boards may still make and enforce reasonable rules and regulations regarding the conduct of people speaking at meetings. This means you can continue to have "time, place, and manner" restrictions on public comment speakers.

Effective Date: July 19, 2024.

This change is required.

REVISION OF POLICY 3003.1: BIDDING FOR CONSTRUCTION, REMODELING, REPAIR, OR RELATED PROJECTS FINANCED WITH FEDERAL FUNDS

In April 2024, the federal government released revisions to the Uniform Grants Guidance. This policy is updated to reflect changes to the UGG including: the change in terminology to "simplified acquisitions" instead of "small purchases," and the addition of veteran-owned businesses to the list of preferred vendors.

Effective Date: October 1, 2024

This change is required.

REVISION OF POLICY 3004.1: FISCAL MANAGEMENT FOR PURCHASING AND PROCUREMENT USING FEDERAL FUNDS

These changes include the same ones mentioned for 3003.1.

The UGG also increased the threshold for the disposition of equipment and supplies from \$5,000 to \$10,000. While not a policy change, districts should also be aware that the de minimis indirect rate increased from 10% to 15% and also the amount of subawards a district can apply to their indirect rate increased from \$25,000 to \$50,000. Additionally, school auditors are jumping for joy as the single audit for federal funds increased from \$750,000 to \$1,000,000.

Effective Date: October 1, 2024

This change is required.

MOVE CONTENTS OF 3011: TRANSPORTATION, TO 5005: OPTION TRANSPORTATION; RENAME COMBINED POLICY "TRANSPORTATION"; POLICY 3011 NOW "INTENTIONALLY LEFT BLANK"

We received several questions during NDE reviews of policies covering foster student transportation this year. That policy was in the 3000 series, which did not make a lot of sense when other transportation policies are in the 5000 series. We have now combined 3011 and 5005 into one policy named "Transportation" which covers general transportation and option transportation.

Policy 5005, formerly "Option Transportation" had 3 distinct options in separate documents. We've combined those into this one policy. If you have already adopted 1 of the 3 options in policy 5005, keep that one in the policy and delete the other 2 choices.

This change is required.

**REVISION AND RENAMING OF POLICY 3017: PRESS RELEASES;
RENAMED TO "OFFICIAL COMMUNICATION WITH THE PUBLIC"**

On March 15, 2024, the United States Supreme Court issued an opinion in *Lindke v. Freed* which established the test for when government officials are "state actors" when posting on social media for First Amendment considerations. SCOTUS determined a government official's social media post is only government speech if "the official possessed actual authority to speak on the State's behalf and purported to exercise that authority when he spoke on social media." This policy update reflects the new considerations from this case.

This change is not required but is highly recommended.

**REVISION AND RENAMING OF POLICY 3032: FEES FOR SCHOOL
DISTRICT RECORDS; ELIMINATE "COPYING" FROM TITLE**

LB 43 revised the public records statutes. For residents of Nebraska (includes all news media, which is undefined):

- Number of "free hours" goes from 4 to 8
- May not include "any charge for the services of an attorney or any other person to review the requested public records seeking a legal basis to withhold the public records from the public"
- May still charge for time in excess of 8 hours for searching, identifying, physically redacting, or copying

For nonresidents of Nebraska:

- Number of "free hours" goes from 4 to 0
- "The actual added cost used as the basis for the calculation of a fee for records may include a charge for the proportion of the existing salary or pay obligation to the public officers or employees, including a proportional charge for the services of an attorney to review the requested public records, for the time spent searching, identifying, physically redacting, copying, **or reviewing** such records"

The policy has been revised to reflect these changes.

Effective Date: July 19, 2024

This change is required.

DELETION OF POLICY 3033: LENDING TEXTBOOKS TO CHILDREN ENROLLED IN PRIVATE SCHOOLS; NOW "INTENTIONALLY LEFT BLANK"

Through June 30, 2024, schools are required to purchase and loan textbooks, upon individual request, to children who are enrolled in kindergarten to grade twelve of an approved private school. Effective July 1, 2024, that obligation is transferred to NDE. This policy may be deleted because it is no longer necessary.

This change is required.

REVISION OF POLICY 3053: NONDISCRIMINATION

This policy was updated to reflect the final rule for the Pregnant Workers Fairness Act (PWFA) which requires covered employers, including school districts, to provide reasonable accommodations to qualified employee's or applicant's known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.

This change is required.

REVISION OF POLICY 3057: TITLE IX

We've invested a lot of time and energy into learning and thinking through the Biden Administration's updated Title IX regulations, set to go live on August 1, 2024. We will explain much more of our thinking and guidance in our Title IX introductory webinar on June 25. You can register for that [here](#) if you haven't already signed up for this webinar or our full quarterly webinar series.

We feel strongly that schools will find these new regulations better to work with day-to-day compared to the Trump Administration regulations from 2020. For example, in many cases you will be able to use 1 person (likely the Title IX Coordinator) to resolve complaints of sex-based harassment compared to at least 3 under the 2020 regulations. For that reason, we put

together an updated policy for you to consider with your boards in June or July. We do not think schools should ignore the components of these new regulations that will make life better for you.

We will continue to monitor the ongoing litigation, which focuses almost exclusively on the issues of gender identity and facility use. That is getting all the headlines (as usual) but makes up only a very small fraction of the regulations. As you will see, our policy focuses on complaints of sex discrimination. If we need to update the policy moving forward to account for the litigation or changes to the regulations in the future, we will.

Effective Date: August 1, 2024

This change is required.

REVISION OF POLICY 3059: AUDIO AND VIDEO RECORDING

This policy was updated to reflect recent decisions by federal courts that have held parents do not have the right to record special education meetings. This has become an increasing point of contention for several of our districts and we wanted the explicit prohibition to be in your recording policy.

This change is not required but highly recommended.

NEW POLICY 3060: FIREARMS AND WEAPONS FOR NON-STUDENTS

See description in 5035.

This change is required.

REVISION TO POLICY 4011: EMPLOYEE LEAVE UNDER THE FAMILY MEDICAL LEAVE ACT (FMLA)

We are recommending two changes to this policy. First, in the last section of the policy we are deleting the reference to the "301(c) notice." That notice is now superfluous if you use the Department of Labor forms, which we

recommend. Those are all in the 4000 series forms and include the FMLA's required notice provisions.

Second, we have revised section I(A)(2) to clarify the applicable 12-month period for FMLA leave. The FMLA allows employers to use a calendar year basis, another set 12-month period, an "anniversary of use" method, or a "rolling" 12-month period. We strongly discourage schools from using a set 12-month period, because that may result in employees having 24 weeks of leave consecutively.

Instead, we recommend that schools use the "rolling" 12-month period, or the "anniversary date" method as a second choice. Under the recommended "rolling" method, employees "earn" leave back at the rate they used it. For example, assume an employee uses 4 weeks of FMLA leave in each of October, January, and April. The following October, assume the employee needs 6 weeks of FMLA leave. The employee is only eligible to use 4 weeks of FMLA leave for that absence, so the last 2 weeks are not FMLA-covered. Our previous definition of the 12-month period was not as clear as it could have been, especially in situations where the employee uses ongoing "intermittent" leave, such as a day at a time.

If you are making this change, please check your current policy and determine which 12-month leave year option your district selected. The Department of Labor requires you give at least 60 days of notice to all employees if you are wishing to change the method. We have included this change in our staff handbook. Notice can also be given by emailing all employees an updated version of the policy.

This change is required.

REVISION TO POLICY 4053: CONFLICT OF INTEREST

LB 287 created additional conflict of interest procedures for public employees who make \$150,000 or more in combined salary and benefits. As a practical matter this probably means it only applies to administrators for the upcoming school year, but the cost of benefits and rising teacher salaries mean that some teaching staff will be affected either now or in the future.

If an employee meets the total cost qualification, they must comply with these additional requirements and report a conflict of interest of any decision or action they might take that could financially benefit or harm themselves,

a business with which the employee is associated or a member of an immediate family member.

This policy revision is required.

REVISION OF 5001: COMPULSORY ATTENDANCE AND EXCESSIVE ABSENTEEISM

LB 1029 amends section 79-201 to clarify that mandatory attendance requirements do not apply when a student's ***mental or physical*** illness makes attendance impossible or impracticable. The policy has been revised in one place to note this "change." We have also updated the policy by replacing the outdated use of "non-accredited" schools with "exempt" schools.

Effective Date: July 19, 2024.

This change is required.

Additionally, the Nebraska Department of Education has informed districts that they can allow or require students to "make-up" absences in order to improve their reported attendance/absenteeism rates. If your district has implemented or wishes to implement a procedure for students to make-up absences, you should include that information in your attendance policy. We've prepared a basic framework for one in our model policy as a placeholder.

This change is an optional provision you may remove or revise at your discretion.

REVISION OF POLICY 5004: OPTION ENROLLMENT

Currently, state law provides that students may only option enroll into another district once unless one of the numerous exceptions apply. However, the Unicameral decided that what Nebraska needs is more option enrollment! LB 1329 amends the option enrollment statutes to grant students an option once during elementary school, once during middle school or junior high school, and once during high school for a total of three times. Unfortunately, LB 1329 does not define which schools contain which grades, and state law generally defines elementary grades as kindergarten

through eight and high school grades as nine through twelve. Middle school is not defined. This means you will have to define which grades are contained in which school in this policy. We have left a blank for this purpose in the definition section.

LB 1329 also changes the burden of proof in any appeal based on a capacity determination made by the school. The school district will bear the burden of proof on any appeal for any rejection based upon capacity limitations established under section 79-238.

This change is effective July 19, 2024.

This change is required.

**REVISION AND RENAMING OF POLICY 5005: OPTION
TRANSPORTATION; COMBINED WITH 3011**

See description in 3011, above.

This change is required.

REVISION OF POLICY 5008: PREGNANT OR PARENTING STUDENTS

The new Title IX regulations discuss responsibilities a school has regarding a student's current, potential, or past pregnancy. Such responsibilities include informing the student of the Title IX Coordinator's contact information and making reasonable modifications based on the student's individualized needs. The school must consult with the student regarding reasonable modifications, and the student may accept or decline any of the modifications. This policy has been updated to include the new Title IX requirements.

This change is effective August 1, 2024

This change is required.

**REVISION OF POLICY 5035; POLICY 5049: FIREARMS AND WEAPONS
MOVED TO POLICY 3060 AND 5035; POLICY 5049 WILL BE
"INTENTIONALLY LEFT BLANK"**

The general rule is that any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of the offense of unlawful possession of a firearm at a school (a Class IV felony). There are a variety of exceptions, and LB 1329 adds two more.

First, qualified law enforcement officers or qualified retired law enforcement officers carrying pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023 may now carry firearms at school. The more controversial provision authorizes Class I and Class II school districts to allow employees and security personnel to possess a firearm on school grounds, at a school event, or in a school vehicle according to a written policy adopted by the school that includes, at a minimum, requirements for personal qualifications, training, appropriate firearms and ammunition, and appropriate use of force.

Given these changes and the fact that there are also mandatory firearm provisions that apply to students through state and federal law, we have decided to move the non-student portion of this policy to Policy 30XX and to move the student portion of the policy to Policy 5035 - Student Discipline. Policy 5049 will now be "Intentionally Left Blank."

The Unicameral has directed the State Board of Education, in consultation with the Nebraska State Patrol, to develop a model policy relating to the authorization of the carrying of firearms by authorized security personnel (and employees). The policy must include but need not be limited to, the appropriate number of training hours required of such security personnel. **Unlike other instances that require the State to draft a policy, there is no requirement that the school's policy follow or be limited by the State's model policy.**

Policy 3060 currently is for all Class III school districts but only Class I and Class II school districts that have decided not to adopt a policy authorizing employees and contractors to carry firearms on school grounds. We will draft a policy that authorizes employees and contractors to carry firearms on school grounds once the State Board of Education issues its model policy. However, we have heard that ALICAP will not be providing any insurance coverage for matters related to employees or contractors carrying firearms on school property.

Effective Date: July 19, 2024

These changes are required.

We have also made two other tweaks to this policy. First, we included a short paragraph at the beginning noting that all discipline decisions will be made consistent with state and federal disability laws, namely the IDEA and Section 504.

Second, we have added “deepfakes” and other AI-generated content to the list of school rules and grounds for discipline. We have taken an aggressive approach on the creation of deepfake nudes, where one student creates what appears to be a “real” nude of a classmate using one of the many apps and sites that now exist. Creation, distribution, and possession of actual nudes are criminal acts subject to discipline as a violation of state criminal law. However, it is at best unclear whether creating a deepfake nude is a crime in Nebraska at all. By modifying the policy to say the board considers deepfakes an expellable offense, we are using the board’s authority to clarify expellable conduct that is “consistent with” the statutory grounds for longterm discipline that already exist. While this could be challenged by a student/parent, we want to ensure schools have options when these situations inevitably arise more often moving forward.

These changes are not required but are highly recommended.

5052: SCHOOL WELLNESS

We have revised the “Competitive Foods” section to comply with federal regulations as a result of suggestions made by NDE after some school audits. The change defines “Competitive Foods,” when they may be sold, and some exemptions and limitations.

This change is required.

REVISION OF POLICY 6025: STUDENT CELL PHONE OR OTHER ELECTRONIC DEVICES

We have had an increasing number of schools reexamine their approach to student cell phone use at school in light of emerging research about the harm that cell phones pose to student mental health. Teachers are also wildly frustrated by the constant battle with students over whether and when students may have their phones, smartwatches or AirPods.

There have been many national headlines examining the success ([like this from WaPo](#)) and pushback, especially from parents ([like this from EdWeek](#)), for schools that have gone to a ban on cell phones at school or solutions like Yondr bags.

We have added a new option to Policy 6025 for districts that are interested in completely banning all electronic devices during the school day. School districts that adopt this policy option will also need to plan on some sort of PR campaign explaining the change in policy to families. In our experience, parents are as hostile to cell phone bans as students are, so school officials will have to explain the research on the detrimental impact that phones have at school. If you are interested in considering this approach, the research and anecdotal experiences of schools who implemented cell phone bans is pretty clear. It seems to work if you can get all of your students, parents, and community members over the initial hurdle of losing constant connectivity. If you would like help locating resources to share, let us know. We take great pride in talking to students, staff, and parents about digital citizenship and tech-related issues, so we've been following this trend and the litigation against social media companies closely.

This change is optional.

REVISION OF POLICY 6031: EMERGENCY EXCLUSION

Last year, LB 705 amended the processes and procedures under the Nebraska Student Discipline Act. The procedures applicable to emergency exclusion must "substantially" comply with the updated due process requirements related to long-term discipline. We've amended the procedures contained in this policy to comply with those requirements in a manner that aligns with the shortened timeframes applicable to emergency exclusion.

This change is required.

6036: READING INSTRUCTION AND INTERVENTION SERVICES

Schools are required to provide the required information relating to dyslexia to the Nebraska Department of Education on or before July 1 of each year. This requirement has been added to the policy.

The Nebraska Department of Education will provide a professional learning system. The elementary school(s) and early childhood education programs approved by the State Board of Education must ensure that teachers who teach children from four years of age through third grade are aware of the professional learning system and are adequately trained regarding evidence-based reading instruction to effectively instruct students in reading. This requirement has been added to the policy.

Effective Date: July 19, 2024.

This change is required.

NEW POLICY 6039: REPEAT OF GRADE AT PARENT-GUARDIAN REQUEST

LB 71 gives parents the right to have their students repeat grade levels under certain, very specific circumstances. This policy outlines the circumstances applicable to students in grades K-4 and for students in grades 5-12. Notice that the differences between the two ages are significant.

Parents of students in grades K-4 can ask that their child be retained due to:

- Academic Needs. This criteria requires that the student be “at least one year below grade level” in reading, English, **and** language arts. That means that a student who is reading at 3rd grade, first month levels would not be entitled to repeat the 3rd grade. Notice also that there is no parental entitlement to hold a student back for deficits in any other academic area. We have explicitly noted at the end of the policy that this portion of the policy does not override a student’s IEP team decision about educational placement under the special education laws.
- Excessive Absenteeism. This criteria requires that the student has been absent fifty percent or more of the school days of the prior school year. The KSB crew is puzzled that the Unicameral chose to give additional rights to parents who may very well be guilty of educational neglect, but we don’t get to make the laws, we just get to try to explain them to you. Please note that this makes school district reporting of excessive absenteeism to the county attorney after 20 days of absences crucially important.

- Illness. The statute requires the student to have been hospitalized for two or more weeks during the prior school year in order to qualify under this criteria. Notice that the illness criteria is only available to students in grades K-4. Notice as well that in order for a K-4 st are required to provide the required information relating to dyslexia to the Nebraska Department of Education on or before July 1 of each year. This requirement has been added to the policy.

Parents of students in 5-12 can ask that their child be retained only due to excessive absenteeism.

All of the criteria in the statute are keyed to a school year, so we have set the earliest date that a parent can request a grade level retention as the last day of the school year. This draft policy proposes a two-week window in which parents can request that a student repeat a grade level, with the ability of the superintendent to make timing exceptions for good cause. We also drafted this policy to require parents to submit the initial request to the building principal so that the principal can pass along any relevant information about the situation to the superintendent.

Effective Date: July 19, 2024.

This change is required.

NEW POLICY 6040: PREKINDERGARTEN (PRESCHOOL OR EARLY CHILDHOOD) PROGRAM

LB 71 amends the early childhood statutes so that schools may now offer a prekindergarten program to:

- Children who are 3 years of age before July 31 of the enrollment year;
- Children who are 4 years of age at the start of the enrollment year; and
- Children who are 5 years of age at the start of the enrollment year, so long as they do not turn 6 years of age prior to January 1 of that year (subject to the participation limitation below).

Schools are not required to have any prekindergarten program, so the school may choose to offer such a program with any combination of the ages of children outlined above. For this reason, it is difficult, if not impossible, to

draft a one-size-fits-all policy. Please feel free to contact us if you would like to customize this policy.

Effective Date: July 19, 2024

This change is not required but is highly recommended if you have a prekindergarten program.

NEW POLICY 6041: MALCOLM X DAY EDUCATION

Who doesn't love holidays?!? Thanks to LB 1102, we have another one! May 19th of each year will forever more be recognized as El-Hajj Malik El-Shabazz, Malcolm X Day, and must be set apart for holding suitable exercises in the schools of the state in recognition of the sacrifices of the late Nebraska Hall of Fame inductee El-Hajj Malik El-Shabazz, Malcolm X and his contributions to the betterment of society.

Effective Date: July 19, 2024

This policy is required.

NEW POLICY 6042: PROJECTION MAPS

With the passage of LB 1329, school districts will only be allowed to use the Mercator projection map in limited situations, all of which require conjunctive use of either the Gall-Peters projection map or the AuthaGraph projection map. For example, textbooks that display the Mercator projection map are permissible as long as a Gall-Peters projection map or AuthaGraph projection map is displayed in the classroom or shown to students. To comply, school districts should replace Mercator projection maps with either Gall-Peters projection maps or AuthaGraph projection maps.

Effective Date: July 19, 2024

This policy is required.

NEW POLICY 6043: MAPPING DATA

With the passage of LB 1329, school districts may choose to apply for grant funding to create and share mapping data (defined as maps relating to the school buildings or school property with data for an efficient emergency response to such buildings or property) with public safety agencies. If you wish to apply for a grant to create and share this information, you must pass this policy and ensure that your creation and distribution of the mapping data meet the requirements of the legislation which have been included in this policy.

This policy is required only if you plan to apply for this grant.

Form Changes (NONE...YET!)

TITLE IX

We will be releasing updated Title IX forms closer to the August 1 effective date. We think rolling out the forms in conjunction with Title IX training later this summer will be the most efficient way to provide you with updated forms and explain how to use them to make the process easier.

Other Issues To Consider

Special Education Procedures

We had several school districts receive corrective action plans from NDE's Office of Special Education asking them to revise their special education policies and procedures this year. After being notified of these corrective action plans, we were able to work with NDE to get the matter resolved. It is important that you upload the most current version of Policy 6010 and the most current version of the KSB Special Education Procedures when asked for your special education "policies and procedures." If your district has chosen to tweak your special education procedures, you should check with one of the KSB attorneys to be sure that NDE will accept those procedures as compliant.

LB 25: Political Subdivisions Tort Claims Act

~~Political subdivisions of the State of Nebraska are not liable for the torts of its officers, agents, or employees, and cannot be sued on any tort claim except to the extent, and only to the extent, provided by the Political Subdivisions Tort Claims Act. The Act LB 25 amends the Act to allow claims involving child abuse or sexual assault of a child. Individuals will now be able to file tort claims and lawsuits against political subdivisions when the harm caused by child abuse or sexual assault of a child is a proximate result of the failure of a political subdivision or an employee of the political subdivision to exercise reasonable care to either: (i) Control a person over whom it has taken charge; or (ii) Protect a person who is in the political subdivision's care, custody, or control from harm caused by a non-employee actor.~~

~~LB 25 becomes law July 19, 2024.~~

LB 25 was vetoed by Governor Jim Pillen on April 24, 2024, because he hates other people's children even more than Steve, apparently.

LB 43: FIRST FREEDOM ACT

LB 43 creates the First Freedom Act. Under the Act, "state action" may not:

- Substantially burden a person's right to the exercise of religion unless it is demonstrated that applying the burden to that person's exercise of religion in this particular instance is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest; or
- Restrict a religious organization from operating and engaging in religious services during a state of emergency to a greater extent than the state restricts other organizations or businesses from operating during a state of emergency.

A plaintiff's potential relief includes:

- Actual damages
- Preliminary and other equitable or declaratory relief as may be appropriate; and
- Reasonable attorney's fees and other litigation costs reasonably incurred

The First Freedom Act becomes law on July 19, 2024.

LB 43: TRIBAL REGALIA

LB 43 provides that any person who is a member of an indigenous tribe and is a student attending an approved or accredited public school may wear tribal regalia in any public or private location where the person is otherwise authorized to be on such school grounds or at any school function. Tribal regalia includes "traditional garments, jewelry, other adornments, or similar objects of cultural significance worn by members of an indigenous tribe of the United States or another country." The definition excludes any firearm or other dangerous weapon or any object that is otherwise prohibited by federal law (unless it complies with an appropriate federal permit).

The bill specifically states that administrators and teachers may still regulate student behavior as provided in section 79-258 or the authority of a school to regulate student behavior to further school purposes or to prevent interference with the educational process.

LB 43 authorizes schools to adopt a policy to accommodate the new law. The policy may specify the characteristics of any garment, jewelry, other adornment, or object that such school finds will endanger the safety of a student or others or interfere with school purposes or the educational process if worn by a student during a specified activity. This policy was drafted to identify such items.

This law becomes effective July 1, 2025.

LB 43: PUBLIC RECORDS

LB 43 amends the public records statutes in three ways.

1. For residents (includes ***all*** news media even outside of Nebraska):
 - a. The number of "free hours" goes from 4 to 8.
 - b. You may not include "any charge for the services of an attorney or ***any other person*** to review the requested public records seeking a legal basis to withhold the public records from the public."
 - c. You may still charge for time in excess of 8 hours for searching, identifying, physically redacting, or copying
2. For nonresidents:
 - a. The actual added cost used as the basis for the calculation of a fee for records may include a charge for the proportion of the existing salary or pay obligation to the public officers or employees, including a proportional charge for the services of an

attorney to review the requested public records, for the time spent searching, identifying, physically redacting, copying, or reviewing such records

3. You may now withhold records relating to the nature, location, or function of cybersecurity.

The bill also allows public record custodians to waive or reduce any fee if it would be in the “public interest.” That is, “if disclosure of the public record at issue is likely to contribute to the understanding of the operations or activities of government and is not primarily in the commercial interest of the person requesting such records.”

This change becomes law on July 19, 2024.

LB 43: PERSONAL PRIVACY PROTECTION ACT

The intent of the PPPA is to prohibit state and local governments from requiring any nonprofit organization from providing personal information regarding their donors and, if in possession of personal information, such agency would be prohibited from releasing it.

“Personal information” includes any list, record, register, registry, roll, roster, or other compilation of data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any nonprofit organization.

“Public agencies” (including schools) cannot:

- Require any individual to provide personal information or otherwise compel the release of personal information
- Require any nonprofit organization to provide personal information or otherwise compel the release of personal information
- Publicize or otherwise publicly disclose personal information without the express permission of every individual who is identifiable from the potential release of such personal, including individuals identifiable as members, supporters, or volunteers of, or donors to, a nonprofit organization; or
- Request or require a current or prospective contractor or grantee to provide a list of nonprofit organizations to which such contractor or grantee has provided financial or nonfinancial support

There are at least 11 exceptions to the Act’s prohibitions, including the Nebraska Accountability and Disclosure Act; a warrant, subpoena, or order;

litigation and court proceedings; criminal history check; and the Auditor of Public Accounts.

An aggrieved person may file a civil court action, and relief may include:

- The greater of actual damages or two thousand five hundred dollars in liquidated damages per violation; and
- Preliminary and other equitable or declaratory relief as may be appropriate.

The Act is effective July 1, 2025.

LB 71: PARENT AND GUARDIAN INVOLVEMENT IN EDUCATION PRACTICES

LB 71 amends the parental involvement statutes in section 79-530 through section 79-533.

The bill places “guardians” and “educational decisionmakers” on equal footing with parents (all of whom we will refer to as “parents” for short). An educational decisionmaker is a person designated or ordered by a court to make educational decisions on behalf of a child. The bill also expands the topics that schools must address in its parental involvement policy, including:

- How the school will provide access concerning activities information; digital materials; websites or applications used for learning; training materials for teachers, administrators, and staff; procedures for the review and approval of training materials, learning materials, and activities.
- How the school will “accommodate” (rather than “handle”) requests to attend and monitor courses, assemblies, counseling sessions, and other instructional activities.
- Under what circumstances parents may ask that their children be excused from learning materials, activities, and guest speaker events.

To the extent practicable, schools must make a reasonable effort to make any learning materials, including original materials, available for inspection upon request.

The policy has always required input from parents at an annual public hearing. The bill clarifies that the public hearing must include a reasonable opportunity for public comment.

The school must adopt this new policy no later than July 1, 2025 and must make the revised policy accessible on its websites by August 1, 2025.

LB 71 gives the Commissioner of Education the authority to take “appropriate remedial action” (including accreditation action) against schools that do not comply with section 79-530 through section 79-533.

LB 198: VERIFICATION OF LAWFUL PRESENCE AND PARTICIPATION IN RETIREMENT SYSTEM

This bill provided clarity for immigration status and eligibility to participate in the retirement system. With the influx of foreign employees coming to Nebraska, NPERS has added requirements for who can and can’t participate. Some previously ineligible employees are now eligible, and all new employees should be evaluated in light of these changes. This law became effective March 19, 2024, so if you haven’t already, be sure to assess whether any current employees are now eligible to participate in school retirement. NPERS has released a Q&A on both major provisions of LB 198 (participation and termination/resumption of employment) that you can access [here](#). They have also issued specific guidance on immigration status and eligibility that you can access [here](#).

LB 198: TERMINATION FROM EMPLOYMENT

For the last several years NPERS and other education stakeholders have worked on updated rules relating to separation of employment and return to service. LB 198 builds upon changes made in 2021 regarding return to substitute service for no more than 8 days per month. In short summary, there will be more clarity and some flexibility for individuals who separate from employment but then elect to return to service if they have not elected to draw retirement or take a distribution. The [Q&A Document](#) from NPERS explains this well, though you should still assess each situation carefully and check with legal counsel and NPERS with questions.

These changes also went into effect March 19, 2024.

LB 299: ISSUING BONDS AND HOLDING ELECTIONS UNDER THE INTERLOCAL COOPERATION ACT

Once upon a time (until February 13, 2024), joint entities created under the Interlocal Cooperation Act by schools and ESUs were able to issue bonds without a vote of the people. LB 299 eliminates that power. Any joint entity created on or after February 13, 2024, that includes a school district or an ESU may not issue any bonds until the question of issuing the bonds is submitted to the voters within each school district or ESU that is part of the joint entity. The bond election may only be held at the statewide primary or general election. [**Query:** What about joint entities created *before* February 13, 2024?]

LB 304: DISCLOSURE OF MEMBERSHIP DUES AND LOBBYING FEES

Does anyone feel like school websites are getting a bit crowded with links to information? Well, here is another one. Schools are now required to publicly disclose the following on their websites:

- Membership dues paid annually to any association or organization, identifying each such association or organization and the dues amounts paid; and
- Fees paid to any individual lobbyist or lobbying firm other than any fees paid for lobbying services that may be included in the membership dues described above.

If you live in the Stone Age and don't have a website, the information described above must be made available upon request to any member of the public at the school's office.

This requirement is effective July 19, 2024

LB 1284: MENSTRUAL PRODUCTS PROVIDED BY SCHOOL DISTRICTS

Beginning in 2025-26 and subject to available appropriations, NDE must develop a pilot program to make menstrual products, including pads and tampons, available to each school district. School districts that receive free menstrual products under the law must ensure that free menstrual products, including pads and tampons, are available in school bathrooms. The Unicameral intends to appropriate up to \$250,000 for this purpose in fiscal year 2025-26. Schools may, but are not required to, adopt a policy for this

issue. KSB does not believe a policy is necessary for this matter and has not developed one. If your district would like such a policy, please contact us.

LB 1329: SCHOOL DISTRICT CLASSIFICATIONS

Class I and Class II school districts are back baby! We can only assume that John Recknor is smiling down upon us! He may even be shouting, "I told you so!"

On January 1, 2025, the commissioner must reclassify any school district to the classification outlined below. The reclassification will be effective immediately.

Class I districts include any school district embracing territory having a population of **fewer than one thousand five hundred inhabitants** that maintains both elementary and high school grades under the direction of a single school board.

Class II districts include any school district embracing territory having a population of **one thousand five hundred or more but fewer than five thousand inhabitants** that maintains both elementary and high school grades under the direction of a single school board.

Class III districts have been redefined to include any school district embracing territory having a **population of five thousand or more but fewer than two hundred thousand inhabitants** that maintains both elementary and high school grades under the direction of a single school board.

And finally, Class IV districts have been redefined to include any school district embracing territory having a **population of two hundred thousand or more inhabitants with a city of the primary class within the territory of the district** that maintains both elementary and high school grades under the direction of a single school board.

LB 1329: COMPULSORY ATTENDANCE ISSUES

Section 79-201 requires every person who has the legal or actual charge or control of a child who is of mandatory attendance age to ensure that the child is enrolled in and regularly attends school. LB 1329 says that the failure to comply with this requirement is a Class III misdemeanor.

Section 79-209 requires all schools to have a written policy on attendance that includes a provision stating the circumstances and number of absences or the hourly equivalent upon which the school shall render “all services” to address barriers to attendance. LB 1329 now requires that the school provide those “services” upon 20 days of absence. Additionally, if the person making the educational decisions for a student is someone other than the person who has legal or actual charge or control of the child, the collaborative plan must include an educational evaluation to determine whether any intellectual, academic, physical, or social-emotional barriers are contributing factors to the lack of attendance if that person agrees to it.

These changes are effective July 19, 2024.

LB 1329: HEALTH AND SAFETY MODIFICATIONS

Section 79-10,110.02 currently allows schools to make a determination that an additional property tax levy (not to exceed three cents per one hundred dollars of taxable valuation) is necessary for a specific abatement project to address an actual or potential environmental hazard, accessibility barrier, life safety code violation, life safety hazard, or mold which exists within one or more existing school buildings or the school grounds of existing school buildings controlled by the school district. LB 1329 now adds “school safety infrastructure concern” to the list of authorized purposes. What is a “school safety infrastructure concern” you ask? Great question. The term is not defined. This change is effective July 19, 2024.

LB 1329: SCHOOL LUNCH DEBTS

The federal school meal program was temporarily expanded due to the COVID-19 pandemic. Since that program expired in 2022, [school lunch debts have risen across the county](#). As a result, many schools struggled with how to collect these debts. [Some school districts decided to use debt collectors to recoup the unpaid debt](#). Many took offense to this activity, including 40 members of the Unicameral. Beginning July 19, 2024, schools may no longer:

- Use a debt collection agency to collect or attempt to collect, directly or indirectly, debts due or assessed to be owed for outstanding debts on a school lunch or breakfast
- Assess or collect any interest, fees, or other monetary penalties for outstanding debts on a school lunch or breakfast account of a student at such school district

Our policy that addresses the school lunch program (Policy 3012 - School Meal Program and Meal Charges) does not provide that school lunch debt will be referred to debt collectors. For this reason, there was no need for us to revise our standard policy. However, you may want to review the policy to ensure you did not amend it to allow school lunch debts to be referred to debt collection agencies. If you did, you will need to revise your policy.

LB 1329: REASONABLE LENGTH FOR TRAINING

LB 1329 makes clear that the following required trainings must be of a reasonable amount or reasonable length.

- Section 79-262.01 - training for school employees on behavioral intervention, behavioral management, classroom management, and removal of a student from a classroom in schools.
- 79-2,141 - dating violence training.
- 79-2,145 - any training requirement for minimum school security training.
- 79-2,146 - behavioral and mental health training (with a focus on suicide awareness and prevention)
- 79-3105 - threat assessment training.
- 79-3602 - behavioral awareness training.
- 79-3603 - behavioral awareness point of contact training.

What's reasonable? That's your call.

LB 1402: ESTABLISH EDUCATION SCHOLARSHIPS AND ELIMINATE THE OPPORTUNITY SCHOLARSHIPS ACT

Last session, the Unicameral passed LB 753, thereby creating the Opportunity Scholarship Act or "school choice." The Act established a program to provide scholarships for eligible students to attend qualified privately operated elementary and secondary schools in Nebraska. The scholarships would be funded by cash contributions made to scholarship-granting organizations.

Opponents of the Act gathered enough signatures to place a referendum on the ballot this Fall to attempt to repeal the Act. Senator Linehan, fearing defeat at the polls through the will of the people and being a potentially poor loser and a politician, introduced LB 1402. Thirty-one of her fellow senators, being of the same ilk, voted to pass the bill. This bill eliminates the Act and

creates a new system of funding private schools by cutting out the middleman. Under the new plan, the State Treasurer will establish a program to provide up to \$10 million in scholarships to eligible students to pay the costs associated with attending a qualified school.

The attempt to pass the bill with an emergency clause failed. LB 1402 will become effective July 19, 2024.

Other Bills and Federal Legislation of Interest

FAFSA Reminder

Thanks to LB 705 from last year, beginning in 2024-25, each public high school student must complete and submit to the United States Department of Education a Free Application for Federal Student Aid before graduating from high school unless a parent or legal guardian, the principal or designee, or a student who is 19 or older or emancipated submits an NDE-created declination form. The principal or designee must submit compliance information to the school board and NDE.

Dress Code Reminder

Last year, the Unicameral passed LB 298, requiring schools to adopt a written dress code and groom policy on or before July 1, 2025, to be effective at the start of the 2025-26 school year. This is a reminder that NDE will develop and distribute its model dress code and grooming policy on or before December 1, 2024.

Option Enrollment Reminder

As you may recall, LB 705 (2023) made substantive changes to the option enrollment laws. One of the changes requires each school district to report to NDE specific information relating to all option applications rejected by the option school district. This information must be provided on "forms" prescribed by NDE beginning July 1, 2024, and on or before July 1 every following year. Among other information that must be reported is "(a) the number of applications rejected in each public school in such district, (b) an explanation why each application was rejected, (c) whether each application for option enrollment indicated that the student had an individualized education program under the federal [IDEA] or had been diagnosed with a disability as defined in section 79-1118.01," and (d) whether certain

information regarding priority of applicants in a learning community was provided.

We understand from informal conversations with NDE that it will be gathering this required information through a Consolidated Data Collection (CDC) in the NDE portal beginning July 1, 2024, and ending July 31, 2024. NDE plans indicated that it plans to send out a notification with details about this reporting within the next month. In the meantime, we strongly recommend that you have at least gathered the relevant data so that you can provide it in short order once you have the ability to do so via the NDE portal.

Pregnant Workers Fairness Act (PWFA)

As expected, the EEOC released the final rule for the Pregnant Workers Fairness Act (PWFA) which will go into effect on June 18, 2024. School districts are considered covered entities and are subject to the provisions of the new law. Essentially, school districts will need to engage in an interactive process, very similar to the process utilized under the ADA, to determine reasonable accommodations which may be granted for conditions “related to, affected by, or arising out of pregnancy, childbirth, or a related medical condition.” Similar to the FMLA, a school district employee does not have to use specific words to request an accommodation and begin the interactive process. A school district may deny a request for an accommodation if the accommodation causes an “undue hardship” which is defined as causing significant difficulty or expense. The EEOC gives a list of examples of reasonable accommodations such as: longer or more flexible breaks to eat and drink, providing a stool to sit on, changing uniform or dress code, changing a work schedule, telework, temporary suspension of one or more essential functions of the job, and leave for health care appointments. Additionally, there are a list of modifications which the EEOC has deemed to be reasonable in virtually all cases. Those accommodations include: allowing the employee to carry or keep water near and drink as needed, allowing the employee additional restroom breaks as needed, allowing the employee to sit or stand as needed, and allowing the employee eating and drinking breaks as needed. School districts should be cognizant of this new law and begin implementation in June. KSB has prepared an interactive checklist and flowchart available for purchase to assist school districts with this new law and process. If your District is interested in purchasing the materials, please send an email to ksb@ksbschoollaw.com.

FINAL NOTE: KSB is also tracking and researching several other areas of legislation at the state and federal level, including changes to the minimum salary thresholds under the FLSA, proposed COPPA regulatory changes that may impact how schools use education technology, and others. We'll have more information out on these as it develops.

CONCLUSION

It is all too easy to adopt policies that look good but that do not actually reflect how the school operates or assist the school in accomplishing its goals. Every year we stress that it is very important to us to give you a working, useful set of policies and a continuing **policy service**. For our Complete Service subscribers, there is no additional charge for revisions to our policies or consultation about them. Please don't hesitate to contact any of us with questions about the updates or other policies. Our group e-mail address is ksb@ksbschoollaw.com.

2006 Complaint Procedure

Good communication helps to resolve many misunderstandings and disagreements. This complaint procedure applies to complaints unless the complaint is subject to a different procedure required by law, policy or contract. Individuals who have a complaint should discuss their concerns with appropriate school personnel in an effort to resolve problems at the lowest level of the chain of command. When those efforts do not resolve matters satisfactorily, including matters involving discrimination or harassment on the basis of race, color, national origin, sex, marital status, disability, or age, a complainant should follow the procedures set forth in any specific policy addressing those areas or the procedures set forth below. Allegations of sex discrimination covered by Title IX will be addressed through the board's Title IX policy.

References to "coordinator" in this policy refer to the board-designated coordinator for the applicable area, such as the Section 504 Coordinator for allegations of disability-based discrimination.

A preponderance of the evidence will be required to discipline a party accused of misconduct. This means that the investigator must conclude that it is more likely than not that misconduct occurred.

Complaint and Appeal Process.

1. The first step is for the complainant to speak directly to the person(s) with whom the complainant has a concern. For example, a parent who is unhappy with a classroom teacher should initially discuss the matter with the teacher. However, the complainant should skip the first step if complainant reasonably believes speaking directly to the person would subject complainant or complainant's student to discrimination or harassment.
2. The second step is for the complainant to speak to the building principal, coordinator, superintendent, or president of the board of education, as set forth below. Anyone with questions about the appropriate person to speak with may request clarification from the superintendent.
 - a) Complaints about the operation, decisions, or personnel within a building should be submitted to the principal of the building.

- b) Complaints about the operations of the school district or a building principal should be submitted in writing to the superintendent of schools.
 - c) Complaints about the superintendent of schools should be submitted in writing to the president of the board of education.
 - d) Complaints involving discrimination or harassment on the basis of race, color, national origin, sex, marital status, disability, or age may be submitted to the applicable coordinator. Complaints involving discrimination or harassment may also be submitted at any time to the Office for Civil Rights, U.S. Department of Education: by email at OCR.KansasCity@ed.gov; by telephone at (816) 268-0550; or by fax at (816) 268-0599.
3. When a complainant submits a complaint to an administrator or coordinator, the administrator or coordinator shall first determine whether another applicable procedure is required by policy or law and if so, direct the complaint to the appropriate person to follow that procedure. If not, the administrator or coordinator will promptly and thoroughly investigate the complaint, and shall:
- a) Determine whether the complainant has discussed the matter with the respondent.
 - 1) If the complainant has not, urge the complainant to discuss the matter directly with the respondent, if appropriate.
 - 2) If the complainant refuses to discuss the matter with the respondent, the administrator or coordinator shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.
 - b) Strongly encourage the complainant to reduce his or her concerns to writing.
 - c) Interview the complainant and, if necessary, the respondent against whom the complaint is filed, to determine:
 - 1) All relevant details of the complaint;

- 2) All witnesses and documents which the complainant believes support the complaint;
 - 3) The action or solution which the complainant seeks.
 - d) Respond to the complainant. If the complaint involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the administrator or coordinator receives the complaint.
4. If either the complainant or the respondent is not satisfied with the decision, he or she may appeal the decision to the superintendent. The superintendent may assign a qualified designee to hear any appeal. This provision applies to appeals under the board's policies governing complaints of discrimination or harassment, including Title IX and any other policy with a separate grievance or complaint procedure, unless that other procedure includes its own appeal process. All requirements for appeals within any other policy apply, and in addition to those requirements, the following also apply.
- a) The appeal must be in writing.
 - b) This appeal must be received by the superintendent no later than three (3) calendar days from the date of the decision.
 - c) For complaints addressed through other applicable procedures that do not include a separate investigatory process, the superintendent will investigate as he or she deems appropriate.
 - d) The superintendent will prepare a written decision and provide it to the complainant and any other person entitled by law to receive the appeal decision. For complaints involving discrimination or harassment, the superintendent shall submit the decision within 180 calendar days after the superintendent received complainant's written appeal. Appeals to the superintendent from complaints involving discrimination or harassment are final once the superintendent delivers the written decision, as are all other appeals/complaints to the superintendent unless the complaint can be appealed on the limited grounds to appeal to the board below.

5. The board's role is to set policy, establish and implement a budget, and evaluate the superintendent. The board does not manage the daily operations of the school district entrusted to its administration unless required by law or policy. Because of the board's statutory roles, it does not hear complaints or appeals that may involve oversight or discipline of students, staff, or others, unless those involve allegations against the superintendent as discussed below. The board does not hear complaints or appeals based on allegations of discrimination or harassment unless otherwise required by law. The board will hear appeals only in the following circumstances:
- a) When the complaint is about a board policy, not implementation of the policy;
 - b) When the complaint involves the budget or school expenditures that have been or must be approved by the board; or
 - c) When the board is required by law, policy, or contract to hear a complaint or appeal.

If a complaint involves those limited grounds and a party is not satisfied with the superintendent's decision regarding the complaint or appeal, he or she may appeal the decision to the board.

- d) This appeal must be in writing.
- e) This appeal must be received by the board president no later than ten (10) calendar days from the date the superintendent communicated the decision to the complainant.
- f) This policy allows, but does not require the board to receive statements from interested parties and witnesses relevant to the complaint or appeal. However, all matters involving discrimination or harassment allegations against the superintendent shall be promptly and thoroughly investigated by the board president or a designee.
- g) The board president will notify the complainant and any other person legally required to receive the decision in writing of the decision. If the complaint involves discrimination or harassment allegations against the

Superintendent, the board president shall submit the decision within 180 calendar days after receiving the written appeal.

- h) There is no appeal from any decision of the board unless authorized by law.
6. Formal complaints about the superintendent shall be filed with the president of the board. However, complaints about the superintendent do not include disagreement with the superintendent's decision on appeal based on a complaint of discrimination, harassment, or action of any other employee who is not the superintendent. Upon receipt of a complaint, the board president or his or her designee shall promptly and thoroughly investigate the complaint, and shall:
- a) Coordinate with school district staff, other than the superintendent, to determine if another procedure in policy or law requires the complaint against the superintendent to follow another procedure. If so, the board president will coordinate handling the complaint through that procedure. If another procedure applies, such as in the case of allegations of sex discrimination against the superintendent, the board president or, at his or her discretion, the full board will serve only to hear any appeal by a party to the complaint.
 - b) Determine whether the complainant has discussed the matter with the superintendent.
 - 1) If the complainant has not, the board president or designee will urge or require the complainant to discuss the matter directly with the superintendent, if appropriate or required.
 - 2) If the complainant refuses to discuss the matter with the superintendent, the board president shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.
 - c) Determine, in his or her sole discretion, whether to place the matter on the board agenda for consideration at a regular or special meeting by the full board.

- d) Respond to the complainant or appeal. If the complaint or appeal involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the president received the complaint.
- e) Appoint or contract with other individuals qualified to assist the board through this process or any other applicable procedure used to address allegations against the superintendent.

No Retaliation. The school district prohibits retaliation against any person for filing a complaint or for participating in the complaint procedure in good faith.

Special Rules Regarding Educational Services and Related Services to Students with Disabilities. Students with disabilities and their families have specific rights outlined in state and federal law, including administrative processes by which they may challenge the educational services being provided by the school district. Therefore, the appeal process contained in this policy may not be used to challenge decisions made by a student's individualized education plan (IEP) team or 504 team.

Complaints about the educational services provided a student with a disability, including but not limited to services provided to a student with an IEP, access to curricular and extracurricular activities, and educational placement must be submitted to the school district's Director of Special Education. The Director of Special Education will address the complaint in a manner that he/she deems appropriate and will provide the complainant with a copy of the Notice of IDEA Parental Rights promulgated by the Nebraska Department of Education.

Complaints about the educational services provided a student with a disability pursuant to a Section 504 plan must be submitted to the school district's 504 Coordinator. The 504 Coordinator will address the complaint in a manner that he/she deems appropriate and will provide the complainant with a copy of the Notice of Section 504 Parental Rights adopted by the board of education.

Complaints about the educational services provided to a student who is suspected of having a disability must be submitted in writing to the school district's Director of Special Education or to the district's 504 Coordinator. The Director of Special Education or 504 Coordinator will either refer the student for possible verification as a student with a

disability or will provide prior written notice of the district's refusal to do so.

Bad Faith or Serial Filings. The purpose of the complaint procedure is to resolve complaints at the lowest level possible within the chain of command. Individuals who file complaints (a) without a good faith intention to attempt to resolve the issues raised; (b) for the purpose of adding administrative burden; (c) at a volume unreasonable to expect satisfactory resolution; or (d) for purposes inconsistent with the efficient operations of the district may be dismissed by the superintendent or board president without providing final resolution other than noting the dismissal. There is no appeal from dismissals made pursuant to this section.

Adopted on: _____

Revised on: _____

Reviewed on: _____

2008 Meetings

The formation of policy is public business and will be conducted openly in accordance with the Nebraska Open Meetings Act.

1. Types of Meetings

- a. The board shall hold its regular meetings on or before the third Monday of each month.
- b. Special and emergency meetings may be called as provided by law.
- c. The board may schedule work sessions and retreats in order to provide board members and administrators with the opportunity to plan, research, and engage in discussion.

2. Notice

The board shall give reasonable advance publicized notice of the time and place of each of its meetings, which generally will be 48 hours or more in advance of the meeting. Such notice shall be transmitted to all members of the board and to the public.

Notice of regular and special meetings shall be published in a newspaper of general circulation within the district and, if available, on the newspaper's website. Newspapers of general circulation in the district include the Beacon Observer. Such notice shall contain a statement that the agenda shall be readily available for public inspection at the administration office of the school during the normal business hours. In addition, the superintendent is authorized, but not required, to publish the notice of any meeting on the school district's website, posting in three prominent places within the school district, or by any other appropriate method designated by the board.

In case of refusal, neglect, or inability of the newspaper to timely publish the notice, the school district will (1) post the notice on its website, if available, and (2) post the notice in a conspicuous public place in the school district's jurisdiction. The school district will keep a written record of the posting.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes of the meeting, and any formal action taken in such meeting shall

pertain only to the emergency. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day.

3. Weather Delays

In the event of inclement weather which makes it dangerous or unreasonable for board members or members of the public to attend a meeting for which notice has already been given, such meeting may be postponed by the board president. The board will communicate the delay to members of the public by posting it on the district's website and by following the same communication protocol that the district follows when student attendance at school is called off due to inclement weather. When possible, the board president and superintendent will attempt to communicate the information to local media members and business owners to assist in notifying the public of the delay. Notice of the date, time, and location of the postponed meeting will be advertised as required in the "Notice" section above.

4. Minutes

- a. The board shall keep minutes of all meetings showing the time, place, members present and absent, the method(s) and date(s) of the meeting notice, and the substance of all matters discussed.
- b. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the board in open session, and the record shall state how each member voted, or if the member was absent or not voting.
- c. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public record and shall be published on the school district's website within ten working days of the last meeting or prior to the next convened meeting, whichever occurs earlier. The minutes shall be available on the website for at least six months.

Adopted on: _____

Revised on: _____

Reviewed on: _____

2009
Public Participation at Board Meetings

The board of education shall conduct its meetings in accordance with the Nebraska Open Meetings Act.

The board shall make reasonable efforts to accommodate the public's right to hear the discussions and testimony presented at its meetings. The board shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed in open session of the meeting.

Except for closed sessions, the board will allow members of the public an opportunity to speak at each meeting. The board may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, photographing, or recording its meetings.

The board shall not require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. However, the board shall require members of the public desiring to address the board to identify themselves, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual. The board will allow five minutes per speaker and a total of twenty minutes for public participation.

Adopted on: _____

Revised on: _____

Reviewed on: _____

3004.1
Fiscal Management for Purchasing and Procurement Using Federal Funds

I. Applicability of Policy

This policy applies only to non-construction related purchases undertaken with federal funds which are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department and General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy conflicts or is otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of the laws shall control.

All other non-construction purchases will be governed by the Board's general purchasing policy, which can be found earlier in this subsection. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

This procurement policy shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. The district's goal is to fully implement all required procurement rules, regulations and policies set forth in 2 CFR 200, 7 CFR parts 210, 3016 and 3019, and by the Nebraska Department of Education.

II. Procurement System

The District maintains the following purchasing procedures.

A. Responsibility for Purchasing

The authority to make purchases shall be governed by the District's purchasing policy, which can be found elsewhere in this section. Except as otherwise provided in the District's purchasing policy, the acquisition of services, equipment, and supplies shall be centralized in the administration office under the supervision of the superintendent of schools, who shall be responsible for developing and administering the purchasing program of the school district. Purchases or commitments of district funds that are not authorized by this policy will be the responsibility of the person making the commitment.

B. Methods of Purchasing

The type of purchase procedures required depends on the cost of the item(s) being purchased.

1. Purchases up to \$10,000 (Micro-Purchases)

Micro-purchase means an individual procurement transaction for supplies or services using simplified acquisition procedures, the annual aggregate amount of which does not exceed \$10,000. Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent district staff determine that the cost of the purchase is reasonable. For purposes of this policy "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers. The District will follow its standard policy on purchasing, which can be found earlier in this subsection.

2. Purchases between \$10,000 and \$250,000 (Simplified Acquisition Procedures)

Simplified acquisitions are purchases that, in the aggregate amount, are more than \$10,000 and less than \$250,000 annually. For simplified acquisitions, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources as detailed in the district's standard policies on purchasing and on bid letting and contracts, which can be found earlier in this subsection.

3. Purchases Over \$250,000

a) Sealed Bids (Formal Advertising)

For purchases over \$250,000, the district will generally follow the bidding process outlined in the board's policy on Bidding for Construction, Remodeling, Repair or Site Improvement.

b) Contract/Price Analysis

The District performs a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. The district will make an independent estimate of costs prior to receiving bids or proposals.

4. **Noncompetitive Proposals (Sole Sourcing)**

- a) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - 1) The procurement transaction can only be fulfilled by a single source;
 - 2) The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
 - 3) The federal awarding agency or pass-through entity expressly authorizes written approval of noncompetitive proposals in response to a written request from the District; or
 - 4) After solicitation of a number of sources, competition is determined inadequate.
- b) Noncompetitive proposals may only be solicited with the approval of the superintendent or the board. Sufficient and appropriate documentation that justifies the sole sourcing decision must be maintained by the superintendent or designee.
- c) A cost or price analysis will be performed for noncompetitive proposals when the price exceeds \$250,000.

5. **Competitive Proposals.**

- a) The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- 1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered;
 - 2) Proposals must be solicited from an adequate number of qualified sources; and
 - 3) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- b) The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms are a potential source to perform the proposed effort.
- c) The District may select a proposal that offers the best value and that is based upon the proposer's responsiveness to the proposal, experience, reputation, staff qualifications, ability and capacity to carry on the work, price, honesty, integrity, skills, business judgment, financial stability, past performance, and other relevant factors. The evaluation may be conducted by the school board, a designated committee, or another designee of the school board.

C. Use of Purchase (Debit & Credit) Cards

District use of purchase cards is subject to the policy on purchase cards which can be found elsewhere in this subsection.

D. Federal Procurement System Standards

The district's procurement transactions will be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319.

The District will maintain and follow general procurement standards consistent with 2 C.F.R. §200.318.

E. Debarment and Suspension

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, public policy compliance, proper classification of employees (see the Fair Labor Standards Act, 29 U.S.C. 201, chapter 8), record of past performance, and financial and technical resources when conducting a procurement transaction.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the vendor with whom the District intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II(1) and 2 C.F.R. §§ 180.220 and 180.300.

The District will verify debarment or suspension by revising the excluded parties list on SAM.gov, collecting a certification through the bidding process, and/or by including a debarment and suspension provision in the bid and contract documents. The Superintendent or his/her designee shall be responsible for such verification.

F. Settlements of Issues Arising Out of Procurements

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

III. Conflict of Interest and Code of Conduct

A. Board and staff member conflicts of interest are governed by the district's conflict of interest policies.

B. Purchases covered by this policy are subject to the following additional provisions.

1. Employees, officers, and agents engaged in the selection, award, and/or administration of district contracts which are prohibited from engaging in such actions if a real or apparent conflict of interest is present.
2. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
3. The board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.

C. Favors and Gifts

An employee, officer, agent, and board member of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except that this provision does not prohibit the receipt of unsolicited items of nominal value. For purposes of this policy, "nominal value" means a fair market value of \$25 or less.

D. Enforcement

Disciplinary Actions including, but not limited to, counseling, oral reprimand, written reprimand, suspensions without pay, or termination of employment, will be applied for violations of such standards by officers, employees, board members, or agents of the District.

IV. Property Management Systems

A. Property Classifications

1. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or \$10,000.
2. Supplies means all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the

capitalization level established by the District for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. §200.94.

3. Computing Devices means machines that acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. §200.20.
4. Capital Assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:
 - a) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
 - b) Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. §200.12.

B. Inventory Procedure

Newly purchased property shall be received and inspected by the staff member who ordered it to ensure that that it matches the purchase order, invoice, or contract and that it is in acceptable condition.

Equipment, Computing Devices, and Capital Assets must be tagged with an identification number, manufacturer, model, name of individual who tagged the item, and date tagged).

C. Inventory Records

For equipment, computing devices, and capital assets purchased with federal funds, the following information is maintained in the property management system:

1. Serial number;
2. District identification number;
3. Manufacturer;

4. Model;
5. Date tagged and individual who tagged it;
6. Source of funding for the property;
7. Who holds title;
8. Acquisition date and cost of the property;
9. Percentage of federal participation in the project costs for the federal award under which the property was acquired;
10. Location, use and condition of the property; and
11. Any ultimate disposition data including the date of disposal and sale price of the property.

The inventory list shall be adjusted by the superintendent of schools or his/her designee for property that is sold, lost, stolen, cannot be repaired, or that cannot be located.

D. Physical Inventory

1. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
2. The Superintendent or his/her designee will ensure that the physical inventory is performed. The physical inventory will generally occur during the months of June or July, but may be conducted during other time periods with the approval of the superintendent.

E. Maintenance

In accordance with 2 C.F.R. 313(d)(4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition.

F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. The District will notify the Federal agency or pass-through entity of any loss, damage, or theft of equipment that will have an impact on the program.

G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the District will not encumber the

property for any non-federal program use without prior approval of the federal awarding agency and the pass-through entity.

H. Disposal of Equipment

When it is determined that equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Superintendent or his/her designee will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

If the item has a current fair market value of \$10,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency or pass-through entity.

I. Equipment Retention

When included in the terms and conditions of the Federal award, the Federal agency may permit the recipient to retain equipment, or authorize a pass-through entity to permit the recipient to retain equipment, with no further obligation to the Federal Government unless prohibited by Federal statute or regulation.

J. Equipment and Capital Expenditures

All equipment and capital expenditures shall comply with the rules and requirements of 2 CFR 200.439.

K. Depreciation

All depreciation shall comply with the rules and requirements of 2 CFR 200.436.

V. Financial Management

A. Identification

The District will identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity.

B. Financial Reporting

The District will make an accurate, current, and complete disclosure of the financial results of each federal award or program in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR).

C. Accounting Records

The District maintains records which adequately identify the source and application of funds provided for federally-assisted activities. These records must contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income and interest and be supported by source documentation.

D. Internal Controls

The Superintendent or his/her designee must maintain effective control and accountability for all funds, real and personal property, and other assets through board review and approval of claims, an annual audit of the district's finances pursuant to the applicable Nebraska Department of Education and federal rules and regulations, and comparison of expenditures and outlays to budgeted amounts. The District adequately safeguards all such property and assures that it is used solely for authorized purposes.

E. Budget Control

Actual expenditures or outlays will be compared with budgeted amounts for each federal award at least annually and more often as required by law or deemed prudent by the board or administrative staff.

F. Payment Methods

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the Nebraska Department of Education on a reimbursement basis. 2 CFR § 200.305. However, if the District receives an advance in federal grant funds, the District will remit interest earned on the advanced payment quarterly to the federal agency. The District may retain interest amounts up to \$500 per year for administrative expenses. 2 CFR § 200.305(b)(9).

Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time

sheets, payroll stubs, etc.) and will make such documentation available for the Nebraska Department of Education to review upon request.

G. Allowability of Costs

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval.

When determining how the District will spend its grant funds, the Superintendent or his/her designee will review the proposed cost to determine whether it is an allowable use of federal grant funds before obligating and spending those funds on the proposed good or service. All costs supported by federal education funds must meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part. The Superintendent or his/her designee must consider these factors when making an allowability determination.

The Superintendent or his/her designee will consider Part 200's cost guidelines when federal grant funds are expended. The Superintendent or his/her designee will also consider whether all state - and District-level requirements and policies regarding expenditures have been followed.

H. Use of Program Income – Deduction, Addition, or Cost Sharing or Matching

The default method for the use of program income for the District is the deduction method. 2 C.F.R. § 200.307(e). Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(e)(1). The District may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(e)(2). The District may also request prior approval from the federal awarding agency to use the cost sharing or matching method.

While the deduction method is the default method, the District always refers to the grant award notice prior to determining the appropriate use of program income.

I. 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 non-Federal entity's cost sharing or matching when such contributions meet all of the following criteria:

- (1) Are verifiable from the non-Federal entity'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 [subpart E \(Cost Principles\) of this part](#);
- (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 this part, as applicable.

J. Documentation of Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

VI. Written Compensation Policies

A. Time and Effort Standards

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required "match" in a federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to federal grants. Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- (1) Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
- (2) Be incorporated into official records;

- (3) Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities;
- (4) Encompass both federally assisted and all other activities compensated by the District on an integrated basis;
- (5) Comply with the established accounting policies and practices of the District and
- (6) Support the distribution of the employee's salary or wages among specific activities or costs objectives.

B. Time and Effort Procedures

Time and effort procedures will follow and comply with 2 CFR 200.430(i).

C. Fringe Benefits

Except as provided otherwise by federal law, the costs of fringe benefits will be allowable provided that the benefits are reasonable and required by law, a district-employee agreement, or another policy of the District.

D. Leave

The cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, family-related leave, sick leave, holidays, court leave, military leave, administrative leave, and other similar benefits, are allowable if they are provided under established written District leave policies.

E. Unexpected or Extraordinary Circumstances

In the event of a pandemic or other unexpected or extraordinary circumstance, the District may close school or individual buildings. In such case, the District may compensate federally funded or other employees during such closure to ensure the return of staff to employment after the closure as allowed by state or federal law.

F. Documentation for Personnel Expenses

Records that reflect charges to federal awards for salaries and wages will comply with the rules and requirements of 2 CFR 200.430.

VII. Other Contract Matters.

A. Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.326 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

B. Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are used when possible consistent with state law.

Buy American. The District participates in the National School Lunch Program and School Breakfast Program and is required to use the nonprofit food service funds, to the maximum extent practicable, to buy domestic commodities or products for Program meals. A “domestic commodity or product” is defined as one that is either produced in the U.S. or is processed in the U.S. substantially using agricultural commodities that are produced in the U.S. as provided in 7 CFR 210.21(d). The District may deviate from this general requirement only if:

- The product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product.

C. Record Keeping

1. Record Retention

a) The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

b) The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before

the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Schedule 10 (Local School Districts) and Schedule 24 (Local Agencies General Records) of the Nebraska Records Management Division as approved by the Nebraska Secretary of State/State Records Administrator requires the District to maintain records regarding federal awards for a minimum of six (6) years. Consequently, the District shall retain records for a minimum of six (6) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

- c) Records will be destroyed in compliance with Schedule 10, Schedule 24, and State law. This includes the completion of a Records Disposition Report.

2. Maintenance of Procurement Records

- a) The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.
- b) Retention of procurement records shall be in accordance with applicable law and Board policy.

D. Privacy

The District has protections in place to ensure that the personal information of both students and employees is protected. These include the use of passwords that are changed on a regular basis; staff training on the requirements of the Family Educational Rights and Privacy Act (FERPA) and

State confidentiality requirements; and training on identifying whether an individual requesting access to records has the right to the documentation.

Adopted on: _____

Revised on: _____

Reviewed on: _____

3011
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3017
Official Communication with the Public

Only individuals who have prior administrative approval may issue press releases or other official communication regarding school-related activities and events in furtherance of the individual's official responsibilities. The superintendent may delegate responsibility for communicating with the media to building principals, the activities director, event sponsors, and other staff on an ad hoc basis.

Adopted on: _____

Revised on: _____

Reviewed on: _____

3032 Fees for School District Records

Requests for school district records shall be subject to applicable fees. No fee shall be charged for providing a copy of a student or public record if a specific law or regulation requires the copy to be provided without charge.

Student Records. Students and their parents or guardians shall not be charged any fee to inspect and review the student's files or records. Students and their parents or guardians who desire a copy of the student's files or records shall pay the reasonable cost of reproduction as follows:

- Black and white letter or legal-sized photocopies: No charge for the first two copies; ten cents for each copied page thereafter.
- Computer data printouts: No charge for the first ____ pages; ____ cents for each page thereafter.
- Other medium: Actual cost of reproduction.
- Postage fees: Actual cost

Students and their parents or guardians **shall not be charged any fee:**

- To search for or retrieve any student's files or records.
- For a copy of a student's Individualized Education Plan (IEP).
- For copy of the special education evaluation report and the documentation of determination of eligibility for special education services upon completion of the administration of assessments and other evaluation measures.
- If the fee effectively prevents the parents from exercising their right to inspect and review student records.

Student Records – Transfer School. A copy of the student's files or records, including academic material and any disciplinary material relating to any suspension or expulsion shall be provided at no charge, upon request, to any public or private school to which the student transfers.

Public Records. Individuals requesting copies of public records shall pay the actual added cost of making the copies available.

- For photocopies, actual added costs may include a reasonably apportioned cost of the supplies, such as paper, toner, other equipment used in preparing the copies, and any additional payment obligation for the time of contractors necessarily incurred to comply with the copy request.

- For printouts of computerized data on paper, actual added cost may include computer run time and the cost of materials for making the copy.
- For electronic data, the actual added cost may include the reasonably calculated actual added cost of the computer run time, any necessary analysis and programming, and production of a report in the form furnished to the requester.
- For residents of Nebraska, the actual added cost shall not include any charge for the existing salary or pay obligation to public officer or employees for the first eight hours of searching, identifying, physically redacting, or copying records, but fees may be charged after the first eight hours. The fee for records shall not include any charge for the services of an attorney or any other person to review the requested public records seeking a legal basis to withhold the public records from the public. No special service charge or fee shall be charged for copies of blank forms or pages that have all meaningful information redacted.
- For nonresidents of Nebraska, the actual added cost used as the basis for the calculation of a fee for records may include a charge for the proportion of the existing salary or pay obligation to the public officers or employees, including a proportional charge for the services of an attorney to review the requested public records, for the time spent searching, identifying, physically redacting, copying, or reviewing such records.
- The district shall not charge any fee for copies of public records that is prohibited by law but reserves the right to charge any other fee allowed by law.

The fee schedule for public records copies is as follows:

- Black and white letter or legal-sized photocopies: No charge for the first two copies; ten cents for each copied page thereafter.
- Computer data printouts: No charge for the first two pages; ten cents for each page thereafter.
- Other medium: Actual cost of reproduction.
- Postage fees: Actual cost

Deposit. The school district may require a deposit before providing copies of student or public records if the estimated cost to fulfill the request exceeds fifty dollars.

Waiver. Documents may be furnished without charge or at a reduced charge where the district determines that waiver or reduction is in the public interest.

Adopted on: _____

Revised on: _____

Reviewed on: _____

3033
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3053 Nondiscrimination

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

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

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

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

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

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

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

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

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

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

The Pregnant Workers Fairness Act (PWFA) – requires covered employers to provide reasonable accommodations to qualified employee’s or applicant’s known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions.

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

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

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

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

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

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

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

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

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

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

Adopted on: _____

Revised on: _____

Reviewed on: _____

3057 Title IX

Nondiscrimination. The school district does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates including in admission and employment. Inquiries about Title IX may be referred to the school district's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The school district's Title IX Coordinator may be contacted at Title IX Coordinator, 401 7th Street Overton, NE 68863, mark.aten@overtoneagles.org, 308-987-2424. The school district's nondiscrimination policy and grievance procedures are included this policy, or can be accessed at: www.overtoneagles.org. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator.

Publication Notice. The school district will include the following notice on its website and in each handbook, catalog, announcement, bulletin, application form, and other places as required by law:

The school district prohibits sex discrimination in any education program or activity that it operates and individuals may report concerns or questions to the Title IX Coordinator. The school district's Title IX policy, notice, and other information may be accessed at the following link: [Overton Public Schools - Title IX \(overtoneagles.org\)](http://Overton Public Schools - Title IX (overtoneagles.org)).

Retaliation Prohibited. Retaliation, including peer retaliation, is prohibited in the school district's education program or activity. If the school district has information about conduct that reasonably may constitute retaliation under Title IX, it may be required to treat it as an allegation of sex discrimination. Upon receiving a complaint alleging retaliation, the school district will initiate its grievance procedures or informal resolution process.

Definitions. As used in this policy, the following terms are defined as follows:

Complainant means an employee, a student, or a parent, guardian, or other individual with the legal right to act on behalf of a complainant who is alleged to have been subjected to conduct that could constitute sex discrimination, including sex-based harassment; or any other person who may have been subjected to sex discrimination when that person was participating or attempting to participate in the school district's education program or activity.

Complaint means an oral or written request to the school district that objectively can be understood as a request for the school district to

investigate and make a determination about alleged sex discrimination under Title IX.

Consent for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not consent. School district officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

Respondent means a person who is alleged to have violated the school district's prohibition on sex discrimination. When a sex discrimination complaint alleges that the school district's policy or practice discriminates on the basis of sex, the school district is not considered a respondent.

Sex-based harassment prohibited by this part is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex that is:

Quid pro quo harassment. An employee, agent, or other person authorized by the school district to provide an aid, benefit, or service under the school district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the school district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the school district's education program or activity;
- The type, frequency, and duration of the conduct;
- The parties' ages, roles within the school district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and

- Other sex-based harassment in the school district's education program or activity.

Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

- **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Non-forcible—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

- **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- **Statutory Rape**—Non-Forcible sexual intercourse with a person who is under the statutory age of consent

Dating violence meaning violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined

based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship;

Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the school district, or a person similarly situated to a spouse of the victim;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Response to Sex-based Harassment.

All Employees. All school district employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including sex-based harassment under Title IX.

Title IX Coordinator. The school district will designate and authorize at least one employee as the school district's "Title IX Coordinator," to coordinate the school district's efforts to comply with its responsibilities under Title IX and this policy. The superintendent or Title IX Coordinator is authorized to delegate specific duties to one or more designees.

For conduct that could constitute sex-based harassment, the Title IX Coordinator must take the following actions:

- Offer and coordinate supportive measures for the complainant and for the respondent;
- Notify the complainant or the individual who reported the conduct of the grievance procedures and, if appropriate, the informal resolution process.
- Take other appropriate steps to avoid the recurrence of sex discrimination and restore or maintain equal access to the school district's programs and activities.

Supportive Measures. The school district will provide supportive measures, as appropriate, in cases involving sex-based harassment. These measures may include but are not limited to: counseling; extending deadlines; increased supervision; no-contact directives; leaves of absence; changes in class, work, or activities, regardless of whether there is a comparable alternative; and training and education programs related to sex-based harassment. Supportive measures may be continued, modified, or discontinued at the conclusion of any grievance process. Supportive measures will not be disclosed to anyone other than the person to whom they apply and others, including school officials, who need to know the supportive measures to implement them.

Requests to Modify Supportive Measures. A complainant or respondent may request modification or reversal of the school district's decision to provide, deny, change, or terminate supportive measures applicable to them. Requests must be made to the Title IX Coordinator in writing, and an impartial individual will review the request.

Students with Disabilities. If the complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members of the student's IEP or Section 504 team to determine compliance with those laws while implementing supportive measures and all other requirements of this policy and Title IX.

Emergency Removal. The school district is authorized to remove a respondent from the school district's education program or activity on an emergency basis, provided that the school district undertakes an individualized safety and risk analysis; determines that an imminent and serious threat to the health or safety of a complainant or other persons arising from the allegations of sex discrimination justifies removal; and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave. The school district is authorized to place an employee respondent on administrative leave from employment responsibilities during the pendency of the school district's grievance procedures.

Informal Resolution. The school district may offer an informal resolution process unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or informal resolution would be contrary to law. Prior to initiating informal resolution, the parties will be provided with notice of the allegations. Participation in informal resolution is voluntary, and any informal resolution will include consent from the complainant and respondent, the ability to withdraw from the process, and the right to resume the grievance

process. If an agreement is reached, it precludes the parties from initiating or resuming the grievance process.

The informal resolution facilitator will not be the same person as the investigator or the decisionmaker in the school district's grievance procedures. Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact, restrictions on participation in programs or activities, and disciplinary sanctions.

If informal resolution is offered, the school district will maintain all evidence gathered, communications about the informal resolution process, and the agreement reached. This information will be disclosed to outside individuals only as permitted by law and if required to implement the requirements of the agreement or Title IX. If no agreement is reached, only relevant and permissible evidence received during the informal resolution process will be considered during the grievance process.

Grievance Procedures to Resolve Complaints of Sex Discrimination. Any person designated as Title IX Coordinator, investigator, or decision maker will not have a conflict of interest or bias for or against any party, generally or specifically. The decisionmaker may be the same person as the Title IX Coordinator or investigator.

Complaint. Complaints of sex-based harassment may only be made by a complainant; a parent, guardian, or other individual with the legal right to act on behalf of a complainant; or the Title IX Coordinator. Complaints of sex discrimination (excluding complaints of sex-based harassment) may be made by any person who was participating or attempting to participate in the school district's education program or activity at the time of the alleged sex discrimination.

Complaint by Coordinator. In the absence of a complaint made by any other individual, the Title IX Coordinator will determine whether to initiate a complaint of sex discrimination. The Title IX Coordinator must consider, at a minimum, the following factors:

- The complainant's request not to proceed with the initiation of a complaint;
- The complainant's reasonable safety concerns regarding the initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;

- The age and relationship of the parties, including whether the respondent is an employee of the school district;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the school district could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator initiates a complaint, they will notify the complainant prior to doing so and address reasonable concerns about the complainant’s safety or the safety of others, including by providing supportive measures.

Consolidation of Complaints. The school district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references in this section to a party, complainant, or respondent include the plural, as applicable.

Basic Procedures. This grievance procedure is governed by the following basic requirements:

- A respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedure;
- The school district will treat the complainant and respondent equitably throughout the grievance process;
- The school district will take reasonable steps to protect the privacy of individuals participating in the grievance process in a manner that does not restrict the parties from obtaining and presenting evidence, speaking to witnesses, consulting with family members or advisors, or otherwise participating in the grievance process;
- The District will use the following timelines for each complaint, but the Title IX Coordinator or designee may extend them as needed:

| Major Stage | Target Duration (calendar days) |
|--|---|
| Completion of the school district’s decision whether to dismiss or investigate a complaint of sex discrimination | 1-15 |

| | |
|---------------|------|
| Investigation | 1-30 |
| Determination | 1-30 |
| Appeal | 1-20 |

Notice of Allegations. Upon initiation of the grievance procedure, the school district will provide notice of the allegations to the parties whose identities are known. The notice will include a copy of this policy; the parties involved in the incident(s); the conduct alleged to constitute sex discrimination; and the date(s) and location(s) of the alleged incident(s), if available. Retaliation is prohibited.

If the school district decides to investigate additional allegations of sex discrimination that are not included in the initial notice, the school district will provide notice of the additional allegations to the parties.

Complaint Investigation. The burden is on the school district to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The individual investigating and deciding the complaint will:

- Provide an equal opportunity for the parties to present fact witnesses and relevant and permissible evidence;
- Objectively review all evidence gathered through the investigation and determine what evidence is relevant and permissible;
- Provide each party with an accurate description of the relevant and permissible evidence, and upon request, copies of this evidence;
- Provide the parties a reasonable opportunity to respond to the evidence;
- Use a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility, but credibility will not be based upon any individual's status as a complainant, respondent, or witness; and
- Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. For purposes of this paragraph, disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Relevant and Permissible Evidence. The school district will consider relevant and permissible evidence. Relevant evidence is evidence related to the allegations of sex discrimination under investigation as part of the grievance procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred,

and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Generally relevant evidence is permissible, but does not include:

- Evidence that is protected under a privilege as recognized by Federal or State law;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional in connection with the provision of treatment to the party or witness unless the school district obtains that party's or witness's voluntary, written consent for use in this grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless that evidence is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

Determining Whether Sex Discrimination Occurred. The school district will:

- Use the preponderance of the evidence standard of proof, that it is more likely than not, to determine whether sex discrimination occurred;
- Use only relevant and permissible evidence to reach a determination;
- Notify the parties in writing of the determination whether sex discrimination occurred, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- If there is a determination that sex discrimination occurred, coordinate and provide remedies to restore equal access, coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions, and require the Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur;
- Not discipline a party, witness, or others participating in a school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the school district's determination whether sex discrimination occurred.

Dismissal of a Complaint. A complaint of sex discrimination made through the grievance procedure may be dismissed for any of the following reasons:

- The school district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the school district's education program or activity and is not employed by the school district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the school district determines that without the complainant's withdrawn allegations, the remaining alleged conduct would not constitute sex discrimination even if proven;
- The school district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint under this paragraph, the school district must make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the school district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district must also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The school district will notify the complainant that a dismissal may be appealed and provide the complainant with an opportunity to appeal the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school district must also notify the respondent that the dismissal may be appealed on the bases set out in this policy. Upon the dismissal of a complaint, at a minimum, the school district will:

- Offer supportive measures to the complainant, and offer supportive measures to the respondent if the respondent has been notified of the complaint;
- Require its Title IX Coordinator to take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the school district's education program or activity.

Appeal. The school district will provide the parties the opportunity to appeal the decisionmaker's written determination or a dismissal of a complaint, on the grounds identified below. The school district will implement appeal procedures equally for the parties, including a reasonable and equal opportunity to make a statement in support of or challenging the outcome

being appealed. Appeals under Title IX, like other comparable proceedings, will be handled consistent with the school district's general complaint policy.

Time for Appeal. Appeals may only be initiated by submitting a written Notice of Appeal to the superintendent within three (3) calendar days of the party's receipt of (1) the written determination of whether sex discrimination occurred from which the appeal is taken, or (2) the written dismissal of the complaint from which the appeal is taken.

Notice of Appeal Filed By Party. The Notice of Appeal must include (a) the name of the party or parties appealing, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific grounds (from the following subsection) upon which the appeal is based. A party's failure to timely submit a Notice of Appeal will be deemed a waiver of the party's right to appeal under this policy and Title IX.

Appeals of Dismissals. If a dismissal is appealed, the school district will provide notice of the allegations to the complainant and respondent if not provided previously.

Appeal Decision. The decisionmaker for the appeal will be an individual who did not take part in the investigation, determination, and/or decision to dismiss the complaint. The appeal decisionmaker will notify the parties of the result of the appeal and the rationale for the result.

Disciplinary Sanctions and Remedies. If it is determined that sex-based harassment occurred, the school district may impose disciplinary sanctions that may include suspension, expulsion, mandatory reassignment, adverse employment action up to and including termination, or any other actions regarding student behavior that are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include counseling of students, parent conferences, referral to restorative justice practices or services, 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.

Superintendent Authorized to Contract. The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the school district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

Recordkeeping. The school district will maintain the following documents for a period of at least seven years:

- For each complaint of sex discrimination, records documenting the informal resolution process or grievance procedures and the outcome.
- Records documenting the actions the school district took to meet its obligations under Title IX for any allegation of sex discrimination.
- All materials used to provide training as required by this policy. The school district will make these training materials available upon request for inspection by members of the public.

Adopted on: _____

Reviewed on: _____

Revised on: _____

3059 Audio and Video Recording

Students, staff, parents/guardians, and patrons should assume that any class or activity in the school may be recorded by the school district for legitimate educational purposes. There is no reasonable expectation of privacy within classrooms, common areas of the school building or on school grounds outside of the building. Recordings permitted pursuant to this policy may only be used for authorized purposes and may not be republished without additional, written consent from a school administrator. For purposes of this policy "recording" includes still photographs, video, audio, and other similar data captured in any medium.

Secret Recordings. No person is permitted to make surreptitious recordings on school grounds unless authorized by the superintendent.

Recordings Made by The District. The district may use cameras or other devices for purposes of making security, safety, or other recordings when such recordings are deemed necessary or appropriate by an authorized representative of the district. The district will not maintain recordings unless the recording is purposefully copied and saved. Any recording not copied and maintained separately may only be accessible by the authorized representative for a limited time. Recordings made by the district may be destroyed by an authorized representative at any time unless retention is required by law.

Recordings Made by Parents/Guardians and Patrons. Parents/guardians and patrons may make recordings of school activities in a non-disruptive manner including things like athletic contests and school board meetings to the extent permitted by law unless otherwise lawfully restricted by the administration. Parents/guardians or patrons may not make recordings if they are volunteering or visiting school during the school day without permission of the administration or supervising staff member and subject to this policy, such as recording their child's classroom activities or recess. Parents may not record meetings with administrators or staff, including meetings related to a student's IEP or 504 plan. Violation of this policy will result in immediate termination of any meeting that is being recorded and may be grounds for exclusion from school property, loss of volunteer privileges, or other restrictions deemed appropriate by the administration.

Recordings Made by Staff. Staff members may make recordings of classroom instruction, student behavior or performance, and school activities

without prior administrative approval only for legitimate educational purposes. Staff members may not make secret recordings while on duty, even if those recordings do not violate state or federal criminal or privacy laws. Staff members who violate this provision may be subject to consequences up to termination for classified staff and cancellation of contract for certificated staff.

Recordings Made by Students. This policy applies to students during the school day on school grounds; when being transported to and from school activities or programs in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or by his or her designee; or at a school-sponsored activity or athletic event. Students may make recordings of school activities in a non-disruptive manner including things like athletic contests and other extracurricular performances to the extent permitted by law. Students generally are not permitted to record classroom instruction or members of the school community during the school day without the express consent of a staff member or as required by the student’s education plan. Student use of assistive technology that has the capacity to record and/or transmit recordings (*e.g.*, AngelSense) must be approved by the student’s education team or administration. Students remain subject to all other district policies and rules. In no event shall recordings be taken or made in restrooms, locker rooms, or other areas where there is a reasonable expectation of privacy.

Adopted on: _____

Revised on: _____

Reviewed on: _____

3060 Firearms and Weapons for Non-Students

Weapons. No person may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy. **Definition of Weapon.** The term "weapon" means any object, device, instrument, material, or substance which is capable of causing injury in the manner it is used or intended to be used.

Firearms. No person may bring, possess, handle or transmit a firearm on school grounds, in a school owned vehicle, or at a school activity or event off school grounds, except as permitted by this policy. **Definition of Firearm.** The term "firearm, as defined in 18 U.S.C. 921, means 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, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device (excluding an antique firearm).

Exceptions Regarding Firearms. The prohibition against firearms does not apply to:

1. The issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this State, or Reserve Officers' Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training;
2. The possession of firearms by peace officers or other duly authorized law enforcement officers

The carrying of firearms by qualified law enforcement officers or qualified retired law enforcement officers carrying pursuant to 18 U.S.C. 926B or 926C, respectively, as such sections existed on January 1, 2023

3. Firearms that may lawfully be possessed by a person who is receiving instruction at the school under the immediate supervision of an adult instructor;
4. Firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard;

5. Firearms contained within a private vehicle ***operated by a nonstudent adult*** that are not loaded ***and*** are enclosed in a case or are in a locked firearm rack that is on a motor vehicle; or

6. A handgun carried as a concealed handgun by a nonstudent other than a minor or prohibited person in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by the school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area.

Consequences. In the event a person violates this policy, the school may:

- Make a report to law enforcement;
- Ban any violator from school grounds, school vehicles, or school events for any time period it deems appropriate; and/or
- Take any other action allowed by law.

Adopted on: _____

Revised on: _____

Reviewed on: _____

4011
Employee Leave Under the Family and Medical Leave Act
(FMLA)

The school district shall provide leave to its employees in accordance with the Family and Medical Leave Act ("FMLA"). The terms used herein shall have the meaning ascribed to them under the FMLA. Employees may also qualify for leave under the Nebraska Family Military Leave Act, which is covered under the district's policy for that law. If an employee qualifies for leave under both the Family and Medical Leave Act and the Nebraska Military Leave Act, any leave taken by the employee will count concurrently toward the leave limits of both acts.

I. Qualifying for Leave

A. Qualified Employees

1. To be eligible for ***unpaid*** leave under this policy, an employee must:
 - a. Make the request for leave at a time when the school district employs 50 or more workers;
 - b. Have been working for the school district for at least 12 months prior to the request; and
 - c. Have worked a minimum of 1,250 hours during the 12-month period immediately preceding the commencement of the leave.
2. The applicable 12-month period for computing an employee's entitlement to FMLA leave shall be "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.
3. Employees ineligible for FMLA leave for any reason may be eligible for leave under the Nebraska Family Military Leave Act and should consult policy 4011.1.

B. Qualified Circumstances Necessitating Leave

1. The school district will grant an eligible employee up to a total of 12 workweeks of **unpaid** leave under the following conditions:
 - a. For birth of a son or daughter, and to care for the newborn child;
 - b. For placement of a son or daughter with the employee for adoption or foster care;
 - c. To care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - d. Because of a serious health condition that makes the employee unable to perform the functions of his or her job; or
 - e. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a Military Member on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty) in National Guard, Reserves, and/or Regular Armed Forces in support of a contingency operation

2. The school district will grant an eligible employee who is the spouse, son, daughter, parent or next of kin of a Covered Servicemember a total of 26 workweeks of **unpaid** leave during a 12-month period to care for the service member as permitted under the FMLA. The leave described in this paragraph shall only be available during a single 12-month period.

For purposes of this provision and this policy, "Covered Servicemember" includes both Military Members and covered Veterans, so long as the covered Veteran was discharged or released under conditions other than dishonorable at any

time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered Veteran.

3. During the single 12-month period described in paragraph I(B)(2), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs I(B)(1) and I(B)(2). Nothing in this paragraph shall limit the availability of leave under paragraph I(B)(1) during any other 12-month period.

C. Limitations on Leave

1. Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.
2. In any case in which a husband and wife both employed by the school district are entitled to FMLA leave:
 - a. The aggregate number of workweeks of FMLA leave to which both are entitled is limited to 12 during any 12-month period if such leave is taken (i) because of the birth of a son or daughter of the employee and in order to care for such son or daughter; (ii) because of the placement of a son or daughter with the employee for adoption or foster care; or (iii) to care for a sick parent who has a serious health condition; and
 - b. The aggregate number of workweeks of FMLA leave to which both that husband and wife are entitled is limited to 26 during the single 12-month period in which leave is taken to care for a Covered Servicemember and the husband and wife employees are both either the son, daughter, parent, or next of kin of such Covered Servicemember, if the leave is taken for this reason or a combination of

this reason and one of the three reasons described in paragraph I(C)(2)(a). If the leave taken by the husband and wife includes leave described in paragraph I(C)(2)(a), the limitation in paragraph I(C)(2)(a) shall apply to the leave described in I(C)(2)(a).

D. Qualifying Notice and Certification

Employees seeking to use FMLA leave will be required to provide:

1. 30-day advance notice when the need to take the leave is foreseeable; provided, if (a) the leave is for needed treatment which is required to begin in less than thirty days or (b) the leave is for the reason set forth in paragraph I(B)(1)(e), the employee shall provide such notice to the school district as is reasonable and practical;
2. Medical certification supporting the need for leave due to a Serious Health Condition affecting the employee or family member or to care for a Military Member, and/or due to a Serious Injury or Illness to care for a Veteran;
3. Second or third medical opinions and periodic re-certifications (at the school district's expense);
4. Certification supporting the need for leave because of a qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a Military Member on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty) in the National Guard, Reserves, and/or Regular Armed Forces in support of a contingency operation;
5. Certification supporting the need for leave to care for a Veteran who was discharged or

released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered Veteran, and who is undergoing medical treatment, recuperation, or therapy for a Serious Injury or Illness; and

6. Periodic reports during leave, at a frequency reasonably requested by the superintendent, regarding the employee's status and intent to return to work.

E. Scheduling Leave

When leave is needed to care for a family member, for the employee's own illness, or to care for a Covered Servicemember, and such leave is foreseeable based on planned medical treatment, the employee must attempt to schedule treatment so as not to unduly disrupt the school district's operations.

II. Relationship with District During Leave

A. Leave to Be Unpaid

All leave provided to employees under the provisions of the FMLA and this policy shall be unpaid leave.

B. Substitution of Paid Leave

1. The school district requires employees to substitute any accrued paid vacation leave, paid personal leave, paid family leave, paid medical leave or paid sick leave for FMLA leave. However, nothing in this policy shall require the school district to provide paid sick or medical leave in any situation in which the school district would not normally provide such paid leave.
2. If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the

number of workweeks of FMLA leave to which the employee is entitled.

3. Any paid leave which is substituted for FMLA leave will be subtracted from the number of workweeks of unpaid leave provided by the FMLA and this policy.

C. Group Health Plan Benefits

1. The school district will continue group health plan benefits on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period.
2. Any share of health plan premiums which have been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period.

D. Intermittent or Reduced-Schedule Leave

1. Leave may be taken under this policy intermittently or on a reduced-leave schedule under certain circumstances.
 - a. When leave is taken because of a birth or because of a placement of a child for adoption or foster care, an eligible employee may take leave intermittently or on a reduced-leave schedule only with the agreement of the school district. In such a case, the superintendent shall have the authority to approve or disapprove such intermittent or reduced leave schedule, in the superintendent's sole discretion.
 - b. When leave is taken to care for a sick family member, for an employee's own serious health condition, or to care for a covered Veteran or Military Member, an eligible employee may take leave

intermittently or on a reduced-leave schedule when medically necessary.

- c. When leave is taken by an eligible employee because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a Military Member on Covered Active Duty (or has been notified of an impending call or order to Covered Active Duty) in National Guard, Reserves, and/or Regular Armed Forces in support of a contingency operation, the employee may take leave intermittently or on a reduced-leave schedule.
- d. When leave is taken by an eligible employee to care for a Covered Servicemember, including a Veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered Veteran, and who is undergoing medical treatment, recuperation, or therapy for a Serious Injury or Illness
- e. Intermittent or reduced leave shall not result in a reduction in the employee's total amount of leave beyond the amount of leave actually taken.
- f. When an instructional employee seeks to take intermittent leave in connection with a family or personal illness (e.g. physical therapy or periodic care for a sick relative) or to care for a covered Veteran or Military Member, and when such leave would constitute at least 20 percent of the total number of working days in the period during which the leave would extend, the school district may require the employee to elect to take leave in a block, instead

of intermittently, for the entire period or to transfer to an available alternative position within the school system that is equivalent in pay, for which the employee is qualified, and which better accommodates the intermittent leave.

2. If an eligible employee requests intermittent leave or leave on a reduced-leave schedule that is foreseeable based on planned medical treatment, including during a period of recovery from a serious health condition, the school district may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. Such alternative position must have equivalent pay and benefits as the employee's permanent position.
3. Leave taken on an intermittent or reduced-schedule basis will be tracked hourly.

III. Return from Leave

A. Restoration to Position

1. On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
2. Any leave taken under this policy will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.
3. An eligible employee is not entitled to accrual of any seniority or employment benefits during any period of leave, or any right, benefit, or position of employment other than to which the

employee would have been entitled had the employee not taken leave.

B. Denial of Restoration

1. The school district reserves the right to deny restoration to any eligible employee who is a "key employee" (that is an employee who is salaried and among the highest paid 10% of the employees of the school district) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the school district.
2. If the school district intends to deny restoration to such an employee, it will:
 - a. notify the employee of his/her status as a "key employee" in response to the employee's notice of intent to take FMLA leave;
 - b. notify the employee as soon as the school district decides it will deny job restoration and explain the reasons for this decision;
 - c. offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
 - d. make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

C. Failure to Return from Leave

If an employee fails to return from FMLA leave after the period of leave to which the employee is entitled has expired, the employee shall reimburse the district for any premiums the employer paid for maintaining health insurance coverage for the employee during the employee's FMLA leave unless the reason the employee does not return is due to: (1) the

continuation, recurrence, or onset of the serious health condition which entitled the employee to FMLA leave and the employee provides the district with sufficient certification from the proper health care provider of such continuation, recurrence, or onset of the serious health condition or (2) other circumstances beyond the employee's control.

IV. Notice to Employees

- A.** The school district will post in conspicuous places where employees are employed notices explaining the FMLA and providing information concerning the procedures for filing complaints of FMLA violations with the U.S. Wage and Hour Division.

- B.** To the extent that any provision in this policy is in any manner inconsistent with the provisions of the Act or the regulations promulgated thereunder, the Act and regulations shall prevail over the provisions of this policy. The school district reserves the right to modify this policy from time to time in its sole discretion.

- C.** Employees may direct any questions or concerns regarding FMLA leave to the superintendent.

Adopted on: _____
Revised on: _____
Reviewed on: _____

4053
Conflict of Interest

Any school district employee who meets the conditions set forth in this policy shall be deemed to have a business or financial conflict of interest.

1. Definitions. For the purposes of this policy:
 - a. Business with which an employee is associated shall include the following:
 - (1) A business in which the employee or a member of his or her immediate family is a partner, a limited liability company, or serves as a director or an officer.
 - (2) A business in which the employee or a member of his or her immediate family is a stockholder in a closed corporation with stock worth one thousand dollars or more, or the employee or his or her immediate family owns more than a five percent equity interest or is a stockholder of publicly traded stock worth more than ten thousand dollars or more at fair market value, or which represents more than ten percent equity interest. This shall not apply to publicly traded stock under a trading account if the employee reports the name and address of the company and stockbroker.
 - b. A business association shall be defined to include an individual as a partner, limited liability company member, director or officer, or a business in which the individual or member of the immediate family is a stockholder.
 - c. Immediate family member or member of the immediate family shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes
2. Contracts with the School District.
 - a. No employee or member of his or her immediate family shall enter into a contract valued at two thousand dollars or more, in any one year, with this school district unless the contract is

awarded through an open and public process that (1) includes prior public notice and (2) allows the public to inspect during the school district's regular business hours the proposals considered and the contract awarded.

- b. The existence of any conflict of interest in any contract in which the employee has an interest and in which the school district is a party, or the failure to make public the employee's interest known, may render a contract null and void.
- c. The prohibition of a conflict of interest or requirement for public notice shall apply when the employee, or his or her immediate family has a business association with the business involved in the contract or will receive a direct pecuniary fee or commission as a result of the contract.

3. Employing Members of the Immediate Family.

- a. An employee may employ or recommend or supervise the employment of an immediate family member if:
 - (1) The employee does not abuse his or her position.
 - (a) Abuse of official position shall include, but not be limited to, employing an immediate family member:
 - (i) who is not qualified for and able to perform the duties of the position;
 - (ii) for any unreasonably high salary;
 - (iii) who is not required to perform the duties of the position.
 - (2) The employee makes a reasonable solicitation and consideration of applications for employment.
 - (3) The employee makes a full disclosure on the record to the governing body of the school district and to the secretary of the board.
 - (4) The board approves the employment or supervisory position.

- b. The employee shall not terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.
4. Gifts, Loans, Contributions, Rewards, or Promises of Future Employment
- a. No employee shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based upon an agreement that a vote, official action, or judgment would be influenced thereby:
 - (1) a public official, public employee, or candidate.
 - (2) a member of the immediate family of an individual listed in Subparagraph 'a' above.
 - (3) a business with which an individual listed in Subparagraph (1) or (2) above is associated.
 - b. No employee shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the employee would thereby be influenced.
 - c. An employee shall not use or authorize the use of his or her public employment or any confidential information received through the public employment to obtain financial gain, other than compensation provided by law, for himself or herself or a member of his or her immediate family, or a business with which he or she is associated.
 - d. An employee shall not use or authorize the use of personnel, resources, property, or funds under that person's official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items for personal financial gain, other than compensation provided by law.
5. Conflict of Interest Relating to Campaigning or Political Issues

- a. Except as provided below, an employee shall not authorize the use of school district personnel, property, resources, or funds for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.
 - b. This does not prohibit an employee from making school district facilities available to a person for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the facilities available or a factor in determining the cost or conditions for use.
 - c. This does not prohibit an employee from discussing and voting upon a resolution supporting or opposing a ballot question.
 - d. This does not prohibit an employee under the direct supervision of a public official from responding to specific inquiries by the press or the public as to the board's opinion regarding a ballot question or from providing information in response to a request for information.
 - e. An employee may present his or her personal opinion regarding a ballot question or respond to a request for information related to a ballot question; but in so doing, the person should clearly state that the information being presented is his or her personal opinion and is not to be considered as the official position or opinion of the school district. However, this shall not be done during a time that the individual is engaged in his or her official duties.
6. Additional Procedures Applicable to Employees With An Annual Salary and Benefits of More than \$150,000 Per Year
- a. Staff whose annual salary and benefits exceed one hundred fifty thousand dollars should assess whether they have a conflict of interest before taking any action or making any decision.
 - b. Employees have a conflict of interest pursuant to this subdivision of the policy when their actions or decisions may cause financial benefit or detriment to themselves, a business with which they are associated or a member of their immediate family.

- i. When assessing whether a conflict of interest exists, qualifying staff members should assess whether the benefit or detriment identified is distinguishable from the effects of such action on the public generally or a broad segment of the public.
 - ii. If qualifying employees are unsure as to whether a conflict of interest exists, they may apply to the Nebraska Political Accountability and Disclosure Commission for an opinion as to whether they have a conflict of interest.
 - c. Qualifying employees who determine that a conflict of interest does exist under this policy shall:
 - i. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict;
 - ii. Deliver a copy of the statement to the secretary of the board of education, who shall enter the statement onto the public records of the school district; and
 - iii. Abstain from participating in the matter in which the employee has a conflict of interest.
 - d. This subsection does not prevent a qualifying employee from making or participating in the making of a decision to the extent that the employee's participation is legally required for the action or decision to be made.
- 7. Conflict. To the extent that there is a conflict between this policy and the Nebraska Political Accountability and Disclosure Act ("Act"), the Act shall control.

Adopted on: _____
Revised on: _____
Reviewed on: _____

5001 Compulsory Attendance and Excessive Absenteeism

Required Attendance

Every person residing in the school district who has legal or actual charge or control of any child who is of mandatory attendance age shall cause that child to attend a public or private school regularly unless the child has graduated from high school or has been allowed to disenroll pursuant to this policy.

Mandatory Attendance Age

All children who are or will turn six years old before January 1 of the current school year are of mandatory attendance age. Children who have not turned eighteen years of age are of mandatory attendance age.

Exceptions

This policy does not apply when attendance is made impossible or impracticable by severe weather conditions or by the mental or physical illness of the student or a child whom the student is parenting.

A child who will not reach age 7 before January 1 of the current school year may be excused from mandatory attendance if the child's parent or guardian completes an affidavit affirming that alternative educational arrangements have been made for the child. A copy of the required affidavit is attached to this policy.

Discontinuing Enrollment – 5 Year Old Students

The person seeking to discontinue the enrollment of a student who will not reach six years of age prior to January 1 of the current school year shall submit a signed, written request and to the superintendent using the form which is attached to this policy. The school district may request written verification or documentation that the person signing the form has legal or actual charge or control of the student. The school district shall discontinue the enrollment of any student who satisfies these requirements. Any student whose enrollment is discontinued under this subsection shall not be eligible to reenroll in this school district until the beginning of the following school year unless otherwise required by law.

Discontinuing Enrollment – 16 and 17 Year Old Students

Only children who are at least 16 years of age may be disenrolled from the district. The person seeking to discontinue the child's enrollment shall submit a signed, written request and submit it to the superintendent using the form which is attached to this policy. The district will follow the procedures outlined on the attached form in considering requests to disenroll.

Only children disenrolling to attend a non-accredited school may be exempt from this policy. The person with legal or actual charge or control of the child must provide the superintendent with a copy of the signed request submitted to the State Department of Education for attending non-accredited schools. The superintendent may confirm the validity of the submission with the State Department of Education.

Attendance Officer

Each building principal is designated as an attendance officer for the district. Each building principal, at his or her discretion, may delegate these responsibilities to any other qualified individual. The attendance officer is responsible for enforcing the provisions of state law relating to compulsory attendance. This responsibility includes but is not limited to filing a report with the county attorney of the county in which a student resides. Compensation for the duties of attendance officer is included in the salary for the superintendent or designee.

Expectations for Regular Attendance:

1. Students are expected to attend every class, every day.
2. The only "excused" absences shall be:
 - a.) absences when a licensed health care provider has confirmed in writing that, in his/her professional medical opinion and within his/her scope of practice, the student or a child whom the student is parenting is so physically or mentally ill that attendance of the student is impracticable or impossible;
 - b.) absences when the Nebraska State Patrol confirms in writing that weather conditions have made the roads impassable so that the student's attendance impracticable or impossible;
 - c.) student attendance at a school-sponsored activity;
 - d.) student has been suspended or expelled from school by the school district; and

- e.) absences required by law enforcement, child protective services or a court of competent jurisdiction, confirmed in writing to the school district.
3. All other absences, including absences for minor illnesses, family events, routine medical appointments are simply "absences."
 4. Upon return from every absence or partial-day absence, students must remain after school for 30 minutes to meet with teachers, work on missed assignments or simply to study. The location and supervision of the student will be determined by the building principal in consultation with the student's classroom teacher(s).
 5. Students must not be absent from any course more than seven days in any given quarter in order to earn academic credit for that course for that quarter. Students who lose credit in any given course due to absences may appeal that loss of credit to his/her building principal.

Attendance Incentives:

Building principals will establish attendance incentives for their students. Those may include:

- Special Recognition of students who have 95% or greater attendance each quarter
- Excusal from certain classroom assignments (final exam, written report) for students with 95% or greater attendance each semester
- Special rewards (movie day, field day, extra recess) for students who have 95% or greater attendance

At the conclusion of each quarter building principals report to the board what incentives were implemented and the effectiveness of the incentive in improving student attendance and engagement.

When students are absent from school, district staff will respond as follows:

First Stage Response to Absences

1. A member of district staff will contact parent via telephone for every absence if the parent has not contacted the school in advance.
2. After a student's third absence in any given quarter, the school's attendance officer will schedule a meeting with the student's parents or guardians. That meeting will be documented on the attached form.
 - a. This meeting must be attended by attendance officer, parents, social worker or principal, and the student (if appropriate)
 - b. The meeting shall be documented
 - c. The meeting shall develop a collaborative plan to assist the student in improving his/her attendance
3. Building principals must meet with teachers who have 10% of their students miss seven or more days of class in any given quarter to

review strategies to increase student engagement. A consistent pattern of student absences from a teacher's classes may result in a formal remediation plan.

4. The superintendent must meet with the building principal if more than 10% of students miss seven or more days of class in any quarter to review strategies to improve the school building's climate. A consistent pattern of building-wide absenteeism may result in a formal remediation plan.

Excessive Absenteeism

When a student is absent more than twenty days per year or the hourly equivalent and any portion of the absences is unexcused, the Attendance Officer must file a report with the county attorney of the county in which the student resides.

Adopted on: _____

Revised on: _____

Reviewed on: _____

Acknowledgment of Receipt

I understand that consistent school attendance is required by state law. I also understand that student achievement is directly linked to excellent attendance. I have received the board of education's new policy on student attendance and have reviewed it.

Student
Name _____

Student
Signature _____

Date _____

Parent/Guardian
Name _____

Parent/Guardian
Signature _____

Date _____

5004 Option Enrollment

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

1. Definitions

- a. Option Student Defined.** Option student means a nonresident student who has chosen to attend the school district under the provisions of the option enrollment program.
- b. Resident School District Defined.** Resident school district means the school district in which a student resides or in which the student is admitted as a resident of the school district pursuant to state law.
- c. Option School District Defined.** Option school district means the school district that a student chooses to attend other than his or her resident school district.
- d. Elementary School Defined.** Elementary school means grades K - 8
- e. Middle School Defined.** Middle school means grades _____ - _____.
- f. High School Defined.** High school means grades 9 through 12.

2. Persons Entitled to Apply for Option Enrollment of Students. Only parents and legal guardians may apply for option enrollment of students. Applications filed by foster parents and adults acting *in loco parentis* are not authorized and will be automatically denied.

3. Duties, Entitlements and Rights of Option Students. Except as otherwise provided herein, once an option student's option enrollment application has been accepted he/she shall be treated as a resident student of the school district.

4. Standards for Acceptance or Rejection of Option Students.

- a. Special Education Capacity.** Capacity for special education services will be determined on a case-by-case basis. If an application for option enrollment received by the school district indicates that the student has an individualized education program under the federal Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., or has been identified as a student with a disability as defined in section 79-1118.01, the application will be evaluated by the director of special education services or the director's designee who must determine if the school district and the appropriate class, grade level, or school building has the capacity to provide the applicant the appropriate services and accommodations. The Federal Educational Rights and Privacy Rights Act (FERPA) (20 U.S.C. § 1232g) permits the release of education records when a student seeks or intends to enroll in a different school district.
- b. Numeric Capacity.** The board of education may set the numeric capacity of programs, classes, grade levels, or school buildings by operation of this policy or through freestanding action by the board. Numeric Capacity will be determined based upon available staff, facilities, projected enrollment of resident students, and projected number of students with which the option school district will contract based on existing contractual arrangements. Individuals seeking information about the numeric capacity set by the board may contact the superintendent for a copy of that resolution.
- c. Programmatic Capacity.** In addition to the numeric capacity standards referred to above, the board may, by resolution, prior to October 15 of each school year, declare a program, a class, or a school unavailable for the next school year to option students due to lack of capacity. Individuals seeking information about the programs that have been declared to be unavailable due to lack of capacity may contact the superintendent for a copy of the board's resolution.
- d. Other Standards for Acceptance or Rejection of Option Enrollment Applications.** In addition to the numeric and programmatic capacity standards outlined above, the school district shall not accept an option student when acceptance of the student:

- i. Would increase the operating costs of the school district, such as by requiring the hiring of new staff or contracting with outside entities to provide services to the student;
 - ii. Would require the procurement of new equipment, technology, or furnishings;
 - iii. Would cause or require the rearrangement of caseloads for staff and contracted professionals;
 - iv. Is reasonably deemed by appropriate school staff to pose a potential risk to the health or safety of students or staff;
 - v. May pose a risk of adversely affecting the quality of educational services being provided to resident students, as determined by appropriate school staff.
 - e. **Prohibited Standards.** The school district shall not base the decision to accept or reject an option student on the student's previous academic achievement, athletic or other extracurricular ability, disabling condition(s), proficiency in the English language, or previous disciplinary proceedings.
 - f. **Order of Acceptance.** If there are more option student applicants for any program, class, grade level or school building than can be accepted into such program, class, grade level or school building, applicants shall be accepted in the following order:
 - i. students with brothers or sisters attending the school district, either as resident students or as option students, shall be granted first priority;
 - ii. thereafter, option students shall be accepted into such program, class, grade level or school building in the order in which written applications were received by the school district.
 - g. **Maximum Capacity Report.** The school district will annually establish, publish, and report the capacity for each school building under the district's control pursuant to procedures, criteria, and deadlines established by the Nebraska Department of Education.
- 5. False or Misleading Option Applications.** If, prior to the student's attendance as an option student, the school district discovers that a previously accepted option application contained false or substantively misleading information, the option application will be rejected.

- 6. Academic Credits and Graduation.** The school district shall accept credits toward graduation that were awarded by another school district, and shall award a diploma to an option student if the student meets the graduation requirements of the school district.
- 7. Information Regarding Schools, Programs, Policies and Procedures.** The school district, its officers and employees, shall make information about the school district and its schools, programs, policies and procedures available to all interested people.
- 8. Procedure for Students Optioning Into or Out of the School District.**
 - a.** The parent or legal guardian of any student desiring to option into or out of the school district shall submit a proper and timely application to the board of education and the other affected school district for enrollment during the following and subsequent school years. Any application requiring the approval of the school district shall be deemed submitted when the application is actually received in the school district's business office.
 - b.** On or before April 1st, the school district shall notify the parent or legal guardian of any student who has submitted an application to option into the school district and the resident school district, in writing, whether the application is accepted or rejected. If an application is rejected, the reason for such rejection shall be stated in the notification. This written notice shall be sent via certified mail to the address listed on the option application.
- 9. Late Applications and Requests for Release**
 - a.** The board of education may refuse a request of a student seeking to option out of the school district when the option application is submitted after March 15th under the following conditions:
 - i.** When the district has already entered into contracts with teaching staff for the following school year;
 - ii.** When the district has already contracted for the performance of specific services for the student;
 - iii.** When the release of the student would have a negative financial impact or loss of revenue for the district.

- b.** The board of education will approve late applications to option into the district under the following conditions:
 - i. When the resident district has released the student, or if the student is an option student at the time of such application and applying to become an option student at a subsequent option school district, a release approval from the option school district the student is attending at the time of such application;
 - ii. When the student's late enrollment into the district meets the standards for acceptance or rejection of option students contained elsewhere in this policy;

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

- a.** A student does not need to be released from his/her resident district or the option school district the student is attending at the time of application under the following circumstances:
 - i. When the student has relocated to a different resident school district after February 1
 - ii. When a student's option school district merges with another district effective after February 1
- b.** The school district shall accept or reject an application from a student under this paragraph using the criteria set forth in this policy and will accept or reject the application within forty-five days.

11. Cancellation of Option.

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

- a.** Attend the option school district until graduation or relocation/re-option in a different resident school district unless the student chooses to return to the resident school district, in which case the student's parent or legal guardian shall timely submit a cancellation form to the school board or board of education of the option school district and the resident school district for approval for the following year.
- b.** Attend an option school district for not less than one school year unless the student relocates to a different resident school district,

completes requirements for graduation prior to the end the school year, transfers to a parochial or private school, or upon mutual agreement of the resident and option school districts cancels the enrollment option and returns to the resident school district.

12. Authority of Superintendent.

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

Adopted on: _____
Revised on: _____
Reviewed on: _____

5005 Transportation

The school district will provide free transportation, partially provide free transportation, or pay an allowance for transportation in lieu of free transportation on each day school is in session to the students who reside in the district and qualify for transportation according to the district's transportation plan. The families of students who will not be provided transportation pursuant to the district's plan or who must drive students to a pick-up point will be reimbursed according to statute if they qualify for such reimbursement. Parents seeking mileage reimbursement must submit requests to the district on forms which may be obtained from the office of the Superintendent of Schools.

When a student who has been attending the district is placed into foster care, school district staff will collaborate with state and local child welfare agencies to determine whether transportation is required under state law when it is in the child's best interest that their school of origin be maintained. The district will only provide transportation to students placed in foster care when the responsible child welfare agency agrees to reimburse the school district for the cost of transportation or when transportation is otherwise required by law. The board designates the Superintendent of Schools as the initial point of contact for child welfare agency representatives to discuss transportation issues related to children in foster care.

Students who are homeless will be provided with transportation pursuant to Board Policy 5014.

The district will provide transportation to tuition students in accordance with the contract provisions, if any, for services from the contracting districts.

The use of buses for class parties, field trips, and similar purposes shall require the prior approval of the superintendent or appropriate principal.

Option Transportation. The board of education provides transportation to option students only if (a) the option student lives on an existing bus route or (b) the option student makes arrangements to be picked up and dropped off at preexisting stops along an existing bus route. The district does not provide mileage reimbursement for option-enrolled students unless otherwise required by law.

Students who qualify for free lunch may be entitled to transportation or mileage reimbursement pursuant to state law.

Adopted on: _____

Revised on: _____

Reviewed on: _____

5008 Pregnant or Parenting Students

The District will not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy. Students who are pregnant or parenting are encouraged to continue participating in the district's educational and extracurricular programs.

I. Accommodations Regarding Attendance and Participation

A. Generally

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

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

B. Students with Disabilities

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

C. Title IX

When a student, or a person with a legal right to act on a student's behalf, informs a District employee of the student's pregnancy or related conditions, the District will inform the student of the Title IX Coordinator's contact information. The employee will also inform the student that the Title IX Coordinator can coordinate actions to prevent sex discrimination and ensure the student's equal access to the District's education program or activity.

The District will make reasonable accommodations to the District's policies, practices, and procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. The District will coordinate reasonable modifications based on the student's individualized need. The District will consult with the student when determining what reasonable modifications may be appropriate, and the student has the discretion to accept or decline the reasonable modifications offered by the District.

The District will allow the student to voluntarily access any separate and comparable portion of the District's education program or activity. The District will allow the student to voluntarily take a leave of absence from the District's education program or activity to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. Upon the student's return, the student will be reinstated to the student's academic status, and as practicable, to the extracurricular status that the student held when the voluntary leave began.

II. Accommodations Regarding Lactation and Breastfeeding

A. Accommodations

1. In order to accommodate lactating and breastfeeding students, the district will provide reasonable opportunities to express breast milk or breastfeed in a place, other than a bathroom, which is shielded from view and free from intrusion from district students, employees, and the public.
2. Students who wish or need to express breast milk on a regular schedule will work with school administrators to create a schedule which

- accommodates the student's needs while facilitating education to the maximum extent possible.
3. The district will provide a location for students to store expressed breast milk in or near the location designated for students to express milk to create the least amount of disruption to the student's participation in class or activities.

B. Educational Process

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

Adopted on: _____

Revised on: _____

Reviewed on: _____

5035 Student Discipline

Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in this policy and the Student Discipline Act, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, 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. Disciplinary consequences may also include in-school suspension, Saturday School, and any other consequence authorized by law. District administrators may develop building-specific protocols for the imposition of student discipline.

Any disciplinary action taken by staff must be consistent with the requirements of other applicable laws, including but not limited to the IDEA, Section 504, and Title IX.

In this policy, references to "Principal" shall include building principals, the principal's designee, or other appropriate school district administrators.

Any statement, notice, recommendation, determination, or similar action specified in this policy shall be effectively given at the time written evidence thereof is delivered personally to or upon receipt of certified or registered mail or upon actual knowledge by a student or his or her parent or guardian.

Any student who is suspended or expelled from school pursuant to this policy may not participate in any school activity during the duration of that exclusion including adjacent school holidays and weekends. The student activity eligibility of a student who is mandatorily reassigned shall be determined on a case-by-case basis by the principal of the building to which the student is reassigned.

Pre-Kindergarten through Second Grade Students

Notwithstanding any other provision of this policy, an elementary school shall not suspend a student in pre-kindergarten through second grade unless the student brings a deadly weapon as defined in section 28-109 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 his or her designee, or at a school-sponsored activity or athletic event. As an alternative to suspension, the school district may take any action authorized by law, including those provided in section 79-258.

Makeup Work for Suspended Students

Any student who is suspended must be given an opportunity to complete any classwork and homework missed during the period of suspension, including, but not limited to, examinations ("makeup work"). Any makeup work must be completed and turned in within 2 school days after completion of the suspension. This makeup guideline shall be provided to the student and a parent or guardian at the time of suspension. Suspended students may not be required to attend the school's alternative program for expelled students in order to complete classwork or homework.

Short-Term Suspension

The Principal may exclude students from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:

1. Conduct constituting grounds for expulsion as hereinafter set forth; or,
2. Other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff of the school, that occur on or off school grounds, if such conduct interferes with school purposes or there is a connection between such conduct and school.

The following process applies to short-term suspension:

1. The Principal shall make a reasonable investigation of the facts and circumstances. Short-term suspension shall be imposed only after a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
2. 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 he or she is accused of having done, be given an explanation of the evidence the authorities have, and be given an opportunity to explain the student's version of the facts.
3. Within 24 hours or such additional time as is reasonably necessary, not to exceed an additional 48 hours, following the suspension, the Principal 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. An

opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal ordering the short-term suspension before or at the time the student returns to school and shall document such effort in writing. The Principal shall determine who, in addition to the parent or guardian, is to attend the conference.

4. Students who are short-term suspended must be given the opportunity to complete classwork and homework missed during the period of suspension, including but not limited to examinations, as provided herein.

Emergency Exclusion

Students may be emergency excluded from school pursuant to the board's separate policy on emergency exclusion or state law.

Weapons and/or Firearms

Weapons. No student may possess, handle, or transmit any weapon while on school grounds, in a school vehicle, or at any school activity or event off school grounds except as permitted by this policy. **Definition of Weapon.** The term "weapon" means any object, device, instrument, material, or substance which is capable of causing injury in the manner it is used or intended to be used.

Firearms. No student may bring, possess, handle or transmit a firearm on school grounds, in a school owned vehicle, or at a school activity or event off school grounds, except as permitted by this policy. **Definition of Firearm.** The term "firearm, as defined in 18 U.S.C. 921, means 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, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device (excluding an antique firearm).

Exceptions Regarding Firearms and Weapons. The only exceptions for a student to bring or possess a weapon, including a firearm, are as follows:

1. The issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or
2. Firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

Consequences - Firearm. Any student who brings a firearm, as that term is defined in 18 United States Code 921, to school will be expelled from school

for one calendar year. The superintendent of schools and the board of education shall have the authority to modify the expulsion requirement on a case-by-case basis.

Consequences – Weapon. State law and this policy provide that any student who violates this policy by knowingly bringing, possessing, handling or transmitting a weapon, other than a firearm, on school grounds, in a school owned vehicle, or at a school activity or event off school grounds may be suspended on a long-term basis, mandatorily reassigned, or expelled for the remainder of the school year in which the expulsion takes effect (if the misconduct occurs during the first semester) or the remainder of the second semester, summer school, and the first semester of the following school year (if the misconduct occurs during the second semester).

Confiscation of Firearms and Weapons. Administrative and teaching personnel are statutorily authorized, without a warrant, to confiscate any firearm or weapon possessed in violation of this policy. Any firearm that is confiscated by school personnel shall be delivered to a peace officer as soon as practicable. Such firearms are subject to being destroyed by law enforcement authorities.

Report to Law Enforcement Authorities. All school personnel are required to report any violation of this policy to a principal or the superintendent of schools. Pursuant to state and federal law, school personnel are required to report to law enforcement authorities when a student brings a firearm to school.

Long-Term Suspension

Students may be excluded by the Principal from school or any school function for a period of more than five school days but less than twenty school days (long-term suspension) for any conduct constituting grounds for expulsion as hereinafter set forth. The process for long-term suspension is set forth below.

Expulsion

1. **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.

2. **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. The review will be conducted by the hearing officer who conducted the initial expulsion hearing, or a hearing officer appointed by the Superintendent in the event no hearing was previously held or the initial hearing officer is no longer available or willing to serve, after the hearing officer has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing officer that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the Superintendent.
3. **Suspension of Enforcement of an Expulsion:** Enforcement of an expulsion action may be suspended (i.e., "stayed") for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect, and as a condition of such suspended action, the student may be assigned to a school, class, or program/plan and to such other consequences which the school district deems appropriate.
4. **Alternative School or Pre-expulsion Procedures.** The school shall either provide an alternative school, class or educational program for expelled students, or shall follow the pre-expulsion procedures outlined in NEB. REV. STAT. 79-266.
5. **Conclusion of Expulsion.** At the conclusion of an expulsion, the school 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.

Grounds for Long-Term Suspension, Expulsion or Mandatory Reassignment:

The following conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, NEB. REV. STAT. § 79-254 through 79-296, when

such activity 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:

1. Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes. The board has determined that the use of synthetic media such as deepfakes may constitute "similar conduct";
2. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
3. Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;
4. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
5. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon (*see also board policy on weapons and firearms*);
6. Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor (*note: the term "under the influence" for school purposes 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 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*);
7. Public indecency as defined in section 28-806, except that this prohibition shall apply only to students at least twelve years of age but less than nineteen years of age;
8. Engaging in bullying as defined in section 79-2,137 and in these policies;
9. Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-

- 320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;
10. Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or
 11. A repeated violation of any of the following rules if such violations constitute a substantial interference with school purposes:
 - a. 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, national origin, or religion;
 - b. Dressing or grooming in a manner which violates the school district's dress code and/or is dangerous to the student's health and safety, a danger to the health and safety of others, or which is disruptive, distracting or indecent to the extent that it interferes with the learning and educational process;
 - c. Violating school bus rules as set by the school district or district staff;
 - d. Possessing, using, selling, or dispensing tobacco, drug paraphernalia, an electronic nicotine delivery system, or a tobacco imitation substance or packaging, regardless of form, including cigars, cigarettes, chewing tobacco, and any other form of tobacco, tobacco derivative product or imitation or electronic cigarettes, vapor pens, etc.;
 - e. Possessing, using, selling, or dispensing any drug paraphernalia or imitation of a controlled substance regardless of whether the actual substance possessed is a controlled substance by Nebraska law;
 - f. Possession of pornography, including creation, possession, dissemination, accessing, sale, or any other use of synthetic media, such as deepfakes;
 - g. Sexting or the possession of sexting images (a combination of sex and texting - the act of sending sexually explicit messages or photos electronically), including creation, possession, dissemination, accessing, sale, or any other use of synthetic media, such as deepfakes;
 - h. Engaging in hazing, defined as any activity expected of someone joining a group, team, or activity that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate. Hazing activities are generally

considered to be: physically abusive, hazardous, and/or sexually violating and include but are not limited to the following: personal servitude; sleep deprivation and restrictions on personal hygiene; yelling, swearing and insulting new members/newcomers; being forced to wear embarrassing or humiliating attire in public; consumption of vile substances or smearing of such on one's skin; branding; physical beatings; binge drinking and drinking games; sexual simulation and sexual assault;

- i. Bullying which shall include cyberbullying, defined as the use of the internet, including but not limited to social networking sites such as Facebook, cell phones or other devices to send, post or text message images and material intended to hurt or embarrass another person. This may include, but is not limited to; continuing to send e-mail to someone who has said they want no further contact with the sender; sending or posting threats, sexual remarks or pejorative labels (i.e., hate speech); ganging up on victims by making them the subject of ridicule in forums, and posting false statements as fact intended to humiliate the victim; disclosure of personal data, such as the victim's real name, address, or school at websites or forums; posing as the identity of the victim for the purpose of publishing material in their name that defames or ridicules them; sending threatening and harassing text, instant messages or emails to the victims; and posting or sending rumors or gossip to instigate others to dislike and gang up on the target;
- j. Violations of the district's acceptable computer use policy;
- k. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a simulated or "look-a-like" weapon;
- l. Using any object to simulate possession of a weapon;
- m. Knowingly making a false statement or knowingly submitting false information during the Title IX grievance process or any other school investigation or making a materially false statement in bad faith in the course of a Title IX grievance proceeding or any other school investigation;
- n. Violation of the school's audio and video recording policy; and
- o. Any other violation of any board policy, handbook provision, or rule or regulation established by a school district staff member pursuant to authority delegated by the board.

Due Process Afforded to Students Facing Long-term Suspension or Expulsion

The following procedures shall be followed regarding any long-term suspension, expulsion, or mandatory reassignment:

1. The decision to recommend discipline shall be made within two school days after learning of the alleged student misconduct. On the date of the decision to discipline, the Principal shall file with the Superintendent a written charge and a summary of the evidence supporting such charge.
2. The Principal shall serve the student and the student's parents or guardian with a written notice by registered or certified mail or personal service within two school days of the date of the decision to recommend long-term suspension or expulsion. The notice shall include the following:
 - a. The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;
 - b. The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
 - c. A statement that, before long-term suspension, expulsion, or mandatory reassignment can be invoked, the student has a right to a hearing, upon request, and that 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 pursuant to district guidelines which shall not require the student to attend the school district's alternative programs for expelled students in order to complete classwork or;
 - d. A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;
 - e. A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and
 - f. A form on which the student, the student's parent, or the student's guardian may request a hearing, to be signed by such parties and delivered to the principal or superintendent in person or by registered or certified mail to the address provided on the form.

3. 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.
4. Nothing in this policy shall preclude the student, student's parents, guardian or representative from discussing and settling the matter with appropriate school personnel prior to the time the long-term suspension, expulsion, or mandatory reassignment takes effect.
5. If a hearing is requested within five days after receipt of the notice, the Superintendent shall recommend appointment of a hearing examiner within two school days after receipt of the hearing request. The student or the student's parent or guardian may request designation of a hearing examiner other than the hearing examiner recommended by the superintendent if notice of the request is given to the superintendent within two school days after receipt of the superintendent's recommended appointment. Upon receiving such request, the superintendent must provide one alternative hearing examiner who is not an employee of the school district or otherwise currently under contract with the school district and whose impartiality may not otherwise be reasonably questioned. The student or the student's parent or guardian must, within five school days, select a hearing examiner to conduct the hearing who was recommended or provided as an alternative hearing examiner, and shall notify the superintendent in writing of the selection. The superintendent must appoint the selected hearing examiner upon receipt of such notice.
6. The hearing examiner must, within two school days after being appointed, give written notice to the principal, the student, and the student's parent or guardian of the time and place for the hearing.
7. The hearing shall be held within a period of five school days after appointment of the hearing examiner, but such time may be changed by the hearing examiner for good cause with consent of the parties. No hearing shall be held upon less than two school days' actual notice to the principal, the student, and the student's parent or guardian, except with the consent of all the parties.
8. The principal or legal counsel for the school, the student, and the student's parent, guardian, or representative have the right to receive a copy of all records and written statements referred to in the Student Discipline Act as well as the statement of any witness in the possession

of the school board or board of education no later than forty-eight hours prior to the hearing.

9. If a hearing is requested more than five school days following the receipt of the written notice, but not more than thirty calendar days after receipt, the Superintendent shall appoint a hearing examiner. The hearing will be held according to the requirements of section 79-269. The student shall be entitled to a hearing but the consequence imposed may continue in effect pending final determination.
10. If a request for hearing is not received within thirty calendar days following the mailing or delivery of the written notice, the student shall not be entitled to a hearing.

In the event a hearing is requested, the hearing, hearing procedures, the student's rights and any appeals or judicial review permitted by law shall be governed by the applicable provisions of the Nebraska Student Discipline Act (NEB. REV. STAT. § 79-254 to 79-294).

Reporting Requirement to Law Enforcement

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

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

Adopted on: _____

Revised on: _____

Reviewed on: _____

5049
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5052 School Wellness

The school district is committed to providing a school environment that enhances learning and the development of lifelong wellness. The goals outlined in this policy were determined and selected after reviewing and considering evidence-based strategies.*

1. Goals for Nutrition Promotion and Education

- a. The district will promote healthy food and beverage choices for all students, as well as encourage participation in school meal programs by such methods as implementing evidence-based healthy food promotion techniques through the school meal programs and promoting foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards.
- b. The health curriculum will include information on good nutrition and healthy living habits.
- c. Teachers will incorporate information on nutrition and wellness into the classroom curriculum as appropriate.
- d. The district will collaborate with public and private entities to promote student wellness.
- e. Water will be made available to students throughout the school day.

2. Goals for Physical Activity

- a. The school district's curriculums shall include instruction on physical activity and habits for healthy living.
- b. Students will be encouraged to engage in physical activities throughout the school day and will be provided with opportunities to do so.
- c. The district encourages parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

3. Goals for Other School-Based Activities Designed to Promote Student Wellness

- a. The district will participate in state and federal child nutrition programs as appropriate.
- b. The district will provide professional development, support, and resources for staff about student wellness.
- c. Students will be provided sufficient time in which to eat school-provided meals.
- d. The district's lunchrooms will be attractive and well-lighted.
- e. The district will allow other health-related entities to use school facilities for activities such as health clinics and screenings so long as the activities meet the district's requirements and criteria for the use of facilities.
- f. The district may partner with other individuals or entities in the community to support the implementation of this policy.
- g. The district will strive to provide physical activity breaks for all students, recess for elementary students, and before and after school activities, as well as encourage students to use active transport (walking, biking, etc.)
- h. The district will use evidence-based strategies to develop, structure, and support student wellness.

4. Standards and Nutrition Guidelines for All Foods and Beverages Sold to Students on the School Campus and During the School Day

- a. The district will ensure that student access to foods and beverages meet federal, state and local laws and guidelines including, but not limited to:
 - i. USDA National School Lunch and School Breakfast nutrition standards
 - ii. USDA Smart Snacks in School nutrition standards.

- b. The district will offer students a variety of age-appropriate, healthy food and beverage selections with plenty of fruits, vegetables, and whole grains aimed at meeting the nutrition needs of students within their calorie requirements in order to promote student health and reduce childhood obesity.

5. Standards for All Foods and Beverages Provided, But Not Sold to Students During the School Day

The district may provide a list of healthy party ideas or food and beverage alternatives to parents, teachers, and students for classroom parties, rewards and incentives, or classroom snacks. The district discourages the use of food and beverages as a reward or incentive for performance or behavior.

6. Food and Beverage Marketing

Marketing and advertising is only allowed on school grounds or at school activities for foods and beverages that meet or exceed the USDA Smart Snacks in School nutrition standards, except as follows:

- a. This requirement does not apply to marketing that occurs at events outside of school hours such as after school sporting or any other events, including school fundraising events.
- b. The district will not immediately replace menu boards, coolers, tray liners, beverage cups, and other food service equipment with depictions of noncompliant products or logos to comply with the new USDA Smart Snacks in Schools nutrition requirements. All previously purchased products will be used, and all existing contracts honored.
- c. All equipment that currently displays noncompliant marketing materials will not be removed or replaced (e.g., a score board with a Coca-Cola logo). However, as the district reviews and considers new contracts, and as scoreboards or other such durable equipment are replaced or updated over time, any products that are marketed and advertised will meet or exceed the USDA Smart Snacks in School nutrition standards

7. Public Participation

Parents, students, representatives of the school food authority, teachers, school health professionals, board members, school administrators, and members of the general public shall be allowed to provide their input to the school district during the wellness policy adoption and review process.

8. Competitive Foods (Includes Food and Beverages Sold in Vending Machines, School Stores, and Fundraisers)

- a. Definitions. “Competitive food” means all food and beverages other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the school campus during the school day. For the purpose of competitive food standards implementation, “school day” means the period from the midnight before to 30 minutes after the end of the official school day.
- b. Applicability. Except as otherwise allowed by the Nebraska Department of Education (NDE) or applicable law, all competitive food sold during the school day must meet the USDA Smart Snacks Standards and the nutrition standards found in 7 CFR § 210.11. The competitive food restrictions do not apply to food sold during non-school day hours, weekends, and off-campus fundraising events such as concessions during after-school sporting events, school plays or concerts; or to bulk food items that are sold for consumption at home. (Ex: frozen pizzas, cookie dough tubs, etc.)
- c. Fundraiser Exemptions. A special exemption is allowed for the sale of food and/or beverages that do not meet the competitive food standards as required in this section for the purpose of conducting an infrequent school-sponsored fundraiser. The specially exempted fundraisers must not take place more than the frequency specified by NDE during such periods that schools are in session. No specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service.
- d. Other Exemptions. The only other nutrition exemptions from the competitive food requirements are those found in 7 CFR § 210.11.
- e. Other Limitations. No competitive food can be sold to children anywhere on school premises beginning one half hour before breakfast and/or lunch service until one half

hour after meal service unless all proceeds earned during these time periods go to the school nutrition program.

9. Triennial Assessment

The school board shall assess and review this policy at least every three years to determine:

- a. Compliance with this policy;
- b. How this policy compares to NDE model wellness policies;
- c. Progress made in attaining the goals of this policy.

The school board will update or modify this policy as appropriate.

10. Public Notice

In addition to identifying the topic on its meeting agenda as required by the Open Meetings Act, the school district will provide notice of this policy at least annually to the public and other stakeholders identified in this policy by one or more of the following methods: on its webpage, in its newsletter, in the student and employee handbooks, newspaper advertisements, direct mailings, electronic mail, and public postings.

In addition to identifying the topic on its meeting agenda as required by the Open Meetings Act, the school district will provide notice of the Triennial Assessment and progress reports towards meeting the goals in this policy using one or more of those same methods.

11. Recordkeeping

The District will retain records to document compliance with the requirements of the wellness policy at its central office.

12. Operational Responsibility

The superintendent is responsible for coordinating the implementation of this policy and for monitoring the district's progress in meeting the goals established by this policy. The superintendent will periodically report to the board on the district's progress in implementing this policy.

* These strategies include, but are not necessarily limited to, those cited in the Alliance for a Healthier Generation's Model Wellness Policy (Updated June 2020 to Reflect the USDA Final Rule) [found at https://api.healthiergeneration.org/resource/2](https://api.healthiergeneration.org/resource/2).

Adopted on: _____

Revised on: _____

Reviewed on: _____

6025

Student Cell Phone and Other Electronic Devices

Students may use cell phones or other electronic devices while at school, so long as they do so safely, responsibly and respectfully and comply with all other school rules while using these devices.

By bringing their cell phones and other electronic communication devices to school, students consent to the search of said devices by school staff when permitted by law.

Students may not have cell phones or electronic devices on while they are in locker rooms, restrooms, or any other area in which others may have a reasonable expectation of privacy.

The taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (including things like texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person engaged in these activities while on school grounds, in a school vehicle or at a school activity will be subject to the disciplinary procedures of the student code of conduct.

While on school property, at a school activity, or in a school vehicle, students may not use their cell phones or electronic devices to bully, harass, or intimidate any other person as governed by the student code of conduct.

Students shall be personally and solely responsible for the security of their electronic devices. The district is not responsible for theft, loss or damage of any electronic device, including any calls or downloads.

Students who violate this policy may have their cell phones or electronic devices confiscated immediately. The administration will return confiscated devices to the parent or guardian of the offending student, after meeting with the parent or guardian to discuss the rule violation. Students who violate this policy may, at the discretion of the school's administration, be subject to additional discipline, up to and including suspension or expulsion.

Students are prohibited from using cellular phones or other electronic devices while at school, except as provided in this policy or as deemed appropriate by a student's education team.

Students may use cell phones or other electronic devices on school sidewalks and in the common areas of the school before and after school, during passing periods, and during lunch so long as they do not create a distraction or a disruption and comply with all other policies and handbook provisions.

By bringing their cell phones and other electronic communication devices to school, students consent to the search of said devices by school staff when the staff determines that such a search is reasonable or necessary.

Students may not have cell phones or electronic devices while they are in locker rooms, classrooms, or restrooms. During school hours student cell phones or electronic devices must remain in lockers, backpacks, or be locked in a personal vehicle. Students may use cell phones or other technology in classrooms only with the express permission of the classroom teacher.

Students are strictly prohibited from sending, sharing, viewing, or possessing pictures, text messages, emails or other material of a sexual nature in electronic or any other form on a computer, cell phone, or other electronic device while at school. Students who possess prohibited material on their cell phone or other electronic device while at school shall be subject to disciplinary consequences as articulated by the student handbook.

Students may not use cell phones or electronic communication devices while riding in school vehicles, including listening to music, unless they have permission to do so from the driver or other adult responsible for their supervision.

Students shall be personally and solely responsible for the security of their cell phones and pagers. The district is not responsible for theft, loss or damage of a cell phone or any calls made on a cell phone.

Students who violate this policy or other school rules will have their cell phones or electronic devices confiscated immediately. The administration will return confiscated devices to the parent or guardian of the offending student, after discussing the rule violation with the student and parent or guardian. Students who violate this policy may, at the discretion of the school's administration, be subject to additional discipline, up to and including suspension or expulsion.

Adopted on: _____

Revised on: _____

Reviewed on: _____

6031 Emergency Exclusion

Grounds for Emergency Exclusion. Any student may be excluded from school in the following circumstances subject to the procedural provisions governing short term suspension found elsewhere in these policies or state law:

(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 that prompted the exclusion.

Extension of Exclusion. Pursuant to the Student Discipline Act, the principal has the authority to exclude a student from school for up to five school days on an emergency basis. If the superintendent or superintendent's designee determines that it is appropriate to consider the extension of an exclusion beyond five days, such consideration shall be made according to the procedures set forth below.

Notification of Student's Parent(s) or Guardian(s). The superintendent or the superintendent's designee shall notify the student's parent(s) or guardian(s) that the principal has proposed the extension of the exclusion. If the initial notice is oral, the superintendent shall confirm it in writing. The notice shall include notice of a recommended hearing examiner and an alternate hearing examiner for consideration by the parent(s) or guardian(s) if a hearing is requested.

Opportunity to Request a Hearing. The student's parent(s) or guardian(s) may submit a request for a hearing on the proposed extension of the exclusion within one school day of receiving the notice of the proposed extension.

Failure to Request a Hearing. If the parent(s) or guardian(s) do not request a hearing within two school days of receiving oral or written notice, the proposed extension of the exclusion shall automatically go into effect.

Appointment and Qualifications of a Hearing Examiner. The parent(s) or guardian(s) shall notify the superintendent within one school day of receiving notice of the recommended extension and proposed hearing examiner and alternate hearing examiner if the alternate hearing examiner is preferred.

Hearing Examiner's Notice to Parent(s) or Guardian(s). The hearing examiner shall promptly give written notice of the time, date and place of the hearing. The hearing will be held within ten school days after the initial date of exclusion; provided, the hearing may be held more than five school days after receipt of the request upon a showing of good cause. No hearing will be held on less than two (2) school days' notice unless otherwise agreed to by the student's parent(s) or guardian(s) and school officials.

Continued Exclusion. If a hearing is requested, the principal may determine in his or her sole discretion that the student shall remain excluded from school until the hearing officer makes a recommendation to the superintendent.

Examination of Student's Records and Affidavits. Prior to the hearing, the student and his/her parent(s) or guardian(s) shall have the right to examine and have school officials explain the student's records and any affidavits that will be used by school officials at the hearing.

Attendance at Hearing. The hearing may be attended by the hearing examiner, the principal (or designee), the student, and the student's parents or guardian(s). The student may be represented at this hearing by a representative of the family's choice.

Student's Witness(es). The student and his/her parent(s) or guardian(s) may ask any person with knowledge of the events leading up to the sanction or with general knowledge of the student's character to testify on behalf of the student. If school personnel or other students are requested to testify by the student's parent(s) or guardian(s), the hearing officer shall endeavor to help obtain the presence of such witnesses at the hearing.

Right to Know Issues and Nature of Testimony. The student and his/her parent(s) or guardian(s) have the right to request in advance of the hearing

the issues which the administration will propose in support of the extension, and the general nature of the testimony of any administrative or expert witnesses.

Presence of Student and Witnesses at the Hearing. The student and witnesses may be excluded at the discretion of the hearing examiner in accordance with state statutes. The student may speak in his/her own defense and may be questioned on such testimony, but may choose not to testify. The school district shall make available to testify at the hearing any employee who is a witness to the matter upon request from the parent(s) or guardian(s).

Sworn or Affirmed Testimony. The principal or his or her designee shall present evidence supporting the recommended extension. Witnesses will give testimony under oath of affirmation, and may be questioned.

Hearing Examiner's Report and Recommendations. The hearing examiner shall prepare a report of his or her findings and recommendations, and forward the report to the superintendent.

Superintendent's Decision. The superintendent will review the hearing examiner's report and determine whether to extend the exclusion. He or she shall have the decision delivered or sent by registered or certified mail to the student, student's parent(s), or guardian(s). If the superintendent decides to extend the exclusion, the extension will take effect immediately.

Adopted on: _____

Revised on: _____

Reviewed on: _____

6036

Reading Instruction and Intervention Services

The purpose of this policy is to facilitate reading instruction and intervention services to address student reading needs, including, but not limited to, dyslexia. It is the school district's goal that each student be able to read at or above grade level by third grade.

Effective Reading Teachers. It is the intent of the school district to employ teachers for kindergarten through third grade who are effective reading teachers as evidenced by (a) evaluations based on classroom observations and student improvement on reading assessments or (b) specialized training in reading improvement.

Reading Assessment. The school district will administer a reading assessment approved by the Nebraska Department of Education three times during the school year to all students in kindergarten through third grade. Exceptions to this requirement include:

- Any student receiving specialized instruction for limited English proficiency who has been receiving such instruction for less than two years;
- Any student receiving special education services for whom such assessment would conflict with the individualized education plan; and
- Any student receiving services under a plan pursuant to the requirements of section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, or Title II of the federal Americans with Disabilities Act of 1990, 42 U.S.C. 12131 to 12165, as such acts and sections existed on January 1, 2018, for whom such assessment would conflict with such section 504 or Title II plan.

The first assessment for kindergarten students must occur within the first 45 calendar days that school is in session of each school year. For all other grades, the first assessment must occur within the first 30 calendar days that school is in session of each school year.

Diagnostic assessments used within a supplemental reading intervention program do not require Nebraska Department of Education approval.

Deficiency Identification. Any student in kindergarten through third grade performing below the threshold level as determined by the Nebraska Department of Education shall be identified as having a reading deficiency for purposes of the Nebraska Reading Improvement Act and this policy. A student who is identified as having a reading deficiency shall remain identified as having a reading deficiency until the student performs at or above the

threshold level on an approved reading assessment. Nothing in the Nebraska Reading Improvement Act or this policy shall prohibit a school district from identifying any other student as having a reading deficiency.

Supplemental Reading Intervention Program. The school district will provide a supplemental reading intervention program to ensure that students can read at or above grade level at the end of third grade. The school district may work collaboratively with a reading specialist at the Nebraska Department of Education, with educational service units, with learning communities, or through interlocal agreements to develop and provide such supplemental reading intervention programs. Each supplemental reading intervention program must be:

- Provided to any student identified as having a reading deficiency;
- Implemented during regular school hours in addition to regularly scheduled reading instruction unless otherwise agreed to by a parent or guardian; and
- Made available as a summer reading program between each summer for any student who has been enrolled in grade one, grade two, or grade three or in a higher grade and is identified as continuing to have a reading deficiency at the conclusion of the school year preceding such summer reading program. The summer reading program may be held in conjunction with existing summer programs in the school district or in a community reading program not affiliated with the school district or offered online.

The supplemental reading intervention program may also include:

- Reading intervention practices that are evidence-based;
- Diagnostic assessments to identify specific skill-based strengths and weaknesses a student may have;
- Frequent monitoring of student progress throughout the school year with instruction adjusted accordingly;
- Intensive intervention using strategies selected from the following list to match the weaknesses identified in the diagnostic assessment:
 - Development in phonemic awareness, phonics, fluency, vocabulary, and reading comprehension;
 - Explicit and systematic instruction with detailed explanations, extensive opportunities for guided practice, and opportunities for error corrections and feedback; or
 - Daily targeted individual or small-group reading intervention based on student needs as determined by diagnostic assessment data subject to planned extracurricular school activities;

- Strategies and resources to assist with reading skills at home, including parent-training workshops and suggestions for parent-guided home reading; or
- Access to before-school or after-school supplemental reading intervention with a teacher or tutor who has specialized training in reading intervention.

Parent/Guardian Notification. The school will give notice in writing or by electronic communication to the parent(s) or guardian(s) of any student identified as having a reading deficiency within 15 working days of such identification that the student has been identified as having a reading deficiency and that an individual reading improvement plan will be established and shared with the parents or guardians.

Reading Improvement Plan. Any student who is identified as having a reading deficiency will receive an individualized reading improvement plan, that shall include a supplemental reading intervention program, no later than 30 days after the identification of the reading deficiency. The reading improvement plan may be created by the teacher, the principal, other pertinent school personnel, and the parents or guardians of the student and shall describe the reading intervention services the student will receive through the supplemental reading intervention program to remedy the reading deficiency. The student must receive reading intervention services through the supplemental reading intervention program until the student is no longer identified as having a reading deficiency.

Reading Progress. Each student in kindergarten through third grade and his or her parent(s) or guardian(s) will be informed of the student's reading progress within a reasonable time after the school district receives the results from the student's approved reading assessment.

NDE Professional Learning System. The Nebraska Department of Education provides a professional learning system. The elementary school(s) and early childhood education programs approved by the State Board of Education will ensure that teachers who teach children from four years of age through third grade are aware of the professional learning system and are adequately trained regarding evidence-based reading instruction to effectively instruct students in reading.

NDE Report. On or before July 1 of each year, the school district will provide the required information relating to dyslexia to the Nebraska Department of Education.

Adopted on: _____

Revised on: _____

Reviewed on: _____

6039

Repeat of Grade at Parent-Guardian Request

Parents and guardians may request that their student repeat a grade level under the following conditions:

Students in Kindergarten through Fourth Grade

Parents and guardians of students in kindergarten through fourth grade may request that their student repeat the grade level that the student has just completed under the following conditions:

- 1) If the student is at least one year below grade level and behind the child's typically developing peers in reading, English, and language arts such that the child does not possess the necessary academic skills required to succeed in reading, English, and language arts at grade level for the next grade to which the student would otherwise advance; or
- 2) If the student was absent fifty percent or more of the days in which school was in session for students during the school year which the student has just completed; or
- 3) If the student experienced a severe mental or physical illness resulting in hospitalization of two or more weeks during the school year.

Students in Fifth through Twelfth Grade

Parents and guardians of students in fifth through twelfth grade may request that their student repeat the grade level that the student has just completed if the student was absent fifty percent or more of the days in which school was in session for students during the school year which the student has just completed.

Procedure for Parent Requests for Student Grade Repetition

Parents and guardians who seek to have their student repeat the grade level just completed must submit a written request to the student's building principal no earlier than the day after the last scheduled student attendance day of the school year, and no later than two weeks after that date. This deadline may be waived by the superintendent for good cause shown. The request must include written documentation that provides evidence that the parents or guardians believe substantiate that the conditions outlined above have been met.

The principal shall promptly forward the request to the superintendent or his/her designee, along with any building-level information about the student which the principal believes will be relevant to the superintendent or designee in responding to the parents' or guardian's request.

The superintendent or designee shall review the request and promptly schedule a meeting with the parents or guardians. At this meeting, the superintendent or designee shall identify any alternative educational opportunities available to the student, including remedial instruction if applicable, and verify any special education supports available to the student. If the child's parent or guardian still intends to have such child repeat a grade, the parent or guardian shall complete a form prescribed by the Nebraska Department of Education and return the form to the office of the superintendent of schools.

Upon completion of the form and if all requirements pursuant to this policy are met, the school district shall have the child repeat the child's grade for the next school year.

Nothing in this policy modifies the school district's policies on mandatory attendance and reporting excessive absenteeism to the county attorney or other members of law enforcement. Likewise, nothing in this policy shall dictate or direct the provision of special education or related services, including but not limited to any IEP team decision about the appropriate educational placement of a child with a disability under Rule 51 of the Nebraska Department of Education.

Adopted on: _____

Revised on: _____

Reviewed on: _____

6040

Prekindergarten (Preschool or Early Childhood) Program

The school board establishes a program to provide prekindergarten services to resident students and those who meet the district option enrollment qualifications upon reaching Kindergarten age, also referred to as an early childhood or preschool program. The school district will provide the program in compliance with state law and 92 NAC 11 (Nebraska Department of Education "Rule 11"). The availability of the program is subject to the district being able to employ and retain appropriate and qualified personnel.

Purpose. The purpose of the program is to promote the social, emotional, intellectual, language, physical, and aesthetic development and learning for the children served and to promote family development and support.

Age Participation. The program will be available to children of the following ages:

- Children who are 3 years of age before July 31 of the enrollment year;
- Children who are 4 years of age at the start of the enrollment year; and
- Children who are 5 years of age at the start of the enrollment year, so long as they do not turn 6 years of age prior to January 1 of that year (subject to the participation limitation below).

All enrollment is subject to capacity limitations and enrollment priorities established in this policy.

Five-Year-Old Participation. Participation of 5-year-old students who will not turn 6 prior to January 1 of the enrollment year will be further limited to those students who fall below the 30th percentile on the district Kindergarten Readiness Assessments (KRA). Falling below this threshold does not guarantee participation.

Capacity Limitation. The maximum capacity for the early childhood program is 12 children for the Pre-School (3-year old) program and 20 children for the Pre-Kindergarten (4-year old) program. In the event where the total number of children registered for the program by July 15 falls below 20 in the Pre-Kindergarten program, the district will only offer the program to children with the following priority for enrollment:

- 1) 4-year-olds (new to the program);
- 2) "At-risk" children (as defined by Rule 11);
- 3) Qualified five-year-old students (based upon KRA results)

If the program is at capacity after July 15, further enrollment applications will be denied. Exception: If an "at-risk child" (as defined by Rule 11) moves into the district and the program is at capacity, the child will be enrolled in the program. The youngest child in the class that is not "at risk" will be withdrawn from the program.

Program Coordinator. The program will be coordinated by a an individual qualified by law to be a Program Coordinator.

Program and Staff Requirements. All teachers and administrators in prekindergarten programs must hold a valid certificate or permit to teach issued by NDE except as otherwise allowed by law or Rule 11.

Participation and Inclusion. Participation of children and families in the program will be voluntary. The program will not exclude children verified as having disabilities and will include to the extent possible children of diverse social and economic characteristics.

Birth Certificates. Within 30 days of enrollment, parents or guardians must submit a certified copy of the child's birth certificate or other documentation in compliance with the Missing Children Identification Act (sections 43-2001 through 43-2012).

Instructional Hours. Each class in the program will operate a minimum of 12 instructional hours per week during the school year. Programs receiving grant funds pursuant to state law will operate a minimum of 450 instructional hours per school year.

Fees. The district may charge a fee for its program in accordance with the Policy 5045 - Student Fees, provided that the fee may not exceed the actual cost of the program. If the district charges a fee, it will also use a sliding fee scale in order to maximize the participation of economically and categorically diverse groups. The district may waive fees on the basis of need.

General Reports. The head administrator will include information about the program in the NDE approved data system. All early childhood data is due as specified by the data system calendar.

Early Childhood Program Report. An Early Childhood Program Report Form will be submitted annually by October 15 on the form required by NDE.

Planning. Each program will have a planning period that complies with the requirements of Rule 11.

Coordination with Existing Programs and Funding Sources. The district will develop, and keep on file, a written plan to show that the program will be coordinated or contracted with existing programs in compliance with Rule 11 requirements. The district will develop and keep on file a written plan to coordinate and use a combination of local, state, and federal funding sources including, but not limited to, those listed in Rule 11 in order to maximize the participation of economically and categorically diverse groups of children and to ensure that participating children and families have access to knowledge of comprehensive services that may be available.

Additional Rule 11 Requirements. Rule 11 includes additional requirements that are not included in this policy, including but not limited to requirements addressing family development and support; developmentally and culturally appropriate curriculum, practices, and assessment; evaluation and quality assurance; program staff; child/staff ration and group size; facilities, equipment, health, and safety; meals and snacks, immunizations; supervision; toileting; infants and toddlers; Sixpence programs; and home-based programs. The district will comply with these additional requirements that are applicable to the program.

Special Education Act Compliance. Nothing in this policy allows the school district to fail to meet its responsibilities under the Special Education Act (section 79-1110 through 79-1167). To the extent there is any conflict between this policy or Rule 11 with the Special Education Act, the Act shall control.

Adopted on: _____

Revised on: _____

Reviewed on: _____

6041
Malcolm X Day Education

Each year on May 19th, designated as El-Hajj Malik ElShabazz, Malcolm X Day, the school district will hold suitable exercises in recognition of the sacrifices of the late Nebraska Hall of Fame inductee El-Hajj Malik El-Shabazz, Malcolm X, and his contributions to the betterment of society. When May 19th falls on a Saturday or Sunday, the district will provide the suitable exercises during the preceding or following week. The program shall be implemented within any applicable laws and/or regulations.

Adopted on: _____

Revised on: _____

Reviewed on: _____

6042 Projection Maps

The school district will only use the Gall-Peters projection map or a similar cylindrical equal-area projection map or the AuthaGraph projection map for display or use in the classroom. Use of the Mercator projection map is prohibited unless:

1. The Mercator projection map is used in conjunction with other projection maps in a teaching exercise to demonstrate that all maps are flawed in some way and different map projections serve different functions and may affect how individuals view the world; or
2. The Mercator projection map is part of any:
 - a. book or material obtained prior to July 19, 2024; or geographic information system; or computer program that renders a three-dimensional representation of Earth based primarily on satellite imagery, such as Google Earth or similar software; and
 - b. a Gall-Peters projection map or similar cylindrical equal-area projection map or an AuthaGraph projection map is displayed in the classroom or shown to students during the lesson in which a Mercator projection map is used.

Adopted on: _____

Revised on: _____

Reviewed on: _____

6043

Sharing Mapping Data

This policy shall provide for the sharing of information to public safety agencies in order to implement effective emergency response protocols.

Definition. Mapping data means maps relating to the school buildings or school property with data for an efficient emergency response.

Sharing of Mapping Data. Mapping data shall be shared in an electronic or printable format with public safety agencies that provide emergency services to district property to assist those agencies in responding to an emergency on district property.

Requirements Related to Mapping Data. Mapping data shared with public safety agencies pursuant to this policy shall meet the following requirements:

- The mapping data shall be compatible with and able to be integrated into software platforms used by public safety that provide emergency services to the specific school for which the data is provided without requiring:
 - The purchase of additional software by such public safety agencies; or
 - The integration of third-party software to view the data;
- The mapping data shall be a finished map product in a file format easily accessible using a standard or open-source file reader, depending on the needs of the school and the public safety agency;
- The mapping data shall be provided in a printable format;
- The mapping data shall be verified for accuracy, during production and annually, through a walk-through of the school campus;
- The mapping data shall give an indication of what direction is true north;
- The mapping data shall include accurate floor plans overlaid on accurate, verified aerial imagery of the school campus;
- The mapping data shall contain site-specific labeling that matches the structure of school buildings, including room labels, hallway names, external door or stairwell numbers, locations of hazards, key utility locations, key boxes, automated external defibrillators, and trauma kits using standard labeling rules set by the State Department of Education;
- The mapping data shall contain site-specific labeling that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties using standard labeling rules set by the State Department of Education; and
- The mapping data shall be overlaid with a grid and coordinates.

Annual Certification or Updates. The district shall annually:

- Certify to the appropriate public safety agencies that the mapping data provided pursuant to this policy is accurate; or
- If such information has changed, provide the appropriate public safety agencies with updated mapping data.

Reimbursement. The Superintendent shall apply to the State Department of Education in the manner prescribed by the Commissioner of Education for a grant to cover the costs of providing payment to vendors on behalf of the school district to facilitate the implementation of mapping data in accordance with this policy. Such application shall include a copy of this school policy, an estimate from a vendor on the cost of providing such mapping data that meets the requirements of this policy, and any other information the department may require. Alternatively, the Superintendent may apply to and contract with the district's educational service unit in the manner prescribed by the educational service unit for purposes of covering the costs of facilitating mapping data in accordance with this policy.

Adopted on: _____

Revised on: _____

Reviewed on: _____



OVERTON EAGLES

Athletic Directory & Sports Schedules



Superintendent: Mark Aten - mark.aten@overtoneagles.org

Principal/Activities Director: Brian Fleischman - brian.fleischman@overtoneagles.org

Assistant Activities Director: Cydney Weiss - cydney.weiss@overtoneagles.org

Phone #: (308) 987-2424

Fax #: (308) 987-2349

Web Page - www.overtoneagles.org

2024-2025 COACHING STAFF

FOOTBALL

HEAD: Marcus Harvey
ASST: Michael Phelps
ASST: Nathan Rackley
ASST: Ryan Lauby

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VOLLEYBALL

HEAD: Hayley Ryan
ASST: Alison Robinson
ASST: Gabrielle Renderos

hayley.ryan@overtoneagles.org

CROSS COUNTRY

HEAD: Emily Brooks
ASST: Peyton Eby

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GIRLS BASKETBALL

HEAD: Doug Luther
ASST: Marcus Harvey
ASST: Megan Sorensen
ASST: Rachel Ecklund

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BOYS BASKETBALL

HEAD: Cole Robinson
ASST: Karsten McCarter
ASST: Rob McCarter
ASST: Jacob Olmstead

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WRESTLING

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TRACK

HEAD: Jordan Rush
ASST: Brandi McCarter
ASST: Nathan Rackley

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GOLF

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ASST: Jeff Reil

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JUNIOR HIGH GIRLS

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ASST:

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CHEER

HEAD: Mackenzie Brand
ASST: Peyton Eby

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JUNIOR HIGH BOYS

FB/BB/TR: Marcus Harvey
FB/WR: Michael Phelps
BB/TR: Keith Swift

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keith.swift@overtoneagles.org

DANCE

HEAD: Arran Putnam

arran.putnam@overtoneagles.org





2024-25 NSAA Changes

Baseball

- During postseason play, the home team will be the highest seeded team. For if necessary games, the home/away team status will be alternated for the next game. **(AR)**
- Class A district dates will be adjusted to avoid playing doubleheaders during district play. Higher seed will host each game. **(CC)**
- An organized practice shall mean more than 7 students under the direct supervision of a sponsor. **(RA)**

Basketball

- The largest 65 registered schools will be in Class A & B. **(AR)**
- Classes C1 & C2 Sub-District Assignments - Each class will be divided into 4 regions, based on geography. The westernmost region will consist of 1 sub-district of 5 or 6 teams. The other 3 regions will have 15-18 teams. Those 3 regions will then serpentine into 3 sub-districts of 4-6 teams, based on wildcard points. 10 sub-district winners + 6 wildcards qualify for district finals. **(AR)**
- The higher seed will host district finals in Classes C1 & C2. **(AR)**
- Classes C1, C2, D1 & D2 will utilize the shot clock in regular season and postseason play. **(AR)**
- Class A schedules can accrue 22 points. Single game = 1 point. Tournament = 2 points. **(CC)**
- 7th and 8th grade team managers are allowed to participate in practice. **(RA)**

Cross Country

- Largest 65 registered schools will be in Class A & B. **(AR)**
- 7th and 8th grade students are allowed to participate in practice. **(RA)**

Golf

- The top 4 seeds in Class A will not be switched to move district host schools/sites. **(AR)**
- Class B will assign districts using a serpentine method, based on average differentials. Class B will be required to submit schedules/scores on the NSAA website. **(CC)**

Play Production

- Two “Outstanding Performer Awards” will be presented at district and state contests. **(AR)**

Soccer

- Class A district games played on Saturday of Week 43 will only be play-in games. **(CC)**

Softball

- Class C district assignments will be made using a statewide serpentine based on wildcard points. **(AR)**
- During postseason play, the home team will be the highest seeded team. For if necessary games, the home/away team status will be alternated for the next game. **(AR)**
- Class B Sub-District Assignments – The number of districts will be based on the number of teams in the class. Greater than 40 Teams = 10 sub-districts, with 4-5 teams. 40 Teams = 10 sub-districts. Less than 40 Teams = number of sub-districts determined by dividing the total number of Class B teams by 4, rounding down to the nearest whole number. **(CC)**
- An organized practice shall mean more than 7 students under the direct supervision of a sponsor. **(RA)**

Speech

- “Opponent’s Average Rank” will now be the 2nd step of the tie-breaking procedure to determine speakers qualifying for finals. **(AR)**

Track & Field

- An organized practice shall mean more than 12 students under the direct supervision of a sponsor. Coaches can attend unattached meets 12 or less of their students are participating. **(CC)**
- 7th and 8th grade students are allowed to participate in practice. **(RA)**

Volleyball

- Largest 65 registered schools will be in Class A & B. **(AR)**
- Classes C1 & C2 Sub-District Assignments - Each class will be divided into 4 regions, based on geography. The westernmost region will consist of 1 sub-district of 5 or 6 teams. The other 3 regions will have 15-18 teams. Those 3 regions will then serpentine into 3 sub-districts of 4-6 teams, based on wildcard points. 10 sub-district winners + 6 wildcards qualify for district finals. **(AR)**
- The higher seed will host district finals in Classes C1 & C2. **(AR)**
- In Class D, 7th and 8th grade team managers are allowed to participate in practice. **(RA)**

Wrestling

- Girls Wrestling will add Class B. **(AR)**
- Class C Boys Wrestling District Assignments - The top 16 schools will be placed in districts by using a serpentine method based on returning state points. The next 12 western most schools will make up the remainder of the westernmost district. Remaining schools will be placed in districts by using a serpentine method based on returning state points. **(RA++)**

Home School Transfer Bylaws (RA+)

- New NSAA Bylaw, 2.7.6.8 – Students who were regular member school students and transfer to a home school in grades 9-12 remain eligible to participate for the member school under the following conditions:
 1. The student must have received twenty credit hours for the immediate preceding semester.
 2. The student must be continuously enrolled in at least twenty credit hours of instruction, and a minimum of five credit hours must be from the member school the student represents in interscholastic competition.
 3. The student's part-time enrollment must be in the school in which the student's home school is located.

NSAA Bylaw – Law Compliance (RA+)

- New NSAA Bylaw, 1.5.3.9 – Amendments Made by Board of Directors. The Board of Directors may amend the Constitution & Bylaws of the NSAA outside of the Legislative Procedure by action taken at a regular or special meeting, when those changes are required by law.

Classification/Competitive Balance Committee (RA+)

- A committee will be established for the 2024-25 school year to address school classification issues for the purposes of competitive balance. The committee will hear appeals from schools that wish to opt-down from their assigned class and be eligible for district and state competitions. The committee will make a recommendation on each appeal to the Board of Directors.

Coaches and Sponsors – 2.12.2 (RA)

- Adding language to 2.12.2, stating “school districts may choose to hire their own external coaches and employ those individuals who do not possess a Nebraska Teacher Certificate or Nebraska Administrative and Supervisory Certificate”.

Out-of-State Transfers – May 1st List (RA+)

- Students transferring from out of state to an NSAA member school can now use the May 1st Transfer List.

(AR) = Proposal that passed a vote in at least one November 2023 NSAA District Meeting and passed a vote of the NSAA Board of Directors at their April 2024 meeting.

(CC) = Proposal that passed through the Class Caucus.

(RA) = Proposal that passed a vote in at least one November 2023 NSAA District Meeting, passed a vote in at least three January NSAA District Meetings and passed the vote of the NSAA Representative Assembly in April 2024.

(RA+) = Proposal that passed a vote in at least one November 2023 NSAA District Meeting, passed a vote in at least three January NSAA District Meetings, passed the vote of the NSAA Representative Assembly in April 2024 and passed a referendum vote of NSAA member schools.

(RA++) = Proposal that was brought from the floor and passed at NSAA Representative Assembly in April 2024 and passed a referendum vote of NSAA member schools.

| | | | | | |
|---------------------|------------------|-----------------|-------------------------|--|-----------------------------------|
| | | | Overton Public School | | |
| | | | Board Financial Report | | |
| | | | Two Year Comparison | | |
| Updated: | 6/3/2024 | | | | |
| | | | | | |
| | | | | | |
| | 2022-2023 | | | | 2023-2024 |
| Date | 1-Jun-24 | | Difference | | Date 6/3/2024 |
| Depreciation | \$ 490,398.47 | | \$ 24,958.74 | | Depreciation \$ 515,357.21 |
| MMA/CD | \$ 4,244,561.44 | | \$ 594,823.52 | | MMA/CD \$ 4,839,384.96 |
| Checking | \$ 476,718.68 | | \$ (238.90) | | Checking \$ 476,479.78 |
| Total | \$ 5,211,678.59 | | \$ 619,543.36 | | Total \$ 5,831,221.95 |
| | | | | | Current Date 6/3/2024 |
| | | | | | MMA \$ 3,792,035.57 |
| | | | | | MMA C.D. \$ 750,000.00 |
| | | | | | OHS C.D. \$ 297,349.39 |
| | | | | | Total \$ 4,839,384.96 |
| | | | Special Building | | |
| | | 600731064 | \$ 125,037.29 | | Current Date 6/3/2024 |
| | | 126886 | \$ 114,512.95 | | Depreciation \$ 59,242.79 |
| | | Checking Accto. | \$ 510.00 | | Depreciation \$ 163,586.64 |
| | | Total | \$ 240,060.24 | | Depreciation \$ 292,527.78 |
| | | | | | Total \$ 515,357.21 |

| | | | | | |
|-----------------------|-------------------------|-------------------------|------------------------------|-------------------------|------------------------|
| | | | Overton Public School | | |
| | | | Board Financial Report | | |
| <u>Month</u> | <u>June</u> | | Official | | |
| <u>Year</u> | <u>2024</u> | | Three Year Comparison | | |
| <u>Account</u> | <u>2021-2022</u> | <u>2022-2023</u> | <u>2023-2024</u> | <u>\$ Change</u> | <u>% Change</u> |
| MMA - Reserve | \$ 3,997,818.17 | \$ 4,244,561.44 | \$ 5,332,098.89 | \$ 1,087,537.45 | 25.62% |
| Depreciation Fund | \$ 484,087.06 | \$ 490,398.47 | \$ 515,357.21 | \$ 24,958.74 | 5.09% |
| Bond Fund | \$ - | \$ - | \$ - | \$ - | 0.00% |
| Special Building Fund | \$ 232,716.89 | \$ 233,962.13 | \$ 240,060.24 | \$ 6,098.11 | 2.61% |
| Food Nutritional Fund | \$ 85,577.72 | \$ 52,378.00 | \$ 70,592.81 | \$ 18,214.81 | 34.78% |
| Activities Fund | \$ <u>255,736.79</u> | \$ <u>279,992.57</u> | \$ <u>303,040.50</u> | \$ <u>23,047.93</u> | <u>8.23%</u> |
| Totals | \$ 5,055,936.63 | \$ 5,301,292.61 | \$ 6,461,149.65 | \$ 1,159,857.04 | 21.88% |
| Total Reserve | \$ 4,481,905.23 | \$ 4,734,959.91 | \$ 5,847,456.10 | \$ 1,112,496.19 | 23.50% |

ACTIVITY ACCOUNT 2023-2024

| <u>Date</u> | <u>Disbursements</u> | <u>Receipts</u> | <u>Profit/Loss</u> | <u>Ending Balance</u> |
|-------------|----------------------|-----------------|--------------------|-----------------------|
| Aug. 2023 | \$ 17,728.73 | \$ 94,691.37 | \$ 76,962.64 | \$ 340,423.36 |
| Sept. | \$ 19,153.71 | \$ 23,356.72 | \$ 4,203.01 | \$ 347,485.63 |
| Oct. | \$ 16,700.00 | \$ 31,360.89 | \$ 14,660.89 | \$ 362,146.22 |
| Nov. | \$ 22,867.05 | \$ 21,433.73 | \$ (1,433.32) | \$ 360,712.90 |
| Dec. | \$ 20,667.78 | \$ 19,948.58 | \$ (719.20) | \$ 356,461.09 |
| Jan. | \$ 21,624.05 | \$ 13,529.49 | \$ (8,094.56) | \$ 348,366.53 |
| Feb. | \$ 22,667.54 | \$ 23,529.30 | \$ 861.76 | \$ 349,228.29 |
| March | \$ 36,716.29 | \$ 8,886.51 | \$ (27,829.78) | \$ 321,398.54 |
| April | \$ 41,741.41 | \$ 14,906.49 | \$ (26,834.92) | \$ 293,753.62 |
| May | \$ 38,833.38 | \$ 41,119.81 | \$ 2,286.43 | \$ 303,040.50 |
| June | \$ - | \$ - | \$ - | \$ - |
| July | \$ - | \$ - | \$ - | \$ - |
| Aug-23 | \$ - | \$ - | \$ - | \$ - |
| Fiscal Year | \$ 240,971.21 | \$ 198,071.52 | \$ (42,899.69) | |
| School Year | \$ 258,699.94 | \$ 292,762.89 | \$ 34,062.95 | |

Checking Account ID:

Check Type: Automatic Payment

| Check Number | Check Date | Void | Void Date | Entity ID | Entity Name | Amount |
|-------------------------------------|------------|------|-----------|-----------|------------------------------|----------|
| 12 | 05/20/2024 | | | DELUXE | DELUXE CHECKS | 148.07 |
| 13 | 05/21/2024 | | | TASC | TASC | 3,625.00 |
| 14 | 05/31/2024 | | | SIGNATURE | SIGNATURE CHAMPIONSHIP RINGS | 1,738.00 |
| Check Type Total: Automatic Payment | | | | | | |
| Void Total: | | | | | | 0.00 |
| Total without Voids: | | | | | | 5,511.07 |

Checking Account ID:

Check Type: Check

| Check Number | Check Date | Void | Void Date | Entity ID | Entity Name | Amount |
|--------------|------------|------|-----------|------------|---|----------|
| 18441 | 05/03/2024 | | | GICCB | GICC BASKETBALL | 500.00 |
| 18442 | 05/03/2024 | | | MCCASHA | SHALEE MCCARTER | 287.47 |
| 18443 | 05/03/2024 | | | DANASTE | DANA STELLING | 190.00 |
| 18444 | 05/03/2024 | | | BERTRAND | BERTRAND COMMUNITY SCHOOL | 60.00 |
| 18445 | 05/03/2024 | | | PAXTONSC | PAXTON CONSOLIDATED SCHOOLS | 129.58 |
| 18446 | 05/03/2024 | | | AMAZON | AMAZON CAPITAL SERVICES | 657.06 |
| 18447 | 05/06/2024 | | | MIDWESTGR | MIDWEST GRADS | 512.50 |
| 18448 | 05/07/2024 | | | CAMBRI2487 | CAMBRIDGE PUBLIC SCHOOL | 75.00 |
| 18449 | 05/09/2024 | | | NEFFA | NEBRASKA FFA STATE ASSOCIATION | 840.00 |
| 18450 | 05/09/2024 | | | BSNSPORTS | BSN SPORTS LLC | 3,564.00 |
| 18451 | 05/09/2024 | | | CASH | CASH | 450.00 |
| 18452 | 05/09/2024 | | | TEAMBUILDR | TEAMBUILDR | 1,500.00 |
| 18453 | 05/09/2024 | | | MISKOS | MISKO SPORTS | 3,402.82 |
| 18454 | 05/09/2024 | | | BSNSPORTS | BSN SPORTS LLC | 933.12 |
| 18455 | 05/09/2024 | | | MOONLI | MOONLIGHT CUSTOM SCREENPRINT & EMBROIDERY | 172.00 |
| 18456 | 05/13/2024 | | | LIPS | LISA'S INSTANT PRINT SERVICE | 74.66 |
| 18457 | 05/13/2024 | | | CASHWA | CASH-WA DISTRIBUTING | 431.20 |
| 18458 | 05/13/2024 | | | CHESTER | CHESTERMAN CO. | 262.50 |
| 18459 | 05/17/2024 | | | NCA3679 | NEBRASKA COACHES ASSOCIATION | 1,700.00 |
| 18460 | 05/17/2024 | | | SPORTBOARD | SPORTBOARDZ | 49.25 |
| 18461 | 05/17/2024 | | | EPICSP | EPIC SPORTS | 1,606.71 |
| 18462 | 05/17/2024 | | | BANZALE | ALEX BANZHAF | 250.00 |
| 18463 | 05/17/2024 | | | LITTLEC | LITTLE CAESAR'S | 167.72 |
| 18464 | 05/17/2024 | | | MBRAND | MACKENZIE BRAND | 59.19 |
| 18465 | 05/17/2024 | | | JOYCEK | JOYCE KLINTWORTH | 30.00 |
| 18466 | 05/17/2024 | | | AMAZON | AMAZON CAPITAL SERVICES | 357.17 |
| 18467 | 05/17/2024 | | | BBFFA | BROKEN BOW FFA | 133.00 |
| 18468 | 05/22/2024 | | | USBANK | US BANK | 7,195.86 |
| 18469 | 05/24/2024 | | | NEFCCLA | NEBRASKA FCCLA | 527.50 |
| 18470 | 05/24/2024 | | | FAMILYCA | FAMILY, CAREER & COMMUNITY LEADERS OF AMERICA | 1,400.00 |
| 18471 | 05/24/2024 | | | FAIRPLAYCO | FairPlay Corporation | 250.00 |
| 18472 | 05/24/2024 | | | RSCHOOL | RSCHOOL TODAY | 300.00 |
| 18473 | 05/24/2024 | | | NSAA1364 | NSAA | 48.00 |
| 18474 | 05/28/2024 | | | CALLAM | CALLAM SPORTS PHOTOGRAPHY | 60.00 |
| 18475 | 05/28/2024 | | | UNKFB | UNK LOPER FOOTBALL | 3,995.00 |
| 18476 | 05/28/2024 | | | HBDESI846 | Heather Brennan | 576.00 |
| 18477 | 05/28/2024 | | | NCA3679 | NEBRASKA COACHES ASSOCIATION | 50.00 |
| 18478 | 05/29/2024 | | | WILCOX | WILCOX-HILDRETH PUBLIC SCHOOL | 325.00 |
| 18479 | 05/29/2024 | | | PUREPL3870 | PURE PLATINUM | 200.00 |

Grand Total: Void Total: ## Total without Voids: 38,833.38

Fund: 05 ACTIVITY FUND

| <u>Chart of Account Number</u> | <u>Chart of Account Description</u> | <u>Beginning Balance</u> | <u>Expenses</u> | <u>Revenues</u> | <u>Balance</u> |
|--------------------------------|-------------------------------------|--------------------------|-----------------|-----------------|----------------|
| 05 704 1000 | ATHLETICS FUND BALANCE | 80,457.41 | 15,010.11 | 1,335.00 | 66,782.30 |
| 05 704 2109 | SENIOR CLASS OF 2024 | 2,166.68 | 568.14 | 0.00 | 1,598.54 |
| 05 704 2110 | JUNIOR CLASS OF 2024 | 3,507.96 | 1,866.80 | 0.00 | 1,641.16 |
| 05 704 2111 | SOPHMORE CLASS OF 2024 | 3,714.79 | 0.00 | 0.00 | 3,714.79 |
| 05 704 2112 | FRESHMAN GRADE CLASS OF 2024 | 4,684.42 | 0.00 | 0.00 | 4,684.42 |
| 05 704 2113 | 8TH GRADE CLASS OF 2024 | 4,285.81 | 0.00 | 0.00 | 4,285.81 |
| 05 704 2114 | 7TH GRADE CLASS 2024 | 6,360.40 | 0.00 | 0.00 | 6,360.40 |
| 05 704 3010 | YEARBOOK | 922.88 | 0.00 | 740.00 | 1,662.88 |
| 05 704 3011 | BBB CLUB | 2,584.77 | 500.00 | 0.00 | 2,084.77 |
| 05 704 3020 | CHEERLEADING | (4,412.55) | 760.72 | 7,694.14 | 2,520.87 |
| 05 704 3025 | DANCE TEAM | 2,763.80 | 142.36 | 1,387.77 | 4,009.21 |
| 05 704 3030 | CONCESSIONS | (3,384.28) | 552.70 | 1,613.19 | (2,323.79) |
| 05 704 3041 | FB CLUB | 6,289.18 | 8,135.00 | 5,020.00 | 3,174.18 |
| 05 704 3042 | PEE WEE FOOTBALL CLUB | 305.52 | 0.00 | 0.00 | 305.52 |
| 05 704 3043 | PEE WEE WR CLUB | 1,997.75 | 0.00 | 0.00 | 1,997.75 |
| 05 704 3048 | FFA CLUB | 1,640.07 | 973.00 | 500.00 | 1,167.07 |
| 05 704 3049 | FBLA | 550.46 | 0.00 | 0.00 | 550.46 |
| 05 704 3050 | FCCLA | 7,762.63 | 2,389.23 | 3,058.41 | 8,431.81 |
| 05 704 3051 | GBB CLUB | 1,191.67 | 325.00 | 798.00 | 1,664.67 |
| 05 704 3060 | HONOR SOCIETY | 297.73 | 669.22 | 590.39 | 218.90 |
| 05 704 3070 | MUSIC | (96.47) | 0.00 | 0.00 | (96.47) |
| 05 704 3090 | SCHOOL PLAY | 1,118.95 | 0.00 | 0.00 | 1,118.95 |
| 05 704 3100 | SHOP | 2,146.34 | 0.00 | 0.00 | 2,146.34 |
| 05 704 3110 | STAFF LOUNGE | 4,969.54 | 24.00 | 0.00 | 4,945.54 |
| 05 704 3120 | STUDENT COUNCIL | 765.75 | 290.99 | 0.00 | 474.76 |
| 05 704 3121 | VB CLUB | 5,109.64 | 0.00 | 73.48 | 5,183.12 |
| 05 704 3122 | WR CLUB | 2,319.51 | 900.38 | 0.00 | 1,419.13 |
| 05 704 3123 | TRACK CLUB | 273.48 | 0.00 | 310.23 | 583.71 |
| 05 704 3124 | CROSS COUNTRY | 450.28 | 0.00 | 0.00 | 450.28 |
| 05 704 3125 | GREENHOUSE PROJECT | 835.31 | (50.00) | 1,092.50 | 1,977.81 |
| 05 704 3126 | GOLF CLUB | 194.75 | 1,738.00 | 129.80 | (1,413.45) |
| 05 704 4000 | MISC/ACT. DEPOSITS | 6,200.00 | 0.00 | 0.00 | 6,200.00 |
| 05 704 4010 | GENERAL/125 PLAN | 56,146.69 | 3,773.07 | 23,526.90 | 75,900.52 |
| 05 704 4015 | EHA | 2,811.47 | 190.00 | 0.00 | 2,621.47 |
| 05 704 4020 | SITE | 2,403.33 | 0.00 | 0.00 | 2,403.33 |
| 05 704 4025 | SUMMER READING PROGRAM | 1,253.39 | 74.66 | 0.00 | 1,178.73 |
| 05 704 4030 | REVOLVING/COCA COLA SCHOLARSHIP | 364.34 | 0.00 | 0.00 | 364.34 |
| 05 704 4035 | ACTIVITY SPECIAL FUNDS ACCOUNT | 62,707.52 | 0.00 | 0.00 | 62,707.52 |
| 05 704 4037 | IPADS | 12,846.08 | 0.00 | 250.00 | 13,096.08 |
| 05 704 4040 | GRANT \$ | 445.58 | 0.00 | 0.00 | 445.58 |
| 05 704 4070 | FELLOWSHIP OF CHRISTIAN ATHLETES | 6,000.79 | 0.00 | 0.00 | 6,000.79 |
| 05 704 4080 | CIRCLE OF FRIENDS (1) ELEMENTARY | 255.29 | 0.00 | 0.00 | 255.29 |
| 05 704 4081 | CIRCLE OF FRIENDS (2) SECONDARY | 22.78 | 0.00 | 0.00 | 22.78 |
| 05 704 4090 | SCHOOL STORE | 522.18 | 0.00 | 0.00 | 522.18 |
| Fund Total: 05 | | 293,753.62 | 38,833.38 | 48,119.81 | 303,040.05 |

FP Check Register by Checking Account

Checking Account ID:

Check Type: Check

| <u>Check Number</u> | <u>Check Date</u> | <u>\ Void Date</u> | <u>Entity ID</u> | <u>Entity Name</u> | <u>Amount</u> |
|---------------------|-------------------|--------------------|------------------|-----------------------------|-----------------------------------|
| 5209 | 05/07/2024 | | KULHCOR | CORTY KULHANEK | 10.30 |
| 5210 | 05/07/2024 | | POOSCHKE | KERI POOSCHKE | 26.35 |
| 5211 | 05/09/2024 | | AMAZON | AMAZON CAPITAL SERVICES | 1,088.79 |
| 5212 | 05/09/2024 | | INNOOFFIC | INNOVATIVE OFFICE SOLUTIONS | 579.02 |
| 5213 | 05/12/2024 | | HILAND | HILAND DAIRY | 1,655.63 |
| 5214 | 05/12/2024 | | CASHWA | CASH-WA DISTRIBUTING | 4,339.23 |
| 5215 | 05/12/2024 | | BIMBO | BIMBO BAKERY | 138.00 |
| 5216 | 05/13/2024 | | USFOOD | US FOODS | 4,860.41 |
| 5217 | 05/17/2024 | | USBANK | US BANK | 75.15 |
| 5218 | 05/28/2024 | | PLUMCR | PLUM CREEK MARKET | 51.78 |
| 5219 | 05/29/2024 | | AMAZON | AMAZON CAPITAL SERVICES | 86.97 |
| 5220 | 05/29/2024 | | CONCESSION | OVERTON CONCESSIONS | <u>157.60</u> |
| | | | | Void Total: | ## Total without Voids: 13,069.23 |

Hot Lunch Financial Report

Balance :

5/1/2024 \$ 77,415.05

Reiepts:

| | | |
|-----------------------|-----|--------------|
| Meal Sales | | \$ 4,114.50 |
| Summer Food Program | | \$ - |
| Fed. Reimbursement | Apr | \$ 11,256.03 |
| State Reimbursement | Apr | \$ - |
| Loans to Program | | \$ - |
| Other Local Misc | | \$ 1,027.37 |
| Transfer from General | | \$ - |

Total receipts \$ 16,397.90

Balance & Receipts \$ 93,812.95

Disbursements

| | | |
|-----------------------------------|-----|--------------|
| Food | | \$ 10,938.82 |
| Salaries | May | \$ 8,496.55 |
| Insurance | May | \$ 1,654.36 |
| Other Expenses | | \$ 1,863.43 |
| Pre K, Ala Carte, Juice, Catering | | \$ 266.98 |
| Loan Repayment | | |

Total Disbursements: \$ 23,220.14

Balance

4/30/2024 \$ 70,592.81

| | 2023-2024 | | | | | | | | |
|-----------|-------------------|----------------------|-----------------------|-----------------------|--------------------------|---------------------------|-----------------------------|-------------------------|---------------|
| | <u>Free Lunch</u> | <u>Reduced Lunch</u> | <u>Full Pay Lunch</u> | <u>Free Breakfast</u> | <u>Reduced Breakfast</u> | <u>Full Pay Breakfast</u> | <u>Coivd Free Breakfast</u> | <u>Covid Free Lunch</u> | <u>Totals</u> |
| July | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| June | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| May | 836 | 242 | 912 | 255 | 82 | 111 | 0 | 0 | 2438 |
| April | 1446 | 492 | 1725 | 570 | 213 | 420 | 0 | 0 | 4866 |
| March | 1265 | 421 | 1560 | 518 | 185 | 390 | 0 | 0 | 4339 |
| February | 1308 | 420 | 1610 | 514 | 196 | 374 | 0 | 0 | 4422 |
| January | 1378 | 420 | 1596 | 517 | 184 | 352 | 0 | 0 | 4447 |
| December | 1185 | 347 | 1450 | 465 | 156 | 290 | 0 | 0 | 3893 |
| November | 1224 | 50 | 1455 | 486 | 218 | 401 | 0 | 0 | 3834 |
| October | 1657 | 478 | 1903 | 731 | 268 | 472 | 0 | 0 | 5509 |
| September | 1451 | 533 | 1881 | 790 | 249 | 569 | 0 | 0 | 5473 |
| August | <u>1251</u> | <u>384</u> | <u>1440</u> | <u>470</u> | <u>153</u> | <u>264</u> | <u>0</u> | <u>0</u> | <u>3962</u> |
| Totals | 13001 | 3787 | 15532 | 5316 | 1904 | 3643 | 0 | 0 | 43183 |

| | 2022-2023 | | | | | | Summer | | | |
|-----------|-------------------|----------------------|-----------------------|-----------------------|--------------------------|---------------------------|-----------------------------|-------------------------|---------------|--|
| | <u>Free Lunch</u> | <u>Reduced Lunch</u> | <u>Full Pay Lunch</u> | <u>Free Breakfast</u> | <u>Reduced Breakfast</u> | <u>Full Pay Breakfast</u> | <u>Coivd Free Breakfast</u> | <u>Covid Free Lunch</u> | <u>Totals</u> | |
| July | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| June | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| May | 964 | 334 | 1157 | 471 | 123 | 264 | 0 | 0 | 3313 | |
| April | 1232 | 425 | 1444 | 596 | 172 | 440 | 0 | 0 | 4309 | |
| March | 1669 | 579 | 2009 | 833 | 245 | 596 | 0 | 0 | 5931 | |
| February | 1457 | 521 | 1717 | 735 | 220 | 513 | 0 | 0 | 5163 | |
| January | 1360 | 465 | 1707 | 610 | 160 | 395 | 0 | 0 | 4697 | |
| December | 1225 | 411 | 1534 | 567 | 148 | 392 | 0 | 0 | 4277 | |
| November | 1221 | 395 | 1497 | 692 | 183 | 437 | 0 | 0 | 4425 | |
| October | 1474 | 517 | 1905 | 744 | 233 | 465 | 0 | 0 | 5338 | |
| September | 1451 | 533 | 1881 | 790 | 249 | 569 | 0 | 0 | 5473 | |
| August | <u>1110</u> | <u>374</u> | <u>1473</u> | <u>457</u> | <u>153</u> | <u>355</u> | <u>0</u> | <u>0</u> | <u>3922</u> | |
| Totals | 13163 | 4554 | 16324 | 6495 | 1886 | 4426 | 0 | 0 | 46848 | |

Updated: 6/3/2024

Overton Public School
Property Tax Authority Certification
2024-2025

| General Fund Tax Asking 2023-2024 | Special Building Fund Tax Asking 2023-2024 | Total 2023-2024 Property Tax Asking | General Fund Non-Property Tax Revenue | Special Fund Non-Property Tax Revenue | Total Non-Property Tax Revenue 2021-2022 | 2022-23 SPED Reimbursement | 2022-2023 TEEOSA & Foundation Aid | Total Property Tax & Non Revenue | Basic Growth 3.00% | Basic Growth Membership 2.00% | LEP Growth 0.375% | Total Base Growth 5.375% | Revenue Cap x Growth Rate % \$ 4,980,651.59 | G.F. 2022-23 Non Property Tax Revenue \$ 361,077.00 | S.B. 2022-23 Non Property Tax Revenue \$ - | 2022-2023 Total Non-Revenue Tax Revenue \$ 361,077.00 | 2023-2024 Estimated SPED \$ 300,530.00 | 2024-2025 TEEOSA & Foundation Aid \$ 759,943.00 | Unused Property Tax Authority \$ 30,472.00 | 2024-25 Property Tax Authority \$ 3,589,573.59 | Additional Growth Board Authorized 7.00% | Additional Base Growth \$ 330,861.79 | Total property Tax Authority \$ 3,920,435.38 | | |
|-----------------------------------|--|-------------------------------------|---------------------------------------|---------------------------------------|--|----------------------------|-----------------------------------|----------------------------------|--------------------|-------------------------------|-------------------|--------------------------|---|---|--|---|--|---|--|--|--|--------------------------------------|--|--|--|
| \$ 3,516,662.00 | \$ - | \$ 3,516,662.00 | \$ 236,856.00 | \$ - | \$ 236,856.00 | \$ 170,209.00 | \$ 802,870.00 | \$ 4,726,597.00 | | | | | | | | | | | | | | | | | |
| Difference | | | | | | | | | | | | | | \$ 254,054.59 | \$ 124,221.00 | \$ - | \$ 124,221.00 | \$ 130,321.00 | \$ (42,927.00) | \$ 30,472.00 | \$ 72,911.59 | 7% | \$ 330,861.79 | | |
| | | | | | | | | | | | | | | | | | | | | | | 6% | \$ 283,595.82 | | |
| | | | | | | | | | | | | | | | | | | | | | | 5% | \$ 236,329.85 | | |
| | | | | | | | | | | | | | | | | | | | | | | 4% | \$ 189,063.88 | | |
| | | | | | | | | | | | | | | | | \$ 3,758,749.00 | | | | | | | | | |

Overton Public School
2025-2026 Budget Information
Valuation and Levy Estimates

| | | | | | |
|---------------------|------------------------------|-----------------------|-----------------------|-----------------------------|-------|
| General Fund | <u>2024-2025 Tax Request</u> | <u>2025 Valuation</u> | <u>2024-2025 Levy</u> | <u>Tax Request Increase</u> | 8.00% |
| | \$ 3,516,662.00 | \$ 372,631,532.00 | 0.943737 | \$ 25,000.00 | 7.00% |
| | | | | | 6.00% |

| | |
|---------------------|-----------------------|
| General Fund | <u>2024 Valuation</u> |
| | \$ 372,631,532.00 |

| <u>General Fund</u> | <u>2024-2025 Tax Request</u> | <u>2025 Estimated Valuation</u> | <u>2024-2025 Levy</u> | <u>Valuation % Change</u> | <u>Commission 1.0%</u> | <u>Commission</u> | <u>Dollar Request Increase</u> |
|---------------------|------------------------------|---------------------------------|-----------------------|---------------------------|------------------------|-------------------|--------------------------------|
| Option 1 | \$ 3,516,662.00 | \$ 402,442,054.56 | 0.8825690 | 8.00% | 1.00% | \$ 35,166.62 | \$ 35,166.62 |
| Option 2 | \$ 3,541,662.00 | \$ 402,442,054.56 | 0.8888431 | 8.00% | 1.00% | \$ 35,416.62 | \$ 60,416.62 |
| Option 3 | \$ 3,566,662.00 | \$ 402,442,054.56 | 0.8951173 | 8.00% | 1.00% | \$ 35,666.62 | \$ 85,666.62 |
| Option 4 | \$ 3,591,662.00 | \$ 402,442,054.56 | 0.9013915 | 8.00% | 1.00% | \$ 35,916.62 | \$ 110,916.62 |
| Option 5 | \$ 3,616,662.00 | \$ 402,442,054.56 | 0.9076657 | 8.00% | 1.00% | \$ 36,166.62 | \$ 136,166.62 |
| Option 6 | \$ 3,641,662.00 | \$ 402,442,054.56 | 0.9139399 | 8.00% | 1.00% | \$ 36,416.62 | \$ 161,416.62 |
| Option 7 | \$ 3,666,662.00 | \$ 402,442,054.56 | 0.9202141 | 8.00% | 1.00% | \$ 36,666.62 | \$ 186,666.62 |
| Option 8 | \$ 3,691,662.00 | \$ 402,442,054.56 | 0.9264883 | 8.00% | 1.00% | \$ 36,916.62 | \$ 211,916.62 |
| Option 9 | \$ 3,716,662.00 | \$ 402,442,054.56 | 0.9327625 | 8.00% | 1.00% | \$ 37,166.62 | \$ 237,166.62 |
| Option 10 | \$ 3,741,662.00 | \$ 402,442,054.56 | 0.9390367 | 8.00% | 1.00% | \$ 37,416.62 | \$ 262,416.62 |
| Option 11 | \$ 3,766,662.00 | \$ 402,442,054.56 | 0.9453109 | 8.00% | 1.00% | \$ 37,666.62 | \$ 287,666.62 |
| Option 12 | \$ 3,791,662.00 | \$ 402,442,054.56 | 0.9515851 | 8.00% | 1.00% | \$ 37,916.62 | \$ 312,916.62 |
| Option 13 | \$ 3,816,662.00 | \$ 402,442,054.56 | 0.9578593 | 8.00% | 1.00% | \$ 38,166.62 | \$ 338,166.62 |
| Option 14 | \$ 3,841,662.00 | \$ 402,442,054.56 | 0.9641335 | 8.00% | 1.00% | \$ 38,416.62 | \$ 363,416.62 |
| Option 15 | \$ 3,866,662.00 | \$ 402,442,054.56 | 0.9704077 | 8.00% | 1.00% | \$ 38,666.62 | \$ 388,666.62 |

| | | | | | | | |
|--|--|--|--|--|--|--|-------|
| | | | | | | | 7.00% |
| | | | | | | | 6.00% |

| | |
|---------------------|-----------------------|
| General Fund | <u>2024 Valuation</u> |
| | \$ 372,631,532.00 |

| <u>General Fund</u> | <u>2024-2025 Tax Request</u> | <u>2025 Estimated Valuation</u> | <u>2024-2025 Levy</u> | <u>Valuation % Change</u> | <u>Commission 1.0%</u> | <u>Commission</u> | <u>Dollar Request Increase</u> |
|---------------------|------------------------------|---------------------------------|-----------------------|---------------------------|------------------------|-------------------|--------------------------------|
| Option 1 | \$ 3,516,662.00 | \$ 398,715,739.24 | 0.890817 | 7.00% | 1.00% | \$ 35,166.62 | \$ 35,166.62 |
| Option 2 | \$ 3,541,662.00 | \$ 398,715,739.24 | 0.897150 | 7.00% | 1.00% | \$ 35,416.62 | \$ 60,416.62 |
| Option 3 | \$ 3,566,662.00 | \$ 398,715,739.24 | 0.903483 | 7.00% | 1.00% | \$ 35,666.62 | \$ 85,666.62 |
| Option 4 | \$ 3,591,662.00 | \$ 398,715,739.24 | 0.909816 | 7.00% | 1.00% | \$ 35,916.62 | \$ 110,916.62 |
| Option 5 | \$ 3,616,662.00 | \$ 398,715,739.24 | 0.916149 | 7.00% | 1.00% | \$ 36,166.62 | \$ 136,166.62 |
| Option 6 | \$ 3,641,662.00 | \$ 398,715,739.24 | 0.922481 | 7.00% | 1.00% | \$ 36,416.62 | \$ 161,416.62 |
| Option 7 | \$ 3,666,662.00 | \$ 398,715,739.24 | 0.928814 | 7.00% | 1.00% | \$ 36,666.62 | \$ 186,666.62 |
| Option 8 | \$ 3,691,662.00 | \$ 398,715,739.24 | 0.935147 | 7.00% | 1.00% | \$ 36,916.62 | \$ 211,916.62 |
| Option 9 | \$ 3,716,662.00 | \$ 398,715,739.24 | 0.941480 | 7.00% | 1.00% | \$ 37,166.62 | \$ 237,166.62 |
| Option 10 | \$ 3,741,662.00 | \$ 398,715,739.24 | 0.947813 | 7.00% | 1.00% | \$ 37,416.62 | \$ 262,416.62 |
| Option 11 | \$ 3,766,662.00 | \$ 398,715,739.24 | 0.954146 | 7.00% | 1.00% | \$ 37,666.62 | \$ 287,666.62 |
| Option 12 | \$ 3,791,662.00 | \$ 398,715,739.24 | 0.960478 | 7.00% | 1.00% | \$ 37,916.62 | \$ 312,916.62 |
| Option 13 | \$ 3,816,662.00 | \$ 398,715,739.24 | 0.966811 | 7.00% | 1.00% | \$ 38,166.62 | \$ 338,166.62 |
| Option 14 | \$ 3,841,662.00 | \$ 398,715,739.24 | 0.973144 | 7.00% | 1.00% | \$ 38,416.62 | \$ 363,416.62 |
| Option 15 | \$ 3,866,662.00 | \$ 398,715,739.24 | 0.979477 | 7.00% | 1.00% | \$ 38,666.62 | \$ 388,666.62 |

| | | | | | | | |
|--|--|--|--|--|--|--|-------|
| | | | | | | | 6.00% |
|--|--|--|--|--|--|--|-------|

MIDWEST MEAT C O M P A N Y

To Whom It May Concern:

I wanted to take a couple minutes to introduce ourselves to you and offer our services to your school's beef program. We are a family owned and operated meat processing facility located in Minden, Nebraska. We are full-time inspected by the USDA in our plant, which was build in 2023. All the equipment we utilize is brand new and allows us to process for you with efficiency and precision. We love what we do here and strive to provide our customers with the best service possible.

Currently, our prices for processing are as follows:

| | |
|---|--|
| Slaughter and disposal : \$125.00 | Processing: \$1.05 / lb (rail weight) |
| Processing: \$1.05 / lb (rail weight) | USDA Fee (covers any required testing) : \$30.00 |
| Grinding: \$0.30 / lb | Patties (1/4 or 1/3 pounders) : \$1.00 / lb |
| Over 30 Months of age Cattle : \$100.00 | Refrigerated Deliver : \$1.00 per loaded mile |

We also offer our services for school fundraiser activities. Local FFA Chapters have used our beef sticks, jerky, and sausages with great results. These products pair nicely with several other items from right here in Nebraska including cheeses and chocolates. We would be happy to discuss fundraising and other special events as the need arises. Feel free to call us at 308-304-3842 or email Harold@midwestmeatcompany.com for more information. We look forward to working with you.

Regards,

The Colby's

Midwest Meat Company