

Policy – Assessment, Prevention, and Intervention Services to maintain safe, disciplined and drug-free school and development of successful students.

- A. In order to maintain “Safe and Drug-Free Schools” in accordance with the “No Child Left Behind Act,” school programs are asked to foster a physically safe and emotionally secure, drug-free learning environment that supports academic achievement by designing programs aimed at: 1) preventing or reducing violence; 2) preventing or reducing the use, possession of, or distribution of illegal drugs; 3) preventing or reducing delinquency; 4) creating a well-disciplined environment conducive to learning that includes consultation between teachers, principals, and other school personnel to identify early warning signs of drug use or violence; 5) providing behavior interventions as part of classroom management strategies; 6) promoting the involvement of parents; and 7) promoting coordination with community groups and coalitions as well as government agencies.

The Student Assistance Program will address the need for prevention and intervention services in addition to working toward the maintenance of safe, disciplined and violence free schools.

The Student Assistance Program (SAP) will utilize a multi-disciplinary team and systems approach to support students making good choices and to identify as well as intervene with students experiencing difficulties. Each school’s SAP will be directed by a Core Team. This multi-disciplinary Core Team will be composed of a SAP coordinator, at least one administrator, one guidance counselor, one teacher, and one special education instructor. The school nurse and visiting teacher will also be incorporated in the core team process as will other members of the faculty as indicated.

The primary mission of the Student Assistance Program will be to work collaboratively with students, parents, school personnel, and community representatives to foster resiliency in students, prevent risk-taking behaviors, and interrupt the negative emotional processes that might impede a student’s success in the school setting. The areas of focus of the SAP will include but are not limited to: substance abuse prevention and interventions, anger management, violence prevention and risk assessment, management of negative affect and emotional duress, suicide assessment, prevention, and intervention, identification and intervention with those difficulties that contribute to truancy and poor academic performance, life skills training, case management, and referral of students/families to

appropriate community agencies. Services will also be implemented on a more universal scope, including but not limited to: development of curricular changes, facilitation of parent-school communication, and encouragement of policy changes. The ultimate goal of the SAP is to address those factors that contribute to a student being unable to succeed in an educational setting.

B. Aggression/Violence Intervention Services Policy

The Hayes Center Public School Board directs that the Student Assistance Program provide 1) prevention services which enhance student resiliency in making the choice to refrain from aggressive acts toward self or others; 2) intervention services for students concerned about their own or another's use of aggression; 3) immediate assessment of those students who threaten to do violence to themselves or others; and 4) intervention services for those students who violate the Student Conduct Code regarding weapons and dangerous instruments, fighting/assault, bullying, disruptive behavior, student sexual and racial harassment. A mandatory referral to the SAP core team will be made for all aforementioned policy violations related to aggressive acts.

a. Automatic referral to AP core team required

b. Definitions and Clarifications:

Bullying/Intimidation

Sexual Harassment

Destruction of Property

Fighting/Assault

Hazing

Disruptive Behavior

ATOD

Students

Student Residence, Admission and Contracting for Educational Services4010

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

1. A resident of the School District for purposes of school enrollment. A student is a resident of the School District if the student resides in the School District or at least one of the student’s parents resides in the School District.
2. A homeless student. The following definition shall be used to determine which students fit this category:

A homeless individual is one who (1) lacks a fixed, regular, and adequate nighttime residence and (2) has a primary nighttime residence in a supervised publicly or privately operated shelter designed to provide for temporary accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill), an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings. The term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained by an Act of Congress or State law.

3. Approved for option enrollment into the School District.

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

1. The student is not a resident of the School District and is a resident of Nebraska. Such enrollment shall be pursuant to a contract between the Boards of Education of the School District and the school district in which the student is a resident and upon the collection of tuition pursuant to such contract. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year’s financial report.
2. The student is not a resident of the School District and is a resident of another State. Such enrollment shall be subject to collection of tuition in advance at a rate determined by the School Board. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year’s financial report.
3. The student is participating in an approved Foreign Exchange Program.

4. The student is a child of a member of the military on active duty and residing on certain property ceded to the United States and stationed in, near or adjacent to the School District, and children of employees of the federal government residing in Nebraska on national parks or national monuments within the State in, near or adjacent to the School District. Such discretionary admission shall be without charge for tuition.
5. The student's residency in the School District ceases during the school year. In such case, the student may be allowed to continue attending the School District for the remainder of that school year.

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

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

A child who is not a ward of the state or court and who is residing in a residential setting in the School District for reasons other than to receive an education is subject to the following: First, if the residential setting does not maintain an interim-program school, the School District will provide the educational services to the child pursuant to a contract with the school district in which the child resided immediately prior to such placement, as and to the extent required by law. This is subject to the parent or guardian and such other school district agreeing to have such other school district provide the educational services. Second, if the residential setting does maintain an interim-program school, the child's educational services will be provided by the interim-program school without the School District's involvement. However, the School District may provide educational services to the child pursuant to a contract with the school district in which the child resided immediately prior to such placement.

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

Legal Reference: Neb. Rev. Stat. ' 79-215 (residency and admission)
 Neb. Rev. Stat. ' 79-215 (children of military or federal employee parent)
 Neb. Rev. Stat. ' ' 79-232 to 79-246 (option enrollment)
 42 U.S.C. § 11431 et. seq. (McKinney-Vento Homeless Assistance Act)

NDE Rule 9

Date of Adoption: February 13, 2012

STUDENTS

ATTENDANCE 4010.1

All children who legally reside in the district and are of legal school age are eligible to attend school.

Children between the ages of 7 and 16 (except those exempted by law) are required to attend school. Students will attend full-time, except that under unusual circumstances the principal may approve a plan that requires less than full-time attendance, as long as the plan is designed to help them earn a high school diploma.

Students

Admission Requirements4010.2

Minimum Age:

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

Early Admission to Kindergarten:

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

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

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

- a. will turn 5 years of age between August 1 and October 15;
- b. are deemed by parents or guardians as being intellectually advanced and likely to benefit from advanced grade placement; and
- c. are selected on the basis of testing by professionals trained and certified to administer the assessments that will produce evidence of strength in:

1. mental ability defined as scoring 84th percentile or above on a standardized assessment of cognitive ability such as the Wechsler Pre Primary Scale of Intelligence III, or the Stanford-Binet V;
2. a test of emotional/social development such as the Behavior Assessment System for Children, Second Edition (BASC-2);
3. 75th percentile or greater on a test of pre academic skills such as the Woodcock Johnson III; and
4. a test of fine motor ability, scoring 75th percentile or above on a standardized measurement such as the Beery VMI.

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

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

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

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

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

Decisions regarding early kindergarten entrance must include consideration of the above and shall not be made based on race, color, gender, religion, ancestry, national origin, marital status, age, disability, or sexual orientation of the child or the child's parents or guardians. Institutional factors, such as capacity, may also be considered.

Admission to First Grade:

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

Graduates:

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

Age 21:

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

Birth Certificate, Physical, Visual Evaluation and Immunization:

The parents or legal guardian shall furnish:

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

- (2) Evidence of a physical examination by a physician, physician assistant, or nurse practitioner, within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a physical examination.
- (3) Evidence of a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist, within six months prior to the entrance of the child into the beginner grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a visual evaluation. The visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity.
- (4) Evidence of protection against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella, Hepatitis B, Varicella (chicken pox), Haemophilus Influenzae type b (Hib), invasive pneumococcal disease and other diseases as required by applicable law, by immunization, prior to enrollment, unless the parent or legal guardian submits a written statement that establishes that an exception to the immunization requirements are met.
- (5) Every student entering the seventh grade shall have a booster immunization containing diphtheria and tetanus toxoids and an acellular pertussis vaccine which meets the standards approved by the United States Public Health Service for such biological products, as such standards existed on January 1, 2009.

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

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

Enrollment of Expelled Students

If a student has been expelled from any public school district in any state, or from a private, denominational, or parochial school in any state, and the student has not completed the terms or time period of the expulsion, the student shall not be permitted to enroll in this school district until the expulsion period from such other school has expired, unless the School Board of this school district in its sole and absolute discretion upon a proper application approves by a majority vote the enrollment of

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

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

Date of Adoption: [Insert Date]

Students

Health Inspections4010.3

The school district shall cause every child under its jurisdiction to be separately and carefully inspected, except as otherwise provided by law, to ascertain if such a child is suffering from (1) defective sight or hearing, (2) dental defects, or (3) other conditions as prescribed by the Department of Health and Human Services (“Department”). Such inspections shall be conducted on a schedule prescribed by the Department and shall be based on current medical and public health practice. In lieu of conducting the inspections, the school board may employ regularly licensed physicians to make such inspections.

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

Whenever a child apparently shows symptoms of any contagious or infectious disease, such child shall be sent home immediately or as soon as safe and proper conveyance can be found and the school board shall be at once notified. Such student may be excluded from school as provided in the Student Discipline Act.

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

Legal Reference: Neb. Rev. Stat. §§ 79-248 and 79-249

Neb. Rev. Stat. § 79-264

Neb. Rev. Stat. § 79-526

Date of Adoption: April 14, _____, 2011

FORMS FOR HEALTH RELATED ADMISSION REQUIREMENTS

- 1. Notice of Requirements for Student Admission—Birth Certificate, Immunization, Physical Examination and Visual Evaluation**

- 2. Immunization—Affidavit of Refusal—For Reason of Religious Conflict**

- 3. Immunization—Affidavit of Refusal—For Reason of Religious Conflict
(Alternative: HHS Form)**

- 4. Immunization—Affidavit of Refusal—For Medical Reason (HHS Form)**

- 5. Immunization—Medical Documentation of Varicella (Chickenpox) Disease (HHS Form)**

- 6. Physical Examination or Visual Evaluation---Parent Objection Form**

- 7. Waiver of Physical Examination/Visual Evaluation Requirement (HHS Form)**

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

- 9. Request for Non Disclosure of High School Personal Information to Institutions of Higher Education and Military Recruiters**

- 10. Section 9528. Armed Forces Recruiter Access to Students and Student Recruiting Information**

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

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

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

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

Forms to submit objections are available from the school.

The following information is provided to assist a parent or guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify: Information about free or reduced-cost visual evaluations may be obtained from the Nebraska Optometric Association (NOA), <http://www.noaonline.org/>, 201 North 8th Street, Suite 400 P.O. Box 81706, Lincoln, NE 68501--Fax 402-476-6547--Phone 402-474-7716. To identify a participating SEE TO LEARN doctor nearest you, call 1-800-960-3937. For assistance from VISION USA call 1-800-766-4466. In addition, Lions Clubs throughout Nebraska are committed to assisting disadvantaged families by sponsoring eye exams and eyewear. NOA member doctors will provide eye exams at no cost if no other resources are available.

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

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

This affidavit is submitted for the following child: _____.

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

_____ Self, as I am the child and I am of the age of majority

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

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

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

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

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

IN WITNESS WHEREOF, this affidavit is signed and acknowledged this ____ day of _____, 200_.

Affiant

STATE OF NEBRASKA)

) ss.

COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 200_ by _____.

Notary Public

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

AFFIDAVIT

Refusal of Immunization of Student for Religious Reasons

State of Nebraska

ss.

County of _____

This Affidavit is being submitted on behalf of

(Name of Student)

(Birthdate of Student)

If the student is of the age of majority:

I, _____, of lawful age and being first duly sworn, depose and state as
(Name of Affiant/Student)

follows:

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

If the student is a minor:

I, _____, as legally authorized representative of _____,
(Name of Affiant) (Name of Student)

of lawful age and being first duly sworn, depose, and state as follows:

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

(Signature of Affiant)

SUBSCRIBED AND SWORN to before me this _____ day of _____, _____

Notary Public

REFUSAL OF IMMUNIZATION
For Medical Reasons

As the physician of:

Child's Last Name	First Name	Age
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Birth Date	School	Grade
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A. I have elected to not immunize this student against the following disease(s): (check box*)

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

Varicella (chickenpox)

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

The student

A member of the student's household or family

Comments _____

Signature of Physician

Date

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

Printed from the Nebraska Health and Human Services System Web site. www.hhs.state.ne.us

Documentation of Varicella (Chickenpox) Disease

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

This document is being submitted on behalf of:

(Name of child/student)

(Birth date of child/student)

I _____ verify that the above listed child/student

Parent/Guardian/Medical Provider

had the varicella disease in _____ (year).

(Signature of parent/guardian/medical provider)

**PARENT OBJECTION TO
PHYSICAL EXAMINATION OR VISUAL EVALUATION**

(For School Admission)

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

Child No. 1: _____

Child No. 2: _____

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

I hereby object in writing to the:

_____ physical examination

_____ visual evaluation

(check one or both)

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

Dated this ____ day of _____, _____.

Parent or Guardian

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



Department of Health and Human Services

Waiver of Physical Examination/Visual Evaluation Requirement

School Name (if desired)

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

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

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

Check which apply:

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

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

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

SIGN HERE _____

Signature of Parent/Guardian

Date

Comments: _____

Summary of the School Immunization Rules and Regulations

2010-2011

Student Age Group	Required Vaccines
2-5 year olds enrolled in a school based program not licensed as a child care provider	<p>4 doses of DTaP, DTP, or DT vaccine,</p> <p>3 doses of Polio vaccine,</p> <p>3 doses of Hib vaccine or 1 dose of Hib given at or after 15 months of age,</p> <p>3 doses of pediatric Hepatitis B vaccine,</p> <p>1 dose of MMR or MMRV given on or after 12 months of age,</p> <p>1 dose of varicella (chickenpox) or MMRV given on or after 12 months of age. Written documentation (including year) of varicella disease from parent, guardian, or health care provider will be accepted.</p>
Students entering school for the first time (K or 1 st Grade)	<p>3 doses of DTaP, DTP, DT, or Td vaccine, one given on or after the 4th birthday,</p> <p>3 doses of Polio vaccine,</p> <p>3 doses of pediatric Hepatitis B vaccine or 2 doses of adolescent vaccine if student is 11-15 years of age.</p>
Students entering 7 th Grade	<p>2 doses of MMR or MMRV vaccine, given on or after 12 months of age and separated by at least one month,</p> <p>1 dose of varicella (chickenpox) or MMRV if given on or after 12 months of age and prior to 13 years of age. If given at over 13 years of age, 2 doses of varicella (no MMRV), separated by at least one month. Written documentation (including year) of varicella disease from parent, guardian,</p>

<p>Transfer students from outside the State of Nebraska, regardless of grade (includes any foreign students)</p>	<p>or health care provider will be accepted. (For the 2009-2010 school year this includes students in grades kindergarten, 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th and 12th graders, plus all out of state transfer students).</p>
<p>All students not listed above (grades 1 through 6 and 8 through 12)</p>	<p>3 doses of DTaP, DTP, DT, or Td vaccine, one given on or after the 4th birthday,</p> <p>3 doses of polio vaccine</p> <p>3 doses of pediatric Hepatitis B vaccine or 2 doses of adolescent vaccine if student is 11-15 years of age</p> <p>2 doses of MMR or MMRV vaccine, given on or after 12 months of age and separated by at least one month,</p> <p>For the 2009-2010 school year Varicella is required for kindergartners, 1st, 2nd, 3rd, 4th, 5th, 7th, 8th, 9th, 10th, 11th and 12th graders, plus all out of state transfers.</p>

Source: Nebraska Immunization Program, Nebraska Department of Health and Human Services, 2009. For additional information, call 402-471-6423.

The School Rules & Regulations are available on the internet: <http://www.hhs.state.ne.us/reg/t173.htm> (Title 173: Control of Communicable Diseases - Chapter 3; revised and implemented 2004)

STUDENTS

MEDICAL INHALERS.....4010.35

Students will be allowed to carry inhalers with their physician's approval.

STUDENTS

LEGAL GUARDIANSHIP AND POWER OF ATTORNEY 4010.4

Students whose parents live in the school district are eligible to attend school. If the parents do not reside within the school district, the student may attend if a legal guardian resides in the district.

In unusual cases, students may be allowed to attend without charge by providing a power of attorney, if approved by school officials.

STUDENTS

GRADE PLACEMENT OF TRANSFERS 4010.5

Hayes Center Public Schools shall accept grade placement and school credits of students transferring from approved schools. The approved status of schools shall be that as determined by Nebraska Department of Education or other appropriate state departments of education. Credits from non-approved schools shall not be accepted when considering placement of students transferring into Hayes Center Public Schools. Grade placement of students transferring from non-approved schools shall be at the discretion of Hayes Center Public Schools officials. The following criteria shall be used in making this determination:

1. Achievement test scores
2. Student's chronological age
3. The emotional and physical maturity of the student

The principal, guidance counselor, and those individual teachers affected by the placement shall be involved in making the placement decisions.

STUDENTS

CORRESPONDENCE AND/OR EXTENSION 4010.7

Credits earned by correspondence or extension must be from an institution approved by the accrediting agency for the state or area where the school is located. Students may take classes through an accredited college for college credits as well as high school credits (dual credits).

STUDENTS

REGULAR ATTENDANCE4010.8

It is the position of Hayes Center Public Schools that all students should attend school every day that school is in session. Punctual and regular attendance is important since an absence from school is the greatest single cause of poor achievement in school.

Every person residing in the school district who has legal or actual charge or control of any child not less than seven nor more than sixteen has the legal responsibility to see that the child attends school regularly unless excused by school authorities or has been graduated from high school.

The Board of Education charges the administration with the responsibility for developing rules and regulations to be used in the administering of this policy.

STUDENT

SMOKE FREE 4010.9

Hayes Center Public Schools supports the current medical opinion that smoking and secondary smoke are hazardous to a person’s health. Therefore, to promote the health and safety of all students and staff, and to promote the cleanliness of all facilities, the board bans all tobacco products in all school buildings in the district and on all school vehicles by all persons at all times.

STUDENT ATTENDANCE

OPEN ENROLLMENT OPTION PROGRAM 4010.10

Hayes Center Public Schools will voluntarily participate in an open enrollment option program for students beginning with the 1990-1991 school year. Participation includes both “option” and “resident status” for the school district, allowing non-resident students to enter and resident students to exit Hayes Center Public Schools under this program. Participation will be subject to the limitations set forth in this policy and subsequent administrative rules and regulations.

Hayes Center Public Schools Board of Education is committed to educational excellence, and to satisfying the wide-ranging interests of the diverse society it serves. To that end, it recognizes that parents and schools should work collaboratively to provide the best educational program for its students. School choice provides an opportunity for parents to have more direct involvement in their student’s education.

The open enrollment option program in Hayes Center Public Schools will be available to all students regardless of race, color, ethnicity, sex, marital status, or age except for those restrictions already prescribed legally. Standards for entrance into the program will not include previous academic achievement, athletic or other co-curricular ability, handicapping conditions, proficiencies in English language, and the disciplinary history of the student.

Standards for acceptance or rejection of applications from families desiring student entrance into the district under the open enrollment options will be based on the capacity of a program, building, class, or grade level to include additional students; the physical space limitations related to room/area and the number of seats/stations it can optimally accommodate; the availability of appropriate special education programs in-district; instructional methodology that may dictate an enrollment limitation; specialized equipment or materials and, the overall cost effectiveness of increased participation of non-resident students.

An effective open enrollment program is dependent upon the kind and quality of information available to parents and students. As a result, Hayes Center Public Schools will provide information about the district, individual schools, and programs in a variety of formats and may use multiple media sources.

The district will not initiate contact with individual families or students promoting the open enrollment option program. However, it will respond to all inquiries initiated by interested parties. All information given by the school system will include district procedures and rules and regulations.

For a student to attend Hayes Center Public Schools under the open enrollment option program the student's parent or legal guardian shall submit an application to Hayes Center Board of Education, to the school district in which he/she resides, and the Nebraska Department of Education by March 15 for enrollment during the following and subsequent school years.

Application forms will be available in the Superintendent's office. The application form will include all district information regarding rules, regulations, procedures, and standards for participation in the open enrollment option program.

The application of a student who relocates in a different school district but wants to continue attending his or her original resident school district and who has been enrolled in his or her original resident school district for the immediately preceding two years shall be automatically accepted, and the deadlines prescribed in section 79-237 shall be waived

On or before April 1, Hayes Center Public Schools will notify the parent or legal guardian of the student, the resident school district, and Nebraska Department of Education, in writing, whether the application is accepted or rejected. If the application is rejected, Hayes Center Public Schools will state the reason(s) for rejection in the notification sent to the parent or legal guardian. The parent or legal guardian may appeal the rejection to Nebraska Board of Education within thirty (30) days of the date the notification of rejection was sent.

The open enrollment option to attend Hayes Center Public Schools will be available only once to each student prior to graduation unless the student relocates to a different resident school district. Any student admitted to Hayes Center Public Schools under the option program will attend until graduation or relocation to a different resident school district unless the parent or legal guardian chooses, on a one-time basis, to cancel the option participation and return to the resident district. In this case, the parent or legal guardian must submit a cancellation form to Hayes Center Public Schools Board of Education, to the school district in which he/she resides, and to Nebraska Department of Education by January 1 for automatic approval for the following school year.

An option program student must attend Hayes Center Public Schools for at least one complete school year unless he/she relocates to a different resident school district or completes requirements for graduation prior to the end of his/her senior year.

Hayes Center Public Schools will accept credits toward graduation that were awarded by another school district. The district will award a diploma to an option program student if the student meets its graduation requirements.

The acceptance or rejection of an application for participation in the open enrollment option program will be made on the basis of the following criteria:

1. Space and Capacity

District class size administrative guidelines and/or those programs that have specific capacity limitations due to the nature of the program will be considered. Option students will not be added if Superintendent of schools or designee determines the learning environment may be jeopardized due to overcrowding.

2. Instructional Methodology

Option students may be added to a class or program only if the instructional methods used do not prohibit the enrollment from growing. Instructional methodology used by which the program/activity dictates a class size or space limit, and where that maximum number of students or space needed has been reached, will prohibit option students from entry.

3. Specialized Equipment and/or Materials

Specialized equipment and/or materials will not be added to a program to facilitate entry of option students unless, in the opinion of the administration, it can be done in a cost effective manner.

4. Personnel and Staffing

Additional faculty or other staff will not be hired to enlarge or enhance an existing program to facilitate entry of option students unless, in the opinion of the administration, it can be done in a cost effective manner.

5. Transportation

Parents or legal guardians of option students are responsible for transportation to and from school. If at such time the district provides transportation, it will be available based on accessibility, and cost effectiveness as determined by Hayes Center Public Schools. Such cost effectiveness will include but not be limited to the actual per pupil cost calculated on a daily basis or a per mile basis.

An option student in Grades 9-12 who transfers to Hayes Center Public Schools will comply with NSAA rules on option enrollment.

RESOLUTION

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Option Enrollment Policy presented to the School Board as Policy 5006, and Appendix "1" to such Policy 5006, should be and the same are hereby adopted, and any previous policy or interpretation or application of the option enrollment program which is or has been inconsistent with the Policy 5006, and Appendix "1" to such Policy 5006, are repealed effective on the date of the passage of this resolution,

BE IT FURTHER RESOLVED that all paragraphs, subparagraphs, and portions of words of this Resolution, of Policy 5006, and Appendix "1" to such Policy 5006 are severable and that in the event any of the same are determined to be invalid for any reason, such determination shall not affect the validity of any of the remainder of the same.

BE IT FURTHER RESOLVED that policies and specific standards for acceptance or rejection of option enrollment applications should be and are hereby adopted, for applications filed after adoption of this resolution, and are hereinafter set forth:

The above Resolution, having been read in its entirety, member Randy Richter moved for its passage and adoption, member Joe Anderjaska seconded the same. After discussion and on roll call vote, the following members voted in favor of passage and adoption of the above Resolution: Joe Anderjaska, Kevin Large, Randy Richter, Kris Kressin, Bob Rosno, Marian Richards.

The following members voted against the same: None.

The following members were absent or not voting: None. The Resolution having been consented to and approved by more than a majority of the members of the School Board, was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska open meetings law.

DATED this 10th day of August, 2009.

HAYES CENTER PUBLIC SCHOOLS

Attest: /s/ Marian Richards
Secretary

By: /s/ Kevin Large
President

Appendix "1" to Option Enrollment Policy

The following is Appendix "1" to Policy 5006 for the 2009-2010 School Year. The Board of Education hereby sets forth the maximum number of option students for the 2009-2010 school year in any program, class, grade level or school building or in any special education programs operated by this school district, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which this school district will contract based on existing contractual arrangements, and availability of appropriate special education programs. Any program, class, grade level, or school building which has "0" as the No. of Option Students is hereby declared unavailable to option students due to lack of capacity.

PROGRAM	PROGRAM CAPACITY	PROJECTED ENROLLMENT	NO. OF OPTION STUDENTS
Kindergarten	25	10	
First	25	13	
Second	25	11	
Third	25	3	
Fourth	25	10	
Fifth	25	8	
Building Capacity, Elementary	150	55	
Level I Elementary Special Education	7	7	
Level II & III Elementary Special Education	0	0	
Sixth	25	10	
Seventh	25	10	
Eighth	25	10	

Building Capacity, Middle School Attendance Center	125	36	
Level I Middle School Special Education Program	4	2	
Level II and III Middle School Special Education	0	1	
Ninth	25	10	
Tenth	25	24	
Eleventh	25	12	
Twelfth	25	12	
Building Capacity, Sr. High School Attendance Center	100	54	
Level I Sr. High School Special Education Program	4	2	
Level II and III Sr. High School Special Education	0	0	

Option Enrollment

A. Process and Time Lines to Option In

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

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

Provisions for Waiver of Application Deadline (Choose one or modify as desired):

Option 1 (Waiver unless at capacity):

The application deadline will be waived by the School Board for applications to option into the Hayes Center Public School District, provided that the application contains a release approval from the resident district and satisfies any other requirements of law. Further, the application deadline shall not be waived if the application is for enrollment in any program, class, grade level or school building or in any special education programs operated by this School District which have been determined by the School Board to be at capacity in accordance with the capacity standards (Appendix "1"), and no waiver of the deadline shall be made for such an application regardless of whether such capacity determinations are declared invalid for any reason.

Option 2 (No Deadline Waiver):

The application deadline will **not** be waived by the School Board for applications to option into the Hayes Center Public School District.

Option 3 (Limited Deadline Waiver):

The application deadline will **not** be waived by the School Board for applications to option into the Hayes Center Public School District, except in the following circumstances:

1. Siblings: The application deadline will be waived where the application is for a student who is the sibling of a student attending Hayes Center Public Schools as of the time the application is filed, provided the application is filed at least 30 days prior to the semester in which first enrollment is sought. A “sibling” for this purpose means a child who resides in the same household on a permanent basis with a student who is currently attending Hayes Center Public Schools and who has the same natural or adoptive parent or who is a stepbrother or stepsister.
2. Kindergarten: The application deadline will be waived where the application is for a student who is seeking to enroll and attend the Kindergarten grade level provided the application was filed on or before June 1 prior to the first semester of the next school year.
3. Release Approval: For the foregoing exceptions, the application must contain a release approval from the resident district.
4. Other Conditions: The waiver of the deadline in the above circumstances does not require acceptance of the application, as such applications may be rejected for reasons other than late filing.
5. Capacity: For the foregoing exceptions, the application deadline shall not be waived if the application is for enrollment in any program, class, grade level or school building or in any special education programs operated by this School District which have been determined by the School Board to be at capacity in accordance with the capacity standards (Appendix “1”), and no waiver of the deadline shall be made for such an application regardless of whether such capacity determinations are declared invalid for any reason.
6. Capacity for Late Filed Applications: Where an application is filed for enrollment in the

same school year in which enrollment is sought, the “projected enrollment” determinations made pursuant to paragraph D shall be replaced with the “actual enrollment” as of the first day of school for the year of application, as determined by the Superintendent or the Superintendent’s designee, but only in the event such actual enrollment is higher than the projected enrollment. Actual enrollment shall include all students in attendance and all students registered to attend (even if not in actual attendance on the first day).

B. Rejection of Applications; Reasons

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

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

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

4. Other Reasons: An option enrollment application may be rejected in the event the Superintendent, the Superintendent’s designee, or the School Board determines: The application is not submitted on a form prescribed by the State Department of Education, is not completely and accurately filled in, is not received within the time required by law, or any additional information requested to be supplied is not supplied to the School District within the time lines indicated; or in the event acceptance of the application is not required by law. Matters which are legally prohibited from being considered as standards for acceptance or rejection of applications (including “previous academic achievement, athletic or extracurricular ability, disabilities, proficiency in the

English language, or previous disciplinary proceedings” and further including, without limitation, race, national origin, and gender) shall not be considered as reasons for acceptance or rejection.

C. Priority of Acceptance

Priority shall be accorded in the following order: (1) first, to those applications required to be given priority by law, (2) second, to those with a sibling in attendance at Hayes Center Public Schools, with priority within this group being given to those who had earliest filed applications, and (3) third to those without an option student sibling in attendance at Hayes Center Public Schools, with priority to those within this group to those who had earliest filed applications.

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

D. Determination of Capacity

The School Board will determine and set, on an annual basis, the maximum number of option enrollment applications the School District will accept in any program, class, grade level or school building or in any special education programs operated by this School District, based upon available staff, facilities, projected enrollment of resident students, projected number of students with which this School District will contract based on existing contractual arrangements, and availability of appropriate special education programs, and may declare a program, class or school unavailable to option students due to lack of capacity. Such determinations may be made in the form of an Appendix “1” to this Policy. The determination and declaration made for any school year shall continue in effect for the next and subsequent school years unless otherwise determined and/or declared.

E. Releases for Options Out

Provisions for Release (Choose one or modify as desired):

Option 1 (No Release):

A request for release of a resident student of the Hayes Center Public School District who submits an enrollment option application after March 15 or any other statutory deadline will not be granted.

Option 2 (Release unless Expulsion is Pending):

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

Option 3 (Release Conditions):

A request for release of a resident student of the Hayes Center Public School District who submits an enrollment option application after March 15 or any other statutory deadline will be granted only on the following conditions:

1. Kindergarten: A release will be granted where the application is for a student who is seeking to enroll and attend the Kindergarten grade level provided the application was filed on or before June 1 prior to the first semester of the next school year.
2. Siblings: A release will be granted where the application would allow the student to attend the same school as a sibling, provided the application is filed at least 30 days prior to the semester in which first enrollment is sought. A “sibling” for this purpose means a child who resides in the same household on a permanent basis with a student who is currently enrolled in the option district and who has the same natural or adoptive parent or who is a stepbrother or stepsister.
3. Educational Programming: A release will be granted where the needs of the student require the District to obtain additional staffing or equipment and it is in the best

interests of the District and the student to enroll in the option district. The determination of whether this condition is met shall be made by the Superintendent or the Superintendent's designee.

4. No Pending Expulsion: The deadline shall not be waived if the administration is considering or has recommended expulsion of the student at the time the application is filed, and the administration determines it is appropriate to complete the expulsion process.

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

F. Notification of Acceptance or Rejection

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

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

G. Status of Option Student

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

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

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

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

Legal Reference: Neb. Rev. Stat. §§ 79-232 to 79-246

Date of Adoption: August 9, 2009

[Print on School District Letterhead]

[Date]

[Insert Name of Parent/Guardian]

[Insert Street Address]

[Insert City], NE [Insert Zip Code]

RE: Option Enrollment; [Insert Name of Student]

Dear [Name]:

I am writing to notify you of the rejection of your:

___ option enrollment application

___ request for a release approval.

Reason for Rejection: The reason for the rejection is that your application or request does not meet the conditions for approval that are set forth in the District's option enrollment policy and/or state law. Additional reasons for the rejection are set forth in the completed application form, which is enclosed.

Appeal Process: The parent or legal guardian may appeal a rejection of an application or of a request to release. The appeal is to be filed with the State Board of Education within thirty days after the date the notification of rejection is received. A sample petition form for an appeal can be found in Appendix A of the Nebraska Department of Education's Rule 61 (<http://www.nde.state.ne.us/LEGAL/RULE61.html>).

Sincerely,

Hayes Center Public Schools

_____, Superintendent

Enclosure: Completed Option Enrollment Application

Sent via certified mail

BEHAVIOR AND CONDUCT

DISCIPLINARY PROCEDURES 4020

It shall be the policy of Hayes Center Public Schools in order to comply with Student Discipline Act of 1994, as amended, to ensure that students receive fair treatment consistent with their constitutional right to due process and fundamental fairness within the context of an orderly and effective educational process, prior to being subject to emergency exclusions, short term or long term suspensions, expulsions, or mandatory reassignments. Such disciplinary action, therefore, will be made in accordance with the following procedures:

I. DEFINITIONS AND STANDARDS

The following student conduct will constitute grounds for long term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of Student Discipline Act, when such activity occurs on school grounds, in a school owned vehicle being used for school purpose, 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;
- (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 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 or which is a firearm as defined by 18 U.S.C. 921;
- (6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in 53-103 or being under the influence of a controlled substance or alcoholic liquor;

- (7) Public indecency as defined in 28-806, except that this subdivision shall apply only to students at least twelve years of age but less than nineteen years of age;
- (8) 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 an educational function or event. For purposes of this subdivision, sexual assault shall mean sexual assault in the first degree and sexual assault in the second degree as defined in 18-319 and 28-320, as such sections now provide or may hereafter from time to time be amended;
- (9) 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
- (10) A repeated violation of any rules and standards validly established pursuant to 79-4,176 if such violations constitute a substantial interference with school purposes.

After a hearing requested pursuant to 79-4,181 and 79-4,182 R.R.S., a report shall be made by the hearing examiner of his/her findings and a recommendation of the action to be taken, which report shall explain, in terms of the needs of both students and the school Board of Education, the reasons for the particular action recommended. Such recommendation may range from no action through the entire field of counseling, to long term suspension, expulsion, mandatory assignment, or an alternative educational placement under 79-4,197.01, provided, however, that nothing in this policy shall be construed to require the hearing officer to avoid making a recommendation of suspension or expulsion without an alternative educational placement.

Superintendent means Superintendent or his/her lawful designee.

Principal means Principal or his/her lawful designee.

II. RIGHT TO NOTICE

It shall be the duty of the Superintendent to provide clear notice to each student and his or her parent or guardian of all rules and standards concerning student conduct that have been established or which will be established and promulgated by Board of Education. Such rules or standards which form the basis for discipline shall be distributed to each student and his or her parent or guardian at the beginning of each school year. The Superintendent shall also be responsible for posting in a conspicuous place within each school building during the school year such rules or standards. In the event there are changes in the rules and standards, such changes shall not take effect until the Superintendent has made a reasonable effort to distribute the text of such changes to each student and his or her parent or guardian.

III. INFORMAL CONFERENCES

Before any student is excluded, suspended, expelled, or mandatorily reassigned for a violation of the district's code of student conduct, such student will attend an informal conference with the principal. During this conference, the principal will inform the student orally or in writing of the charges against him/her, including an explanation of the evidence relating to such charges. If the student denies or disputes the charges he/she will be given the opportunity to give his/her version of the events relating to the charge.

IV. SHORT TERM SUSPENSION

A. Informal Conference

Before deciding whether a student should be subjected to a short-term suspension, the Principal shall hold an informal conference with the student, at which the student shall be confronted with the charges, and be provided with an explanation of the charge or charges if requested. The student shall also be provided an opportunity to present his or her version of the facts relating to the charge. The Principal will decide whether the charges against the student are substantially true and whether suspension is necessary; (1) to help any student, (2) to further school purposes, or (3) to prevent an interference with school purposes. If the Principal decides that the student engaged in the conduct as charge, the Principal will impose the appropriate disciplinary action.

B. Development of Guidelines

It shall be the policy of the district to direct the Superintendent to develop and adopt guidelines to be used in determining whether and to what extent a student who is suspended pursuant to this policy may be given an opportunity to complete any class work, including but not limited to examinations missed during the period of suspension. The Superintendent shall take into consideration such things as, but not limited to, what impact the lack of opportunity to complete class work and examinations would have on the student's ability to timely graduate, obtain full credit in any course, and whether the disciplinary action would unduly diminish or exaggerate the seriousness of the offense or cause any other educational relevant outcome. Such guidelines as the Superintendent may develop shall be provided to the student and parent or guardian at or prior to the time of suspension.

C. Written Notice

When a student is suspended, the Principal shall 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 reason for the suspension. The Principal shall provide the student and the student's parent or guardian with the school district's guidelines regarding the student's opportunity to complete any class work

missed during the period of suspension. The Principal shall make a reasonable effort to hold a conference with the student's parent or guardian before or at the time the student returns to school.

V. LONG TERM SUSPENSION, EXPULSION, AND MANDATORY REASSIGNMENT

A. Written Charge and Written Notice

If, after the initial conference between the Principal and the student, the Principal decides that long-term suspension, expulsion or mandatory reassignment is appropriate, on the date of that decision; the Principal shall file a written charge and a summary of the evidence supporting the charge with the superintendent. Within 2 days of the decision, the school shall send written notice by Registered Mail or Certified Mail to the student and the student's parent or guardian informing them of their rights under Students Discipline Act. The written notice shall include the rule or standard of conduct with which the student is charged of violating, a summary of the evidence to be presented against the student, and both the penalty which the principal has recommended in the charge and any other penalty to which the student may be subjected. The written notice shall inform the student and the student parent or guardian that they are entitled to a hearing, upon request, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked. Written notice shall also contain a description of the hearing procedures provided by Student Discipline Act and the procedures for appealing any decision rendered at such a hearing. The written notice shall also inform the student and the student's parent or guardian that the principal, the legal counsel for the school, the student, the student's parent, or the student's representative or guardian shall have the right to examine the student's academic and disciplinary records and any affidavits to be used at the hearing, any written statements pertaining to the matter if the school has such statements, and to know the identity of the witnesses which will appear at the hearing and the substance of anticipated testimony from such witnesses. Finally, the written notice shall include a form on which the student, or the student's parent or guardian may request a hearing.

B. Hearing Procedures For Hearing Requested Within 5 Days

(1) Scheduling of the Hearing

If the student or the student's parent or guardian requests a hearing within 5 days after receipt of the written notice, the Superintendent shall appoint a hearing examiner who shall, within 2 days after being appointed, give written notice to the Principal, the student, and the student's parent or guardian of the time and place of the hearing. The hearing shall be scheduled within 5 days after it is requested, but the hearing examiner for good cause may postpone it. Unless all the parties consent in writing, no hearing shall be held upon less than 2 school days actual notice to the Principal, the student and student's parent or guardian.

(2) Single Hearing for Multiple Students

When more than one student is charged with violating the same rule and they are charged with acting in concert and if the facts appear to the hearing officer to be substantially the same, a single hearing may be held for such students as a group, if the hearing examiner believes that a single hearing will not prejudice any of the students. If during the pendency of the hearing, the examiner finds that a group hearing will substantially prejudice a student, the hearing examiner may order a separate hearing for that student.

(3) Hearing Procedures

During the hearing, the student and the student's parent or guardian will have the opportunity to present the student's side of the case and to call and question witnesses. No long term suspension, expulsion, or mandatory reassignment hearing will be held unless it is attended by the hearing examiner, the student, the student's parent or guardian, the student's representative, if any, and legal counsel as defined in 79-4,187 R.R.S. 1943, if the hearing examiner or superintendent deems it advisable. Witnesses shall be present only while they are giving testimony. The hearing examiner may exclude the student at times when the student's psychological evaluation or emotional problems are being discussed and may exclude anyone from the hearing when his or her actions substantially disrupt an orderly hearing. The student may speak in his or her own defense and may be questioned on his or her testimony, but he or she may choose not to testify and in such case, shall not be threatened with punishment or be later punished for refusal to testify. During the hearing, the principal shall present to the hearing examiner the students records, and statements, in affidavit form, of any person having information about the students conduct. However, such records and statements will not be accepted by the hearing examiner unless, they had been made available to the student, or the student's parent, guardian or representative prior to the hearing. Nothing in this section shall be deemed to supplant any other procedures required by law or board policy. Such explanation and interpretation as desired by the hearing officer pertaining to student records shall be made prior to the hearing by appropriate school personnel.

(4) Possible Need For Subpoena

The hearing officer shall make reasonable efforts to compel the attendance of any witness requested by the student his or her parent, guardian or representative. The hearing officer may invoke the subpoena procedures of the district and shall in his or her sole discretion issue a subpoena in the name of Board of Education upon reasonable advance request in writing by the student, parent, guardian or representative seeking the assistance of the hearing officer in obtaining the attendance of a witness or witnesses.

(5) Hearing Examiner's Report and Superintendent's Determination

After the hearing is concluded, the hearing examiner shall within a reasonable time prepare a report of his or her findings with a recommendation of the action to be taken and the reasons for the recommendations of that particular action. The hearing examiner's recommendation may range from no action, through the entire field of counseling, to long-term suspension, expulsion, mandatory reassignment or an alternative educational placement under 79-4,197.01, and as described in this policy. The Superintendent shall review the examiner's report and may change, revoke, or impose the sanction recommended by the hearing examiner as long as the Superintendent does not impose a sanction more severe than that recommended by the hearing examiner. Written notice of the findings and recommendations of the hearing examiner and the determination of the Superintendent shall be made by Certified or Registered mail or by personal delivery to the student or the student's parent or guardian and upon receipt of such written notice, the determination of the Superintendent shall take effect immediately. Nothing in this policy shall require the hearing officer to place a student in an alternative placement unless required by Nebraska Department of Educational regulations.

(6) Appeal of the Superintendent's Determination

The student or the student's parent or guardian may appeal the Superintendent's determination to School Board or Board of Education by a written request filed with the Superintendent within 7 days of their receipt of the written notice of the Superintendent's determination. If such a hearing is requested, it will be held within a period of 10 school days after such request unless the time for hearing is changed by mutual agreement of the student and Superintendent. The appeal hearing may be held before a committee of School Board or Board of Education as long as at least three members are present. After examining the record, and if necessary, taking new evidence, the deliberating body may alter the Superintendent's disposition of the case if it finds the decision to be too severe, but may not impose a more severe sanction. If the appeal is heard by a committee of the board as prescribed by 79-4,199 R.R.S., such committee shall make a recommendation to the Board of Education which shall at its first regular meeting following the hearing before the committee consider the committee's recommendation and take such action as the Board of Education may elect, as provided. However, that action may not impose a more severe sanction than that recommended by the Superintendent. Nothing in this policy shall be construed to require a committee of the Board of Education to receive any new evidence unless the failure to do so would in the judgment of the Board of Education or the committee as applicable cause substantial unfairness in the proceedings. Final action of the Board of Education shall be evidenced by personally delivering or mailing by certified mail a copy of the deliberating bodies decision to the student and student's parent or guardian.

C. Hearing Procedures For Hearing Requested After 5 Days But Within 30 Days

If the student or the student’s parent or guardian requests a hearing more than 5 school days but not more than 30 calendar days following actual receipt of written notice, the hearing shall be held, but the imposed punishment shall continue in effect pending final determination, subject to the exceptions provided in the immediately following subsection.

VI. IMMEDIATE REMOVAL BY THE PRINCIPAL

The Principal may suspend a student immediately, regardless of the fact that a hearing was requested within five days of notice of expulsion or long-term suspension by the school, if the principal determines that such immediate suspension is necessary to prevent or substantially reduce the risk of; (a) interference with an educational function or school purpose, or (b) personal injury to the student, other students, school employees, or school volunteers. Although the preferable practice is that the principal make such determination in writing, nothing in this policy shall so require. If no hearing is requested, the immediate suspension, expulsion, or mandatory reassignment takes effect. If a hearing is requested, the suspension will continue until the date the hearing examiner files the report of his or her findings with the superintendent, if the principal has made a determination as above described.

VII. MAXIMUM LENGTH OF EXPULSION

A. In General

Except as herein otherwise provided, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which the expulsion took effect. However, if the misconduct occurred within 10 school days prior to the end of the first semester, the expulsion may remain in effect through the second semester. If the misconduct occurred within 10 days prior to the end of the second semester, the expulsion may remain in effect for summer school and for the first semester of the following year.

B. Expulsion For Causing Personal Injury or For Possessing A Dangerous Weapon Other Than a Firearm

If a student is expelled for the use of force, or causing or attempting to cause personal injury to another individual, or for knowingly and intentionally possessing or transmitting a dangerous weapon other than a firearm, the expulsion shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year.

C. Automatic Review Of Expulsion Which Continue During The First Semester Of The Following Year

Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review and shall be reviewed by the hearing examiner before the beginning of the school year. The review shall take place after the hearing examiner has given notice of the review to the student and the student's parent or guardian. The review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. If there is no such evidence the hearing examiner need not provide a hearing in order to complete his or her review. The hearing examiner may make a recommendation that the student be readmitted for the upcoming school year. The student may be readmitted by action of the superintendent unless the Board of Education took the final action to expel the student. Under such circumstances, the student may be readmitted only by action of the Board of Education.

D. Use of Force

In the event a student is expelled for the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except when such knowing and intentional use of force resulting in personal injury to persons just named is caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person, to the knowing and intentional possession, use, or transmission of a dangerous weapon other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurred during the first semester. The expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following year. Such action may be modified or terminated by the school district at any time during the expulsion period.

E. Firearms

It shall be the policy of the district when a student is determined to have knowingly and intentionally possessed, used, or transmitted a firearm as defined by 18 U.S.C. 921, as that statute existed on January 1, 1995, to expel such student for a period of not less than one year if such student conduct occurred on school grounds, in a school owned vehicle being used for school purpose, or at a school sponsored activity or athletic event. Nothing in this policy, however, shall prohibit the Superintendent of schools or Board of Education from modifying such required expulsion on an individual basis. This policy shall not apply to the issuance of firearms to or possession of firearms by members of the reserve officer training corp., or to firearms, which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

VIII. SUSPENSION OF THE ENFORCEMENT OF EXPULSION

Once a student has been expelled, the school district may suspend the enforcement of such expulsion as long as such suspension does not extend beyond the end of the full semester after the semester in which the expulsion took effect. During the period of time that the expulsion is suspended, the school district may assign the student to a school, class, or program, which it deems appropriate for

rehabilitation of the student. This district is by this policy herewith authorized to join together with another district or districts as the Superintendent may decide in providing such rehabilitation. This district may, by agreement with another district, send its suspended or expelled students to any school, class, or program, operating in the other district. The rehabilitation program if offered may be a community-centered classroom and may include experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, or as a participant in specialized tutorial experiences to individually prescribed educational and counseling programs. Such programs shall include an individualized learning program to enable the student to continue academic work for credit towards graduation. If, at the end of the period of suspension of enforcement, the student had satisfactorily participated in the rehabilitation program, the district shall permit the student to return to the school of former attendance or to attend other programs offered by the district. However, if the student's conduct has been unsatisfactory, the district shall enforce the expulsion action. If the student is reinstated, the district by its Superintendent may also take action to expunge the record of the expulsion action.

Nothing in this section shall be construed to require the district or the administration to suspend the enforcement of any expulsion not to require the district to enter into any contract or other arrangement with another school district or districts to provide any programs as are described in this section of the policy, unless required by Nebraska Department of Education.

IX. SUSPENSION OF EXPULSION PERIOD

In the event the district has expelled the student, such expulsion may be suspended from enforcement for a period of not more than one full semester in addition to the balance of the semester in which the expulsion took effect. The district may, as a condition of such suspended action, assign the student to a school, class, or alternative educational program, which the school district deems appropriate for rehabilitation of the student. Effective January 1, 1997, it shall be the policy of the district, in lieu of any programs that the district may offer as a community centered classroom which may include experiences for the student as an observer or aid in governmental functions, as an on the job trainee, or as a participant in specialized tutorial experiences or individual prescribed educational and counseling programs, to have an alternative school, class, or educational program available or in operation for all students expelled or whose expulsion has been suspended pursuant to this policy. Such alternative educational program may consist of services provided at the student residence unless specifically prohibited by any rules and regulations relating to alternative schools, classes, and educational programs, which may be developed by State Department of Education pursuant to lawful authority.

X. REPORTS TO LAW ENFORCEMENT

In the event the Principal knows or suspects that a violation of Nebraska Criminal code has been violated on school property or off school property at a school function, and when such act consists of any unlawful acts described in 79-4,180, the principal shall notify the county sheriff or city law enforcement authorities, as appropriate. Before making such a report, the principal shall undertake

reasonable efforts to ascertain the truth or falsity of any event upon which the making of a report to law enforcement would be based. Nothing in this section shall be construed to require the reporting of any law violation by the principal except if the criminal act to be reported occurred on the school grounds of the district or during an educational function or event in which the district is involved but off school grounds.

XI. REPORTS TO NEBRASKA DEPARTMENT OF EDUCATION

It shall further be the policy of the district to provide to Nebraska Department of Education on an annual basis the following:

- A. An assurance that the school district has, in effect, the policy required by statute pertaining to firearms, a copy of which assurance shall be developed by the Superintendent of schools or shall be as prescribed by Nebraska Department of Education.
- B. A description of the circumstances surrounding any expulsions imposed under the immediately preceding paragraph of this policy, including the name of the district, the number of students expelled from school, and the type of firearm concerned.

XII. RELEASE TO PEACE OFFICER

Consistent with any other lawful policy of the district, when a principal or other school official releases a minor student to a sheriff, coroner, jailer, marshal, police officer, state highway patrol officer, member of the national guard on active service by direction of Governor during period of emergency, or any other person with similar authority to make arrests, the Principal shall inform the parent or guardian of the release of the minor to such officer. The Principal shall inform the parent, guardian, or responsible relative of the place to which the minor is reportedly being taken unless the minor has been taken into custody as a victim of suspected child abuse in which case, the Principal or school official shall provide the authority by whom the minor has been taken into custody with the address and telephone number of the minor's parent or guardian or other responsible relative.

XIII. COORDINATION WITH OTHER DISTRICT POLICIES

Nothing in this policy shall be construed to modify any of the district's existing policies on student privacy, student records, or policies pertaining to the district's role in dealing with Department of Social Services, law enforcement officials, or other authorities who seek information from the school about a student when such knowledge is or may be privileged or private by applicable law.

ORDERLY CONDUCT 4020.1

Students shall be held responsible for their own behavior. Students are expected to behave in such a manner that it will not interfere with their learning nor other students right to learn or the right of all persons to a safe and orderly learning environment.

Reasonable standards of conduct, dress, etc. shall be developed by the administration with input from teachers, parents, and students. These standards shall be communicated to students, parents, and teachers annually.

BEHAVIOR AND CONDUCT

ANTI-BULLYING POLICY4020.2

One of the missions of the District is to provide a physically safe and emotionally secure environment for all students and staff. Positive behaviors (non-violence, cooperation, teamwork, understanding, and acceptance of others) are to be encouraged in the educational program and are required of all staff. Inappropriate behaviors (bullying, intimidation, and harassment) are to be identified and students and all staff are required to avoid such behaviors. Strategies and practices are to be implemented to reinforce positive behaviors and to discourage and protect others from inappropriate behaviors.

Legal reference: Student Discipline Act, Neb. Rev. Stat. 79-254 to 79-296; NDE February 2003 State Board Action.

BEHAVIOR AND CONDUCT

BEHAVIOR/CONDUCT OF STUDENTS WHILE RIDING BUSES 4020.3

Regular Transportation

Hayes Center Public Schools shall provide transportation for eligible students as provided in Nebraska statutes, or pay mileage, to and from school unless a student’s rights to transportation is suspended for disciplinary reasons.

Activity/Extracurricular Transportation

Transportation to and from selected extra-curricular activities shall also be provided. The administration is charged with the responsibility of determining when transportation will be provided and to which activities.

Transportation for students participating in school-sponsored activities shall be provided. All students participating shall be required to ride the bus to and from the activity unless specifically excused by the administration.

Student Conducts

For safety reasons, if for no other reason, it is imperative that the orderly and proper conduct be maintained on buses. Some of the behavior or activities, which could result in disciplinary action, are as follows:

1. Disobeying or showing disrespect for the driver
2. Moving about the bus when the bus is moving
3. Swearing or using obscene language or gestures
4. Teasing or harassing other students or driver
5. Throwing objects
6. Excessive noise (as determined by the bus driver or sponsor)
7. Failure to sit in assigned seat when instructed to do so
8. Opening or closing windows when instructed not to by driver
9. All tobacco products, lighting of matches or lighters, etc. on bus
10. Hanging any objects or parts of body out of windows
11. Destruction of other student’s or the school’s property

12. Other behaviors that substantially infringe on the rights of other students or detract the driver from operating the vehicle in a safe manner
13. When traveling in a bus with seat belts, state law dictates that seat belts will be used
14. The emergency door will remain closed at all times

Disciplinary Actions

1st Offense – Warning (may include suspension of riding privileges depending upon severity of violation)

2nd Offense – Short-term (up to five days) suspension of riding privileges

3rd Offense – Long-term (up to twenty days) suspension of riding privileges

Note: If a student violates one of the rules and then violates a different rule, the violation of the second rule constitutes the second offense.

Process for Administering Rules

1. If a student is charged with violating any of the rules, the driver or sponsor shall file a written report with the principal.
2. A meeting with the Principal, driver/sponsor, and student shall be held, if necessary.
3. If the Principal determines that the student is in violation of a rule the student and parent/guardian shall be notified of the decision and the appropriate disciplinary action initiated. (Parents/guardians are to be made aware of consequences for further violations of rules upon issuance of first warning).

BEHAVIOR AND CONDUCT

“YEAR-AROUND” ACTIVITY POLICY 4020.4

Philosophy

Providing a balanced program of athletics, music, dramatics, and other co-curricular activities, which suits the age range of the students, which teaches teamwork and sportsmanship among students, and which teaches acceptable social behavior, is an objective of the extra-curricular program.

Based on this objective it is our belief that students representing our school in school activities should meet certain moral, legal, and disciplinary standards as set forth in this section.

Outlined in Activity Handbook are the rules and guidelines students must follow in order to be eligible to participate in school activities.

STUDENT BEHAVIOR AND CONDUCT

CORPORAL PUNISHMENT 4020.5

Corporal Punishment of students in Hayes Center Public Schools is prohibited.

STUDENT BEHAVIOR AND CONDUCT

STUDENT LOCKERS 4020.6

Lockers, though assigned to students by the Principal, are school property and may be inspected at any time. Such inspections by school authorities are in the interest of maintenance, health and safety.

SCHOOL AUTHORITIES – are Hayes Center Public Schools employees whose job responsibilities include the supervision of students (e.g., administrators, teachers, aides, nurses, student teachers, etc.).

STUDENT BEHAVIOR AND CONDUCT

DRUGS, TOBACCO, ALCOHOL, CONTROLLED SUBSTANCE 4020.7

I. Purpose: To provide direction and guidelines to building administrators and staff for action to be taken in cases involving student violation of policies related to the possession, use, or distribution of alcohol, drugs, tobacco or controlled substances where Hayes Center Public Schools authorities have jurisdiction over students.

II. Definitions: Student possession, use or distribution of alcohol, drugs, tobacco or a controlled substance shall be viewed as an action. A controlled substance is any drug used, possessed or distributed by a student except a prescription drug, which is used or possessed in the amount specified by a licensed physician. Alcoholic beverages such as beer, liquor, or wine, drug paraphernalia and any substance represented to be a drug are included within the parameter of these guidelines.

USE – means that reasonable grounds exist to believe that the student has assimilated the same, (i.e., smoking marijuana, taking a pill, drinking an alcoholic beverage, etc.) or is found to be under the influence of the same while under the jurisdiction of school authorities.

POSSESSION – means that a student has on his/her person or with his/her personal property, or has under his/her control substance by placement or knowledge of the whereabouts of same on school property or other property on which he or she is present by virtue of being under the jurisdiction of school authorities.

DISTRIBUTION – means the transfer to any other person, with or without the exchange of money or other valuables. Students having in their possession such controlled substances shall be subject to the disciplinary guidelines for distributors.

SCHOOL AUTHORITIES – are Hayes Center Public Schools employees whose job responsibilities include the supervision of students (e.g., administrators, teachers, aides, nurses, student teachers, etc.).

III. Guidelines and Procedures: The school’s responsibility in working with students involved in alcohol, drug or tobacco activities includes two areas: 1) helping students recognize the existence of any alcohol, drug or tobacco problems in their lives and 2) maintaining an alcohol, drug or tobacco-free atmosphere in school in order to enhance the learning environment. An obligation exists to report activities of an illegal nature to criminal justice authorities.

1. Designating Responsibility:

Teachers and administrators in Hayes Center Public Schools should be knowledgeable of the guidelines and procedures to be followed in working with students involved with alcohol, drugs or tobacco.

2. Identification and Intervention

A. Self-referral, either as an alleged user experiencing problems or as a child of chemically dependent parents/guardians.

In instances where a student voluntarily comes to a school employee to talk about an alcohol, drug or tobacco problem, it is an indication that the student may be seeking help and it is urged that the person contacted listen to the student's problem. The student's primary need may simply be to discuss the situation and determine a course of action. If it is determined that the student does have an alcohol, drug or tobacco problem, this becomes a concern for the total family and every effort must be made to have that student discuss with his/her parents/guardian the nature of the problem. School staff may be used to facilitate communication between the student and parents/guardians and with treatment or counseling agencies. If the student will not discuss this with his/her parent/guardian, the staff member(s) involved should consult with other appropriate school personnel including the guidance counselor, the principal, other teachers, etc. To solve problems involving the use of alcohol, drugs or tobacco, it is important that the family be involved. Parents/guardians must be informed of the problem by school personnel if the student refuses to do so.

B. When student's behavior indicates the possibility of the use of alcohol, drugs or tobacco:

When a student is in school or at an off-campus school activity and the student is suspected of using alcohol, drugs or tobacco, the reason for the suspicion should be reported to the principal or other designated person(s).

The administrator or designated person(s) shall:

- 1) Involve other appropriate school personnel to investigate the concern.
- 2) If the investigation confirms the concern, provide for an intervention with parents'/guardians' involvement and input.

C. Emergency situations

If a student's behavior indicates he/she may be under the extreme influence of alcohol/drugs, that situation should be treated as an emergency:

- 1) Refer the case immediately to the building administrator, school nurse, and/or designated staff member.
- 2) Every reasonable effort to call parents/guardians shall be made.
- 3) Follow the procedures as outlined for a medical emergency.
 - a. Call local rescue squad (Hayes County Sheriff's Office will dispatch).
 - b. Call family physician as indicated on student's enrollment card.
 - c. The school is responsible only for first aid treatment until the student has been placed in the care of their family, physician, or rescue squad.
- 4) The school nurse should be notified and the incident should be reported in writing to the principal and superintendent.
- 5) If the student creates a physical disturbance, Hayes Center Police Department and/or Hayes County Sheriff's Office may be called for assistance.

3. Reported Violation of Rules Regarding Alcohol, Drugs or Tobacco:

When a student is in school or at an off-campus school activity and the student is found to be in violation of rules regarding alcohol, drugs or tobacco, the matter must be reported to an administrator or the designated person. The building administrator shall be notified as soon as possible.

A. The school administrator will:

- 1) Investigate the report.
- 2) Provide the opportunity for students to respond and explain the situation.
- 3) Secure suspected material, if possible.
- 4) Make reasonable efforts to immediately contact the student's parents/guardians to notify them of the situation.
- 5) Notify the police regarding any violation of law.
- 6) Assess the severity of the problem and implement possible disciplinary action consistent with board policy and student handbooks.

- 7) The Principal will hold a conference with the referred student, his/her parents/guardian, and designated staff in accordance with Hayes Center Public Schools due process procedures.
- 8) Recommendations of school personnel in previous conferences will be considered in any decision by the Principal.
- 9) A report of the incident will be made to the Superintendent.

Possible action:

- 1) Disciplinary probation: the student is allowed to remain in school under certain conditions specified by the Principal.
- 2) Suspension: either short-term or long-term suspension may be imposed. Due process procedures outlined in Board Policy 4020.2 – Suspension and Expulsion shall be followed.
- 3) Expulsion:
 - a) When a student refuses to agree to the conditions of remaining in and/or returning to school.
 - b) Because of the severity of the situation, or
 - c) Student has previously been in violation of school rules.
 - d) Assistance/options for chemical dependence problem:
 - 1) Participation in a counseling program.
 - 2) Treatment as an out or inpatient in an area service facility, or
 - 3) Any cost of such treatment would be the responsibility of the student or parent/guardian.

B. Rules governing participation in extra-curricular activities as outlined in Board Policy #4020.4 – Year-around Activity Policies shall be administered separately and in addition to the provisions outlined in this policy.

C. Legal Procedures

- 1) Where there is evidence to support an allegation that a student is selling, delivering or using drugs on the campus or at an off-campus function, Hayes Center Police Department, Hayes County Sheriff's Office, or appropriate local law enforcement agency shall be notified

and furnished with whatever substantiating evidence may be known. Parents/guardians should be notified.

- 2) If a student is in possession of drugs that are illegal or require a prescription and the student does not have a prescription, such possession is a crime and must be reported to Police Department and their parents/guardians.
- 3) If student is in possession of drug paraphernalia, (paraphernalia – any item possessed or used for the purpose of the unlawful administration of drugs), this shall be reported to Police Department and their parents/guardians.
- 4) These notifications of possession can be made by calling Hayes Center Police Department or Hayes County Sheriff's Office and reporting the incident to the officer on duty. Such a report does not have to be in writing. All notifications should be reported to the superintendent.

GENERAL PERSONNEL POLICY

BEHAVIOR AND CONDUCT (STUDENTS)

SEXUAL HARASSMENT AND COMPLAINT PROCEDURE 4020.8

It shall be the policy of Hayes Center Public Schools to prohibit sexual harassment of employees, applicants for employment, and students on any work premises where the district has total control of the premises or can otherwise lawfully exert its jurisdiction. If proscribed acts as are set forth in this policy occur on such premises. The superintendent or his/her designee shall undertake immediate and appropriate action within the bounds of the law to punish as appropriate any person violating this policy or of applicable law pertaining to sexual harassment and shall undertake immediate and appropriate action to prevent any such conduct in the future.

The following acts are specifically prohibited by this policy:

1. Unwelcome advances, a request for sexual favors, verbal or physical conduct of a sexual nature, submission to which or rejection of which by any employee of the district is used as a basis for any educative decision pertaining to a student such as, but not limited to, conferring of a grade, credit, favor, or honor.
2. Conduct of a sexual nature by an employee or employees directed against a student which has an effect of interfering with academic performance of the student, or creating an intimidating, hostile, offensive, or unsafe or unwholesome learning environment.
3. Conduct of a sexual nature by a student or any other person over whom the school district has control with such conduct being directed against a student or employee and which conduct has an effect of interfering of academic performance of the student, or creating an intimating, hostile, offensive, or unsafe or unwholesome learning environment.

It shall be the policy of the district to receive information from any person concerning allegations of conduct prohibited by this policy on a form which shall be made available in all administrative and guidance offices.

Upon receipt of any complaint upon the form prescribed by this policy, the superintendent or his/her designee shall investigate the complaint subject to any limitations placed upon the investigation by the complaining party as indicated on the complaint form. After the investigation is completed, the superintendent or his/her designee shall confer with the person or persons against whom the complaint has been made and shall give such person or persons a fair opportunity to present his or her version of the facts involved in the complaint, as well as to be informed of the name of the complaining party, the allegations of the complaining party, the names of all corroborating or refuting witnesses, as well as any

statements or allegations made by any such witnesses which are known to the superintendent or his or her designee.

Upon conclusion of such investigation, the superintendent shall take such immediate and appropriate action as is required in his/her discretion within the bounds of the law.

Nothing in this policy shall prevent the superintendent or his/her designee from taking additional action against any person engaging in conduct prohibited by this policy. Such action may include but not be limited to, providing information to any appropriate prosecuting authority, filing a report concerning any incident to Professional Practices Commission, Nebraska Department of Education, U.S. Office of Education, and any appropriate departmental office of civil rights.

From time to time as deemed appropriate the superintendent shall address the subject of sexual harassment with the employees of the district by way of in-service training, memorandum, administrative regulation, or any other method selected by the superintendent or his/her designee to make known the contents and application of this policy. It is the intent of this policy to undertake all reasonable effort to prohibit sexual harassment in the work place.

COMPLAINT AND CONSENT TO INVESTIGATE

ALLEGATIONS OF SEXUAL HARASSMENT

Pursuant to its policy to prohibit and prevent sexual harassment, Hayes Center Public Schools provides this form to receive allegations of misconduct, which have been suffered by any person covered by District Sexual Harassment Policy. The allegations set forth in this complaint form will serve as the basis for an investigation to be carried out promptly. In order to protect a complaining party's rights of privacy and in order to avoid disclosure of facts when such disclosure is not authorized by a complaining party, this form permits you as a complaining party to authorize disclosure of the facts contained in this form as they may be required in the sound discretion of the investigator. This form also authorizes you to withhold certain facts set forth in this complaint in the course of an investigation. You should be aware that limitations on disclosure of certain information contained in this complaint might hinder and in some cases prevent the district from fully carrying out its policy to prohibit and prevent sexual harassment. By signing Form B with limitations on the disclosure permitted, you should also understand that an investigation might not be possible due to process limitations on the district. Each employee of the district has a right to his/her good reputation unless a full and fair opportunity to confront allegations of misconduct is provided to such employee. Your signature below will be deemed to be an acknowledgement on your part that you have fully read this complaint form and that you understand it. Your signature on this form will further indicate that you have sought any professional or collegial advice you have deemed appropriate and that the allegations contained in this form have been voluntarily given and have neither been encouraged nor discouraged by the district.

COMPLAINT

Name (complaining party) _____

Date(s) of occurrence of events complained of _____

Nature of complaint. Please set forth, in the space provided below, with specificity and detail, the events of which you complain.

-over-

Name(s) of witnesses that you are aware of to any of the events that you complain of.

Complaining Party's Signature

Where Complaining Party may be reached: _____

Telephone Number(s) _____

Date complaint filed: _____

Form A

GENERAL AUTHORITY TO DISCLOSE INFORMATION

I understand that Hayes Center Public Schools will be conducting an investigation of my complaint. By affixing my signature to this paragraph, I authorize the investigator to disclose such portions of the information I have set forth in my complaint and which I may provide in the future with respect to this complaint. By affixing my signature to this paragraph, I hold harmless the district and its duly authorized investigator for any claim I may have resulting from the disclosure of any facts set forth in this complaint when such disclosure occurs in the course and scope of the investigation. By signing this paragraph, I acknowledge that I have read it fully and understand its contents.

Complaining Party's Signature

Date

Form B

LIMITED AUTHORITY TO DISCLOSE

I understand that Hayes Center Public Schools will be conducting an investigation of my complaint. However, it is my wish that certain facts set forth in this complaint not be disclosed to others or that certain facts be disclosed only to such persons as I specifically direct. The information, which I wish to be disclosed to no one during the course of any investigation, is as follows:

Below is listed factual information that I do not wish to have generally disclosed. Beside each specific fact stated below I have provided the name or names of those during the course of any investigation to whom I specifically authorize you to disclose such information:

I specifically acknowledge by signing this paragraph, rather than the general authority paragraph, I may have placed limitation on the investigation, which may make it difficult or impossible for the district to fully resolve my complaint.

Complaining Party's Signature

Date

BEHAVIOR AND CONDUCT

INTERNET ACCEPTABLE USE 4020.9

Hayes Center Public Schools Acceptable Use Policy

The Hayes Center Public Schools system maintains quality technology systems (hardware, software, and services) for the purposes of enhancing student learning and assisting staff in classroom management. All users of the system are part of a community, and membership in such a community requires awareness and practice of acceptable behaviors. These behaviors apply to all levels of technology, whether using a single computer or using Internet resources.

In addition, the school district is bound by contract to other providers of services to require certain behaviors:

- It is the policy of Educational Service Unit 15 that access to the Internet provided by ESU 15 is expected to be used as an educational and/or work-related resource and that such access shall be made available subject to such rules and regulations as may be established, provided that no use shall be permitted which, in the judgment of the Board of Directors of ESU 15, is in any way prejudicial to the best interest of the unit or in conflict with the ESU 15 Program of Services. The ESU 15 Board of Directors reserves the right to refuse access to the Internet by ESU 15 to anyone when it deems it necessary in the public interest.
- Under federal law, most schools and libraries will have to use filtering software on computers with Internet access. Any school or library that receives discounted rates for telecommunications services under the E-Rate program, or receives funding through the Library Services & Technology Act or Title III, in order to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, must comply.
- Internet filters are not a substitute for educators diligently monitoring students' computer and Internet use. Students should be appropriately monitored to ensure that they are complying with the school's Acceptable Use Policy (AUP) and other school rules.

The computing systems of Hayes Center Public Schools will be used for educational purposes only. Access to the technology systems is a privilege, not a right. The school district retains the authority to revoke access and/or apply disciplinary measures (termination of use and/or appropriate disciplinary procedures) if the terms or the

spirit of this policy are violated. Hayes Center Public Schools condemns any illegal use of school's computer system, including:

- Software pirating
- Hacking
- Copyright violations
- Harassment or threats
- Defamation

Other activities prohibited are:

- Unsupervised student use of Internet, email, chat and other direct electronic communication which may result in loss of privileges
- Unauthorized disclosure, use, and dissemination of minors' personal information
- Using obscenities
- Viewing or downloading pornographic materials
- Sharing account information or attempting to use another person's account
- File sharing or downloading file-sharing programs
- Harming school property
- Attempting to bypass or bypassing the school filtering system
- Participating in any other activity that is detrimental to students, the school, or school officials.

Definitions

1. Access to the Internet—A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet.
2. Minor shall mean an individual who has not attained the age of 19.
3. Obscene shall have the meaning given such term in section 1460 of title 18, United States Code.
4. Child pornography shall have the meaning given such term in section 2256 of title 18, United States Code.
5. Harmful to minors shall mean any picture, image, graphic image file, or other visual depiction that:
 - a. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
 - b. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

- c. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
- 6. Hacking shall mean attempting to gain unauthorized access to computer and network systems both connected or not connected to the Internet.
- 7. Technology protection measure shall refer to a proxy server managed by ESU 15 that blocks and/or filters Internet access or other means by which access may be blocked and/or filtered.
- 8. Authorized staff member as used herein shall refer to an adult staff member appointed by the Hayes Center Public Schools Technology Committee.
- 9. Technology Committee as used herein shall refer to a group of Hayes Center Public Schools staff including the following:
 - a. Administrator
 - b. Technology Coordinator
 - c. Faculty members
- 10. Fair Use: this includes the reproduction in copies or phonorecords or by any other means specified for the purpose such as criticism, comment, news reporting, teaching, (including multiple copies for classroom use), scholarship, or research is not an infringement of copyright.
- 11. Technology: includes, but does not limit to the following list: computers, telephone, personal computer devices such as palm pilots, cell phones, tablet PCs, laptops, pagers, personal email, graphic calculators, etc.
- 12. Educational Activities: this includes classroom activities, career development, scholarship work, and limited high-quality self-discovery activities.
- 13. Copyright violation: four factors to determine whether a particular use violates copyright law:
 - a. Purpose and character of use including whether such use is of a commercial nature or is for nonprofit educational purposes;
 - b. The nature of the copyrighted work;
 - c. The amount and substantiality of the portion used in relation to the copyrighted work as a whole;
 - d. The effect of the use upon the potential market for or value of the copyrighted work.

Three exemptions for education are:

- a. Face-to-face teaching at a nonprofit educational institution. (i.e. Instructors may generally read, perform, or display copyrighted material in a face to face address.);
- b. Educational broadcasting. (Instructional broadcasting allows the performance of a nondramatic literary or musical work for instructional purposes.); and

- c. Not-for-profit performances (allows the nonpublic performance of nondramatic literary or musical works that are not for monetary gain).

Access to Internet by Minors

Minors accessing Internet services provided by Hayes Center Public Schools shall be subject to the following rules and regulations:

1. Minors shall not access material that is obscene, child pornography, harmful to minors, or otherwise inappropriate for educational.
2. Minors shall not use Hayes Center Public Schools technology or Internet resources to engage in hacking or attempts to otherwise compromise any computer or network system's security.
3. Minors shall not engage in any illegal activities on the Internet.
4. Minors should only use electronic mail, chat rooms, and other forms of direct electronic communications for purposes related to education within the context of a school-related assignment activity.
5. Minors shall not disclose personal identification information on the Internet (including but not limited to: ordering online, chatting, eBay, etc.)
6. Minors shall be monitored while using the Internet.

Access to Internet by Adults

Adults accessing Internet services provided by Hayes Center Public Schools shall be subject to the following rules and regulations:

1. Adults shall not access material that is obscene, child pornography, or otherwise inappropriate for training or work-related uses.
2. Adults shall not use Hayes Center Public Schools technology resources to engage in unauthorized hacking or attempts to otherwise compromise any computer or network system's security.
3. Adults shall not engage in illegal activities on the Internet.
4. Adults shall not use the network for commercial purposes (offer, provide, purchase or sell products or services), nor for political lobbying (but you may use the network for communication with elected officials and to express your opinion on political issues).

Technology Protection Measure

Hayes Center Public Schools shall use a technology protection measure that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with the policies of Hayes Center Public Schools.

1. The technology protection measure that blocks and/or filters Internet access may be disabled by an authorized staff member for bona fide research purposes with permission of the immediate supervisor of the staff member requesting said disabling or with the permission of the administrator of Hayes Center Public Schools.
2. Privacy Information:
 - a. You should expect only limited privacy in the content of your personal files on the District system. Routine maintenance and monitoring of the network may lead to discovery that you have violated this policy, the board policies, or the law.
 - b. An individual search will be conducted if there is reasonable suspicion that you have violated any policies or laws.
 - c. Parents of students have the right at any time to request to see the contents of your files.
 - d. You have a right to due process for any violations of any of the policies listed here, in the student handbook, teacher handbook, or board policies. Remember when you are using the Internet or the network, you leave “electronic footprints” and your actions can be traced.
 - e. All usage of photographic images on the Internet or communicated electronically need to be approved by an administrator.
3. Student Safety Protection measures:
 - a. Students will not post personal information about yourself or other people. Personal contact information includes your address, telephone, school address, work address, or any other information that would allow someone to find you in person.
 - b. You will not agree to meet with someone you have met online without your parent’s approval. Your parent should accompany you to this meeting.
 - c. You will promptly disclose to your teacher or other school employee any message you receive that is inappropriate or makes you feel uncomfortable.
 - d. You will not make deliberate attempts to disrupt the computer system or destroy data on the network or Internet.
 - e. You will not use the network or Internet to engage in any other illegal act such as arranging for drug sales or the purchase of alcohol, engaging in criminal activity, threatening the safety of other people, etc.
 - f. You are responsible for your individual account and should take all reasonable precautions to prevent others from being able to use your account. Under no conditions should you provide your password to another person.
 - g. You will immediately notify a teacher or the system administrator if you have identified a possible security problem.

- h. You will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening or disrespectful language. You will not engage in personal attacks or harassment, including prejudicial or discriminatory attacks.

Policy Violations

Any violation of this policy may result in the loss of access to the Internet by Hayes Center Public Schools and/or ESU 15. Additional disciplinary action may be determined in accordance with existing procedures and practices, both administrative and as stipulated in Hayes Center Public Schools and/or ESU 15 board policy, and including applicable law enforcement agencies when necessary (See Teacher and Student Handbook and Board Policies for more details).

Policy Challenge Procedure

An individual who has been granted access to the Internet by Hayes Center Public Schools and desires to access an Internet site that is not compliant with this policy may challenge the enforcement of the policy according to the following provisions:

1. Internet site review requests should be directed to the Hayes Center Public Schools Technology Committee in writing for consideration.
2. The Technology Committee will review the site within seven working days of submission of the request and, if deemed appropriate for educational or work-related purposes, may vote to unblock the site.
3. Hayes Center Public Schools Principles will regulate enforcement of the policy, including disciplinary actions, and shall forward to the administrator of Hayes Center Public Schools any challenges to the severity of the applied discipline.
4. Challenges to the application or enforcement of Hayes Center Public Schools' Internet Safety Policy which cannot be resolved at the levels outlined in the preceding step will be handled in accordance with Hayes Center Public School's established grievance policy or at the Hayes Center Public Schools administrator and/or board level for challenges presented in writing.

References

20 USC 9134(b)

20 USC 6801 et seq.

Acceptable Use Policy Templates provided by the Educational Service Unit 15 legal staff.

Hayes Center Public School Board Policy

Hayes Center Public Schools Student Handbook

Hayes Center Public Schools Teacher Handbook

"CIPA Deadline Approaching: Check Your Compliance Now." Scholastic Administrator Spring 2002: 12.

Communications Act of 1934, Section 254(h)(5)

“A Legal Memorandum: A Principal’s Guide to Internet Policies and Electronic Communications.” National Association of Secondary Principals Winter 2004: 1-8.

Student and Parent Acceptable Use Policy

Hayes Center Public Schools offers access to the Internet, the network and the network file server, as part of its educational experience. However, because of the wide range of information available (some of which may be offensive on the Internet), it is our administrative policy to require parental permission and student recognition of the rules and regulations before granting access to students. While the school district will do as much as possible to encourage wholesome use and discourage offensive use, the decision ultimately lies with the student. It is administrative policy of the district to directly supervise students who use the Internet.

It is also the policy of Hayes Center Public Schools and Educational Service Unit 15 that such Internet and network access be only for the purpose of completing directed educational activities assigned by a teacher as a part of the student's educational experience. Unsupervised recreational browsing on the Internet, destructive behaviors to the network or to other users, is therefore excluded. The Hayes Center Public School system may revoke access to the Internet, the file server and the network, if the student chooses to violate the terms or spirit of this agreement, at which time you will be notified.

Your signature grants consent for your student to have access to the Internet under directly-supervised conditions for the purpose of completing educational activities and relieves the district from responsibility should the student choose to engage in any of the activities excluded by this document. Should the student decide to violate any of the aforementioned rules or regulations, the student will be disciplined according to school policy.

I understand and will abide by the procedures and Acceptable Use Policy for Independent Access to the electronic resources of Hayes Center Public Schools. I further understand that any violation of the regulations above is unethical and should I commit any violation, my access privileges may be revoked, school disciplinary and/or appropriate legal action may be taken.

In consideration for the privilege of using the Hayes Center Public Schools electronic resources and in consideration for having access to the information contained on it, I hereby release and agree to hold harmless Hayes Center Public Schools from any and all Claims or damages of any nature arising from my access, use, or inability to access or use the computers or network system.

(Student Signature)

Date

As the parent or guardian of the undersigned student, I have read the Acceptable Use Policy and guidelines for independent use established by the Hayes Center Public Schools. I grant permission for my son or daughter to access the network. I understand and agree that individuals and families may be held liable for violations. I understand that some materials on the Internet may be objectionable, but I accept responsibility for guidance of computer or Internet use-setting and conveying standards for my student to follow when selecting, sharing, or exploring information and media. Further, I accept full responsibility for supervision if and when my child's use is not in a school setting. I agree not to hold the school, the school district, or school personnel responsible for any material the student accesses or transmits via the school's computer system.

(Parent or Guardian Signature)

Date

Computer Loan Agreement

Student/Borrower: _____

Student Username: _____

Parent Responsibilities

Your son/daughter has been issued a notebook computer to improve and personalize his/her education this year. It is essential that the following guidelines be followed to ensure the safe, efficient, and ethical operation of this computer.

- I will supervise my son's/daughter's use of the computer at home.
- I will discuss our family's values and expectations regarding the use of the Internet and email at home and will supervise my son's/ daughter's use of the Internet and email.
- I will not attempt to repair the computer, nor will I attempt to clean it with anything other than a soft, dry cloth.
- I will report to the school any problems with the computer.
- I will not load or delete any software from the computer.
- I will make sure my son/daughter recharges the computer battery nightly.
- I will make sure my son/daughter brings the computer to school every day.
- I understand that if my son/daughter comes to school without his/her computer I may be called to bring it to school.
- I agree to make sure that the computer is returned to the school when requested and upon my son's/daughter's withdrawal from Hayes Center School.

Student Responsibilities

Your computer is an important learning tool and is for educational purposes only. In order to take your computer home each day, you must be willing to accept the following responsibilities.

- When using the computer at home, at school, and anywhere else I may take it, I will follow the policies of the Hayes Center Public Schools— especially the Student Code of Conduct—and abide by all local, state, and federal laws.

- I will treat the computer with care by not dropping it, getting it wet, leaving it outdoors, or using it with food or drink nearby.

- I will not lend the computer to anyone, not even my friends or siblings; it will stay in my possession at all times.

- I will not load any software onto the computer.

- I will not remove programs or files from the computer.

- I will honor my family's values when using the computer.

- I will not give personal information when using the computer.

- I will bring the computer to school every day.

- I agree that e-mail (or any other computer communication) should be used only for appropriate, legitimate, and responsible communication.

- I will keep all accounts and passwords assigned to me secure, and will not share these with any other students.

- I will not attempt to clean or repair the computer.

- I will recharge the computer battery each night.

- I will return the computer when requested and upon my withdrawal from Hayes Center School.

Student/Borrower:
 UserName:
 Checkout Date:

Grade:
 Home Phone:
 Latest Date for Return:

Item Description	Location to find Serial Numbers	Make: Model:	Serial Number/Item Number	Condition
Laptop Computer	Remove the battery and locate the serial number.	Make: Model:		New/Good
Charger	Remove the plug head and the serial number will be on the main charger piece			New/Good
Battery	Push the lock on the underside of your laptop so that the battery comes out. The serial number is on the underside of the battery.	Model #		New/Good
Carrying Case	There is no serial number, instead list the type of backpack by brand name and color	Brand Name:	Style: Backpack or Shoulder Bag	New/Good

The above listed items are being lent to Borrower and are in good working order. It is Borrower's responsibility to care for the equipment and ensure that it is retained in a safe environment. This equipment is, and at all times remains the property of Hayes Center Public Schools of Hayes Center, Nebraska, and is herewith lent to the student for educational purposes only for the Academic School year. Student may not deface or destroy this property in any way. Inappropriate use of the machine may result in the student losing his/her right to use this computer. The equipment will be returned to the school when requested by Hayes Center Schools, or sooner, if the student withdraws from Hayes Center Schools prior to the end of the school year.

The District Property may be used by Borrower only for non-commercial purposes, in accordance with the District's policies and rules, the Hayes Center School Code of Conduct, as well as local, state, and federal statutes.

Borrower may not install or use any software other than software owned or approved by the District and made available to Borrower in accordance with this Receipt and Agreement. Borrower agrees not to make any unauthorized use of or modifications of such software.

The District is not responsible for any computer or electronic viruses that may be transferred to or from Borrower's diskettes or other data storage medium and Borrower agrees to use Borrower's best efforts to assure that the District Property is not damaged or rendered inoperable by any such electronic virus while in Borrower's possession.

Nebraska statutes 79-737 and 79-2,127 allow the District to obtain reimbursement from, or on behalf of, students for any damage to, loss of, or failure to return school property. Borrower acknowledges and agrees that Borrower's use of the District Property is a privilege and that by Borrower's agreement to the terms hereof, Borrower acknowledges Borrower's responsibility to protect and safeguard the District Property and to return the same in good condition and repair upon request by Hayes Center School.

Parent Signature _____ Print Name _____

Student Signature _____ Date _____

Signature of District Representative _____

STUDENT ACTIVITIES

STUDENT GOVERNMENT, ORGANIZATIONS AND COMMITTEES 4030.1

When properly organized and operated student organizations have an important place in the educational program of Hayes Center Public Schools because they:

1. Extend and reinforce the instructional programs.
2. Give students practice in democratic self-government.
3. Build student morale and spirit of positive support for the school.
4. Honor outstanding student achievement.
5. Provide wholesome social and recreational activities.

STUDENT ACTIVITIES

MANAGEMENT OF ACTIVITY FUNDS 4030.2

The Superintendent will have custody of all funds of classes, organizations, and activities. This person will keep records or cause records to be kept of individual accounts under separate headings, but funds will be deposited in one general account at the bank. A complete record of all receipts and disbursements shall be maintained at all times and a monthly report shall be made to the board of education through the superintendent's office.

STUDENT ACTIVITIES

SOCIAL EVENTS – JUNIOR-SENIOR HIGH SCHOOL4030.3

- A. Dances – Homecoming and Junior-Senior Prom are approved activities. The guidelines for sponsors and guests are outlined in the Student Handbook.
- B. Other dances may be scheduled according to the following guidelines:
 - 1. There shall be a maximum of three (3) dances per semester (including Prom and Homecoming dances);
 - 2. Dances must be scheduled far enough in advance to appear on the published monthly calendar distributed by the principal’s office;
 - 3. Expenditures for the dance must be approved by the sponsor and the principal;
 - 4. ALL dances must have AT LEAST SIX (6) adult chaperons. Of the six chaperons, at least two must be faculty members and the remainder may be parents.
 - 5. All guidelines governing student activities appearing in Handbook are to be followed.
- C. Junior-High Dances – the junior high may have one (1) dance each semester with the following guidelines:
 - 1. The dance will NOT last past 10:30 p.m.;
 - 2. Dances must be scheduled far enough in advance to appear on the published monthly calendar distributed by the principal’s office;
 - 3. Expenditures for the dance must be approved by sponsor and the principal;
 - 4. ALL dances must have AT LEAST SIX (6) adult chaperons. Of the six chaperons, at least two must be faculty members and the remainder can be parents.
 - 5. Junior high students (grades 7 & 8) ONLY may attend;

STUDENT ACTIVITIES

SCHOOL DISTRICT CONTRIBUTION TO STUDENTS

FOR SPECIAL EVENTS 4030.4

The school district shall budget a minimum of \$500.00/year to help student(s) toward expenses of going to a national meeting or contest if:

1. The student(s) has been elected to a state or national office and as result would qualify to go to a national meeting, or

2. The student(s) has won a state sponsored contest, which would qualify the student to compete at the national level.

3. The student(s) will receive recognition for an award received.

The Board of Education may consider contributing funds for some of the expenses for faculty members who are required to be sponsors of students to a national event.

STUDENT ACTIVITIES

MONEY RAISING PROJECTS 4030.5

1. Any organization, or grade level, is eligible to sponsor a raffle. The organization and/or class sponsor(s) must approve and present the project to the secondary principal for final approval. There is no designated limit to the number of raffles per school year.

The cost limit on the item to be raffled should be determined by the ability of the organization, or class, to absorb any loss incurred.

2. Organizations should not limit their fund raising to only raffles. Other methods or projects may be tried, but must have prior approval of the principal.

STUDENT ACTIVITY

FIELD TRIPS 4030.6

Field trips can be a very worthwhile learning experience, if properly planned and organized. All trips are to be coordinated and approved by the principal.

Any field trip over 150 miles from Hayes Center must receive prior approval from Board of Education.

STUDENT ACTIVITIES

WEDNESDAY NIGHT ACTIVITIES 4030.7

NO school activities will be scheduled outside the regular school day on Wednesdays. The only exceptions will be activities which the school has no control of or has had prior approval of the Board of Education.

All practices for school activities are to be concluded by 6:00 p.m.

STUDENT ACTIVITIES

CLASS AND/OR ORGANIZATIONAL ACTIVITIES 4030.8

1. All classes and/or organizations are to schedule activities with the principal's office so these activities will appear on the school's monthly calendar.

2. Regular classroom work in all grades has precedence over any other activity. Students will not be dismissed from classes to participate in extra-curricular activities without special permission from the principal.

3. All evening activities must have a sponsor. Non-school sponsors must be approved by the administration. The principal must approve transportation arrangements in advance.

STUDENT ACTIVITIES

2006-2007 HAYES CENTER PUBLIC SCHOOLS HIGH ABILITY PLAN4030.9

I. Philosophy

The Hayes Center Public Schools may provide accelerated or differentiated curriculum that will address the educational needs of the identified student. The Hayes Center Public School recognizes that some learners with high ability require intellectual stimulation which is unique from that received in the regular educational program.

According to section 001.01D of Rule 3, the district may provide those enrichment activities that meet the needs, interests, and readiness of these learners with high ability. Upon approval of funding the District may provide alternative activities and opportunities structured in a manner, which may capitalize on these personal abilities and encourage their continual development.

II. Hayes Center Public Schools' Definition of High Ability Learners

"Learners with high ability means a student who gives evidence of high performance capability in such areas as intellectual, creative, or artistic capacity or in specific academic fields and who requires accelerated or differentiated curriculum programs in order to develop those capabilities fully." (Rule 3 Nebraska Department of Education)

III. Hayes Center Program Goals

To continue to provide documentation for students through the use of student portfolios.

To identify those children who are high ability learners.

To understand the needs and abilities of each high ability learner through appropriate communications.

To provide the educational program which may enable each high ability learner to develop their abilities to the fullest potential.

To provide learning alternatives which are appropriately styled to encourage individual growth at varying levels of abilities, interests, and needs.

To emphasize individual success and excellence in academics through newspaper clippings and honors programs.

To continue to provide the school staff with an awareness of the needs, characteristics, and identification of high ability students.

To provide the school staff with ways to differentiate the curriculum for high ability students in the classroom.

- IV. The procedure for identification of learners with high ability will be through multiple criteria including norm referenced testing, teacher recommended student nomination, peer nomination, parent nomination and ability in subject and creative areas.

SUGGESTED IDENTIFICATION PROCEDURES FOR HIGH ABILITY LEARNERS

Intellectual/Academic

Testing

Group

Otis-Lemon Mental Abilities Test

Individual

Metropolitan Achievement Tests

WISC III – Wesler Intelligence Scales for Children

Stanford-Binet Intelligence Scales

Kaufman Assessment Battery for Children

Diagnostic Achievement Battery – 2nd Ed.

Diagnostic Achievement for Adolescence

Nominations

Parents/Guardians

Teachers

Peer

Self

Performance Data

MAT – Percentile Scores

Academic Grades

Project Rating

Grade Point Average

Project Rating

Creativity

Testing

Group

Torrance Tests of Creative Thinking

Nominations

Parents/Guardians

Teachers

Performance Data

Project Rating

Portfolio

Artistic

Nominations

Parents/Guardians

Teachers

Peer

Self

Performance Data

Artistic Project

Academic Grade

Objectives

- Provide school wide enrichment activities to all students.
- Assessment shall accommodate students who develop at different rates and whose interest may change with maturity.
- Process shall be continuous throughout the year.
- Any additional requirements of Rule 3 will be considered.

- A list of students who have been identified along with their grade level is on file at the District Office.

V. Description of the continuance of a program services

Hayes Center Public Schools curriculum may be differentiated as appropriate for the individual learner in terms of content, process, and/or product, such as Type I, II, or III activities.

Hayes Center Public Schools students may be able to move through the regular curriculum at an accelerated pace; through dual enrollment through college; content level acceleration; compacting the curriculum; and differential acceleration.

Hayes Center Public Schools may provide curriculum enrichment through dual enrollment, curriculum integration and school-wide activities such as art show, Read Across America, Treasure Your Past, and visiting Dancing Leaf Lodge.

Hayes Center Public Schools may provide the process of accessing student mastery of content through norm referenced testing, pre and posttests over subject matter.

Hayes Center Public Schools may provide flexible student grouping through interest level inventories, and teacher recommendations.

Hayes Center Public Schools will provide specialized counseling services through the guidance office for grades 7-12 to help them make long-range decisions about school and career choices.

Program services currently offered to students:

1. Inter-high day
2. Quiz bowl
3. Journalism Contest
4. MCC Paint In
5. Artist in Residence
6. Interest inventory
7. Use of Internet
8. By subject area
9. Grade level
10. Ability level
11. Summer programs and honors

12. Presidential Physical Fitness Recognition
13. Presidential Educational Academic Recognition
14. Summer Institute, physical or academic
15. CrackerJack Program – McCook Public Schools
16. Earth day

Program services to Staff:

1. In-service; ESU monthly in-service
2. ESU High Ability Learner Meetings: McCook
3. Outside experts

Hayes Center Public Schools will provide program evaluation through input from parents, educators, and students using appropriate assessment tools.

A yearly review will take place in the spring to assess program strengths and weaknesses in such areas as content design, student needs, curriculum, student identification, personal qualifications, resources, communication, staff development, and cost effectiveness. Based upon the review the program will be revised as needed. Note: Evaluations will be done in the Spring in-service and Fall in-service.

VI. Hayes Center Public Schools Staff development will consist of in-service for teacher awareness and training in understanding the high ability learner and the teaching methods necessary to accommodate high ability learners.

VII. Management Plan

Management of the High Ability Learner Program will include the following personnel:

- The Enrichment team will manage the resources of the program. The coordinators will be responsible for maintaining resources, forms, portfolios, and services for teachers and students.
- The Enrichment Team will be responsible for the Program Implementation – identification, evaluation, revision and planning. Members of the team may also assume responsibility for duties assigned by the administration.
- School Administration Personnel will oversee the implementation of the Program and give final approval for disbursement of funding for supplies and training. It will be the responsibility of the Administrative Personnel to mediate appeals of the Identification procedure.

**** See attached proposed budget application forms and the exact printout of funds.

VIII. Hayes Center Public Schools does not have any Class I school district.

HAYES CENTER PUBLIC SCHOOLS
Teacher/Administration Questionnaire

Your Name _____ Subject Area _____

Please complete this questionnaire and return to the office by _____.

Thank you in advance! Your support is greatly appreciated.

1. Are the needs of the gifted (High Ability Learners) adequately being met at Hayes Center Public Schools? Explain.

2. In your opinion, do High Ability Learners have unique learning and emotional needs? Explain.

8. Check the three areas that you think are the most important identifiers for selecting students for the HAL program?

_____ special talent

_____ teacher nomination

_____ parent nomination

_____ self nomination

_____ class performance

_____ standardized tests

_____ I.Q. tests

_____ creativity/leadership

9. Does there need to be a systematic procedure in place for identifying at risk gifted students? (under achievers, low social economic, highly gifted, learning disabled and culturally diverse)

10. Do you feel the school district should identify and serve those students who are talented in the arts, leadership, and creativity?

11. Which of the following program options best meet the needs of intellectually high ability learners?

_____ enrichment in the regular classroom

_____ appropriate pacing (pull out program)

_____ competitions

_____ independent studies

_____ summer enrichment camps

_____ curriculum compacting

12. Of the six programs components listed above which one(s) do you feel the district could improve upon?

HAYES CENTER PUBLIC SCHOOLS

STUDENT SURVEY

1. Do you understand why you have been identified as part of the High Ability Learners Program?

2. Check any areas that you think identify you for the High Ability Program?

_____ test scores

_____ creativity

_____ special talents

_____ leadership

_____ parent nomination

_____ teacher nomination

_____ self nomination

_____ class performance

3. Which school subjects interest you the most? Put a 1 by the subject with the highest interest, 2 by the second highest, etc. Number all of them.

_____ Math

_____ Science

_____ English

_____ Music

_____ Art

_____ Foreign Language

_____ Social Studies

_____ Undecided

4. Put a check mark by the classes that you think could be more challenging for you. In other words, your academic needs are not being met and you think you could be working at a higher level. Check as many as you want or none at all.

_____ Math

_____ Science

_____ English

_____ Music

_____ Art

_____ Foreign Language

_____ Social Studies

_____ Undecided

5. Do you think learning is enjoyable in your regular class?

_____ almost always

_____ frequently

_____ occasionally

_____ seldom/never

_____ undecided

6. Do you have the opportunity in your regular classes to do research based on your interests?

7. Do you feel comfortable talking to a guidance counselor or teacher about your academic needs? Why or why not?

8. How can your learning be enhanced at Hayes Center Public Schools?

HAYES CENTER PUBLIC SCHOOLS

PARENT SURVEY

1. Do you understand why your child has been identified as part of the High Ability Learners Program?

2. Check any areas that you think identify your child for the High Ability Program?

_____ test scores

_____ creativity

_____ leadership

_____ special talents

_____ teacher nomination

_____ parent nomination

_____ self nomination

_____ class performance

3. Which school subjects interest your child the most? Put a 1 by the subject with the highest interest, 2 by the second highest, etc. Number all of them.

_____ Math

_____ Science

_____ English

_____ Music

_____ Art

_____ Foreign Language

_____ Social Studies

_____ Undecided

4. Put a check mark by the classes that you think could be more challenging for your child? In other words, your child's' academic needs are not being met and you think your child could be working at a high level.

_____ Math _____ Science _____ English _____ Music

_____ Art _____ Foreign Language _____ Social Studies

_____ Undecided

5. Do you think learning is enjoyable in your child's regular class?

_____ almost always _____ frequently _____ occasionally

_____ seldom/never _____ undecided

6. Does your child have the opportunity in their regular classes to do research based on their interests?

7. Do you feel comfortable talking to a guidance counselor or teacher about your child's academic needs? Why or why not?

8. How can your child's learning be enhanced at Hayes Center Public Schools?

STUDENT HEALTH AND SAFETY REGULATIONS

STUDENT ABSENCE 4040.1

Parents should notify their child’s respective school if the child is to be absent. The school will make a reasonable effort to contact parents of those students who are absent and the parent has made no contact with the school.

All of the rules regarding attendance and excuses contained in the student handbook apply and are an extension of this policy.

STUDENT HEALTH AND SAFETY REGULATIONS

STUDENT ILLNESS 4040.2

In the event of student illness or injury during the school day, the teacher should notify the principal. A pupil should never be sent home without notifying the parents. If parents cannot be contacted, a relative or friend of the family should be contacted. If no one is available, the student is not to be dismissed.

STUDENT HEALTH AND SAFETY REGULATIONS

CHILD ABUSE 4040.4

If an employee of Hayes Center Public Schools suspects that a child has been abused or neglected as defined by the law, he/she shall report it to the building principal, as well as to report or cause a report to be made to the proper law enforcement agency or Department of Social Services.

STUDENT HEALTH AND SAFETY REGULATIONS

EMERGENCY SCHOOL CLOSING 4040.5

If school is delayed or canceled because of inclement weather or for any other emergency, it shall be announced on radio and TV.

STUDENTS

BUS ACCIDENT EMERGENCY PROCEDURE 4040.6

I. Pre-Planning

- a. All bus drivers shall receive in-service on bus evacuation and bus accident emergency procedures. The transportation supervisor shall conduct this in-service at least annually.
- b. As part of bus evacuation drills, driver should identify and inform key students who will be prepared to assist in emergency situations.
- c. Current lists of students riding routes shall be placed in regular route buses with student's home phone number, parent's name, and approximate pickup and delivery times. Duplicate lists shall be kept at the transportation supervisor's office, the principals' offices, and the superintendent's office.
- d. All student files in each building shall be current and readily available with family physicians and hospital preference noted.
- e. Sponsors of activity trips shall prepare a list of students going on the bus if requested to do so by the principal.

III. In-Progress Emergency

The following procedures for student transportation vehicle accidents shall be observed in the case of an accident involving a student transportation vehicle.

- a. STOP the vehicle immediately.
- b. Remain at the scene of the accident. There is a severe penalty for a person convicted of leaving the scene of an accident in which they are involved. Render any person injured in the accident reasonable assistance.
- c. Make certain all pupils are in a safe place, away from traffic and that they are not permitted to leave the assigned area without permission.
- d. Three flares or reflectors shall be set to warn traffic, as follows: One beside the student transportation vehicle on the traffic side, one 100 feet in front, and one 100 feet behind the vehicle.
- e. Notify the law enforcement agency and emergency help immediately. The superintendent's office shall be notified as soon as possible.
- f. Another bus shall be sent to the accident scene to transport students to their home or school.

- g. All announcements concerning the accident will be made from the superintendent's office. All inquiries concerning the accident shall be referred to that office.
- h. Information such as names, license number, registration numbers, location, time, road and weather conditions shall be obtained and accurately written down.
- i. The operator of any school transportation vehicle, which is in any manner involved in an accident within the state, in which any person is killed or injured, or in which damage to an apparent extent of \$500.00 is sustained to the property of any one person, including such operator, shall within ten (10) days report the matter in writing on prescribed forms to Nebraska Department of Motor Vehicles.

IV. Follow-up

- a. Following the emergency and once the condition of accident victims is known; the superintendent (or designee) shall prepare and dispense a press release to area media.
- b. Calls will be made to all buildings, and principals will be directed to make informative announcements to staff and students concerning the accident.
- c. Within a day or two of the accident, a parent meeting will be held for the purpose of sharing information and assisting with any insurance claims.
- d. Post-crisis counseling for students will be provided if judged appropriate and necessary.
- e. The accident procedures will be evaluated and adjusted if necessary.
- f. The superintendent will prepare a thorough report on the incident for presentation to the next regular Board of Education meeting.

Annual Notification

Notification of rights under FERPA for Elementary and Secondary Institutions

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

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

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

2. The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask Hayes Center Public Schools to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

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

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the Board of Education; a person or company with whom the district has contracted to perform a special task such as an attorney, auditor, medical consultant, or therapist.

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

Upon request, the district disclosed education records without consent to officials of another school district in which a student seeks or intends to enroll.

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

Family Policy Compliance Office

U.S. Department of Education

600 Independence Avenue, SW

Washington, DC 20202-4605

MISCELLANEOUS STUDENT RELATED MATTERS

REQUEST TO CONTACT PUPILS 4050.2

Any person, other than a school employee who wishes to contact or take pupil from school, must first have permission from the Principal or Superintendent. Permission shall not be granted unless the person has a clearly valid reason. Ordinarily, such contacts shall be restricted to parents, relatives, law enforcement officers or in an emergency, close friends of the family.

Law enforcement officers are to contact pupils outside of the school whenever possible. If it is necessary to talk to the pupil on school property or during school time, the law enforcement officers shall contact the parents first. Principals are not to release pupils to law officers without contacting the parents unless it is a case of suspected child abuse. A law enforcement officer may be permitted to talk to a student without parental permission providing he/she has a written request to do so from the county attorney or a court order.

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

I hereby request that the name, address, and telephone listing of _____ (name of student), a high school student at Hayes Center Public Schools, not be released without prior parental consent to:

____ institutions of higher education

____ military recruiters

(check one, both, or none)

Signed by: ___ Student ___ Parent (Check One)

_____ Signature/Date

_____ Print Name

_____ Address

_____ City/State/Zip Code

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

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

“(a) POLICY.—

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

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

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

20 USC 7908.

MISCELLANEOUS STUDENT RELATED MATTERS

GRIEVANCE PROCEDURE FOR STUDENTS UNDER TITLE VI,

TITLE IX AND SECTION 504 4050.3

It is the policy of Hayes Center Public Schools not to discriminate on the basis of sex, race, color, national origin, or handicap, in its education programs activities, or employment as required by Title VI, Title IX, and Section 504 of Federal Law. Students of Hayes Center Public Schools are protected from discrimination in the following areas:

- Admission to school
- Access to enrollment in courses
- Access to and use of school facilities
- Counseling and guidance materials, tests, and practices
- Vocation education
- Physical education
- Competitive athletics
- Graduation requirements
- Student rules, regulations, and benefits
- Treatment as a married and/or pregnant student
- Financial assistance
- Health services
- School-sponsored extra-curricular activities
- Most other aid, benefits, or services

A student believing they have been discriminated against may make a claim that their rights have been denied. This claim or grievance may be filed with the building principal. (Forms are available in the principals' offices)

Any student filing a grievance will be asked to write down the actions, policies, or practices believe to be discriminatory. Help may be obtained from the building principals, or anyone believed to be knowledgeable.

Once the grievance is filed, a meeting will be scheduled with those persons who would be involved in correcting the policies, practices, or programs believed to be discriminatory. If there is agreement that the claimant was discriminated against, corrective action will be taken to restore those rights. If there is not an agreement, an appeal of the grievance to a person with higher authority may be made.

A complaint of illegal discrimination may also be filed with Office for Civil Rights, Department of Health, Education, and Welfare, Washington D.C. at the same time, during, or after filing the grievance locally. A claim may be filed with Office for Civil Rights with or without using the grievance process at all. Complaints must be filed with Office for Civil Rights in writing no later than 180 days after the occurrence of the possible discrimination.

In preparing a grievance thought should be given to the following:

- The exact nature of the grievance – the claimant believes he/she may have been discriminated against, and any person believed to be responsible.
- The date, time, and place of the discrimination.
- The names of witnesses or persons who have knowledge about the grievance.
- Any available written documentation or evidence that is relevant to the grievance.
- The actions that could be taken to correct the grievance.

Students wishing to discuss rights under Title VI, Title IX, or Section 504, or to obtain help in filing a grievance, may contact the Superintendent of Schools, who has been assigned School District Title VI, Title IX, Section 504 Coordinator.

Students (& Employees)

Anti-discrimination, Anti-harassment, and Anti-retaliation4050.35

A. Elimination of Discrimination

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

The Hayes Center Public School District does not discriminate on the basis of race, color, national origin, sex, disability, religion, age or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Superintendent, 501 Troth Street, Hayes Center, NE 69032 (308) 286-5600.

Employees and Others: Superintendent, 501 Troth Street, Hayes Center, NE 69032
(308)286-5600.

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact OCR at 8930 Ward Parkway, Suite 2037, Kansas City, Missouri 64114, (816) 268-0550 (voice), or (877) 521-2172 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

B. Prohibited Harassment, Discrimination, and Retaliation of Employees, Students and Others.

1. Purpose:

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

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's race, color, national origin, religion, disability, age, sex, or other protected category, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or

- b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

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

Discriminatory harassment because of a person's race, color, national origin, religion, disability, age, sex, or other protected category, may include, but is not limited to:

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

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

- a. Unwelcome sexual advances or propositions,
- b. Requests or pressure for sexual favors,
- c. Comments about an individual's body, sexual activity, or sexual attractiveness,
- a. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- d. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- e. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
- f. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled

“Grievance Procedures,” below), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

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

2. Anti-retaliation:

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

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

3. Grievance (or Complaint) Procedures:

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

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A

discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

District employees, supervisors and administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination to the designated coordinator, even if that District employee is investigating the alleged discrimination as part of the District's student or employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District's designated coordinator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the District's standards for a prompt and equitable grievance procedure outlined in section B.2., below.

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

i. Level 1 (Investigation and Findings):

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

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

The District will complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or

victims. Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant.** Periodic status updates will be given to the parties, if necessary.

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

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

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

- a. A summary of the facts,
- b. An analysis of the appropriate legal standards applied to the specific facts,
- c. Findings regarding whether discrimination occurred, and
- d. If a finding is made that discrimination occurred, the recommended remedy or remedies necessary to eliminate discrimination, including harassment and retaliation, prevent its recurrence, and remedy its effects, if applicable.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The District will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made (see the Remedies section, below, for additional information about remedies). The District will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including

the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **ten (10) working days** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose to a student who was discriminated against or harassed (victim), information about the sanction imposed upon a student who was found to have engaged in discrimination or harassment (student who discriminated) when the sanction directly relates to the victim. This includes an order that the student who discriminated stay away from the victim, or that the student who discriminated is prohibited from attending school for a period of time, or transferred to other classes.

ii. Level 2 (Appeal to the Superintendent):

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

iii. Level 3 (Appeal to the Board):

If the party is not satisfied with the Superintendent's determination, he or she may file an appeal in writing with the Board of Education **within ten (10) working days** after receiving the Superintendent's determination. The Board of Education will review the appeal, the Superintendent's determination, the investigative documentation and decision, and allow the party to address the Board at the next scheduled Board meeting to present his or her appeal. The Board will issue a written determination about the appeal **within thirty (30) working days** after receiving the appeal. The party who filed the appeal will be sent the Board's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. The Board's determination, and any actions taken, will be final on behalf of the District.

4. Remedies:

If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the District's pending

investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation, and other remedies, such as those listed below.

The District will minimize any burden on the alleged victim when taking interim measures. For instance, the District generally will not remove the alleged victim from his or her class or work area and allow the alleged harasser to remain. In addition the District will ensure that the complainant is aware of his or her Title IX rights, including a strong prohibition against retaliation for reporting discrimination or harassment or cooperating with any investigation or proceeding, and any available resources, such as counseling, health, and mental health services, and the right to file a complaint with local law enforcement, if applicable.

If the District determines that unlawful discrimination or harassment occurred, the District will take prompt and effective action to eliminate the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and others, if appropriate. The remedies will be tailored to the specific allegations and facts of each situation, including, but not limited to, the following remedies:

- a. Providing an escort to ensure the complainant can move safely between classes and activities.
- b. Ensuring the complainant and alleged harasser do not attend the same classes.
- c. Moving the alleged harasser to another school or work area within the District.
- d. Providing counseling services or reimbursement, if appropriate.
- e. Providing medical services or reimbursement, if appropriate.
- f. Providing academic support services, such as tutoring.
- g. Arranging for the complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

The District may provide remedies for the broader student population as well, including but not limited to:

- a. Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students or employees affected by sexual harassment or sexual violence, and notifying students and employees of campus and community counseling, health, mental health, and other student services.
- b. Designating an individual from the District's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed.

- c. Providing additional training to the District's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- d. Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
- e. Creating a committee of students or employees and District officials to identify strategies for ensuring that students and employees:
 - i. Know the school's prohibition against discrimination, harassment, and retaliation.
 - ii. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
 - iii. Understand how and to whom to report any incidents of discrimination.
 - iv. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
 - v. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.
- f. Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the District's policies against anti-discrimination, anti-harassment, and anti-retaliation.
- g. Conducting in conjunction with students or employees, a "climate check" to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

In addition to these remedies, the District may impose disciplinary sanctions against the student or employee who discriminated, harassed, or retaliated against the complainant, up to and including possible expulsion or termination or cancellation of employment.

5. Confidentiality:

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

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

At the same time, the District will evaluate a confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. Thus, the District may weigh the confidentiality request against factors such as: the seriousness of the alleged harassment, the complainant's age; whether there have been other harassment complaints about the same individual and the alleged harasser's rights to receive information about the allegations if the information is maintained by the District as an "education record" under FERPA. In some cases, the District may be required to report alleged misconduct or discrimination, such as sexual harassment involving sexual violence, to local law enforcement or other officials, and the District may not be able to maintain the complainant's confidentiality. The District will inform the complainant that it cannot ensure confidentiality, if applicable.

6. Training:

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

- a. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.
- b. The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.
- c. Identification of the District's designated compliance coordinators and their job responsibilities.
- d. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to

appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.

- e. Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- f. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.
- g. A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

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

7. Designated Compliance Coordinators:

Designated compliance coordinators will be responsible for:

- a. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- b. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- c. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- d. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- e. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- f. Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them

- pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- g. Reviewing all evidence in harassment or violence cases brought before the District's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
 - h. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
 - i. Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
 - j. Recommending changes to this policy and grievance procedure.
 - k. Performing other duties as assigned.

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

8. Preventive Measures:

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

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

Date of Adoption: February 13, 2012

Complaint Form

Discrimination, Harassment or Retaliation

The Hayes Center Public School District does not discriminate on the basis of race, color, national origin, sex, disability, religion, age or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. This complaint form is to be used when a person has a complaint related to discrimination, harassment or retaliation on such bases in regard to employment or the programs and activities of the school district.

Refer to Board Policy 3030.5 and/or 4050.35 for the particulars of the complaint and grievance process. You may attach additional materials to this form if needed.

The applicable coordinator may be contacted if you have questions about filling out this complaint form:

Students: Superintendent, 501 Troth Street, Hayes Center, NE 69032 (308) 286-5600

Employees and Others: Superintendent, 501 Troth Street, Hayes Center, NE 69032 (308) 286-5600

Name: _____ Date: _____

(1) Description of the complaint: _____

(2) Names of any witnesses to the matter being complained about: _____

(3) Identify and attach any document supporting the complaint: _____

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

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

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

Signature: _____

Received by: _____

Date: _____

MISCELLANEOUS STUDENT RELATED MATTERS

PUBLICATIONS AND MATERIALS DISTRIBUTION 4050.4

Any publication or printed material, including the school paper and yearbook, to be distributed by the school or by other parties at the school must meet the approval of the Principal for content. Supervising instructors are responsible to bring controversial subject matters/materials to the principal for final approval to maintain district integrity. Failure to do so will lead to possible restrictions and/or reprimands by the Principal.

If the building principal rules that the material is unacceptable he/she may deny the right to distribute the material.

MISCELLANEOUS STUDENT MATTERS

LEARNING CLIMATE ASSESSMENT 4050.5

A learning climate assessment shall be conducted at least once every two (2) years. Students, employees, and/or patrons shall be asked for their assessment of the learning climate in each of the buildings. The results of this assessment shall be reported to the patrons of this district.

The Superintendent or his designee shall be responsible for carrying out the provisions of this policy.

SCHOOL WELLNESS POLICY.....4070

Administrative Regulation for School Wellness Policy

Additional Wellness Goals, Nutrition Guidelines and Implementation Plan

The School Wellness Policy establishes a mission of providing a curriculum, instruction, and experiences in the environment of a health-promoting school community, to instill habits of lifelong learning and health. The School Wellness Policy authorizes the Superintendent to establish such further goals and nutrition guidelines as are determined appropriate to meet the stated mission. This regulation sets forth additional goals and nutrition guidelines as appropriate to meet the District's school wellness mission and implement the School Wellness Policy.

Nutrition Education activities to Promote Student Wellness

The base goal is to implement a curriculum that meets or exceeds the health and nutrition education objectives established by the Nebraska Department of Education. The administration establishes the following additional goals and actions to achieve such goals:

1. Curriculum: Nutrition education will be integrated into other subjects to complement, but not replace, the health and nutrition education curriculum that is provided in accordance with NDE Rule 10. Educators are to incorporate the promotion of healthy eating nutrition lifestyles in all subject areas as appropriate.
2. Display Nutrition Education Materials: The cafeteria shall display posters or other communications suitable to the ages of students served that promote healthy nutrition choices (e.g., display food pyramid). Educators are encouraged to incorporate such communications in their classrooms as well.
3. Nutrition Health Events: Educators are encouraged to search for and take advantage of events that promote nutrition education. Activities may include:
 - a. health fairs
 - b. traveling health exhibits
 - c. field trips to farm or food production facilities
 - d. school gardens
 - e. health speakers (school assemblies or class speakers on nutrition)
4. Family: All students are encouraged to eat breakfast, either at home or at school.

- a. Parents are to be welcomed to join their children at school lunch as appropriate.
 - b. School communications to parents will include information about healthy nutrition; such as by including information about healthy snacks for children.
 - c. Body Mass Index (BMI) information of each student will be sent to parents each fall.
5. Staff: Our employees are encouraged to be healthy role models for students. It is important for students to receive consistent messages.
- Staff is discouraged from eating foods or drinking beverages of minimal nutritional value during the school day in the presence of students.

Physical Activities to Promote Student Wellness

The established goal is to implement a curriculum that meets or exceeds the health and physical education objectives established by the Nebraska Department of Education. The administration establishes the following additional goals and actions to achieve such goals:

1. Curriculum: Health and physical education will be integrated into other subjects to complement, but not replace, the health and physical education curriculum provided in accordance with NDE Rule 10. Educators are to incorporate physical activity promotion and non-sedentary lifestyles in all subject areas as appropriate.

Physical Activity During the School Day:

- a. Recess
 - i. Elementary students will have the opportunity for daily recess. Weather and other conditions permitting, recess will be outdoors. Students who are idle during recess are to be encouraged by supervising staff to engage in physical activity. Daily minimums are as follows: Grades K-3: 50 minutes; Grades 4-6: 35 minutes. Minimums include lunch recess. Minimums are set for “ordinary” days and are subject to modification in the judgment of the educator when events such as field trips, testing, etc. occur during the day.
 - ii. Middle School and High School students will have the opportunity for physical activity during their lunch period.

The gym or outside facilities will be open to use during lunch when possible.

- b. Class Time: Physical activity within class periods (e.g. stretching breaks when students are at task for more than 50 minutes) will be encouraged.
3. Physical Activity to/from School:
 - a. Biking or walking to school are encouraged. Bike racks will be established commensurate with need.
 - b. In establishing bus pick up/drop off sites, the fact that students will have to walk farther from a particular site will not necessarily be considered as a negative factor.
4. As Punishment: Physical activity will not be used as punishment and will not be withheld as punishment. This guideline shall not apply to extra-curricular activities. Educators may use appropriate professional discretion to make exceptions to this guideline. In no event, however, will physical activity be used as a form of corporal punishment.
5. Display Physical Activity Educational Materials: The cafeteria, gym and health classrooms shall display posters or other communications suitable to the ages of students served that promote physical activity and non-sedentary lifestyles (e.g., display sports posters, walking fitness posters). Educators are encouraged to incorporate such communications in their classrooms as well.
6. Physical Activity Health Events: Educators are encouraged to search for and take advantage of events that promote physical activity education. Activities may include:
 - a. health fairs
 - b. traveling health exhibits
 - c. field trips to physical activity centers
 - d. physical activity speakers (school assemblies or class speakers representing sports figures, medical people)
7. Family:
 - a. The school's physical activity facilities (playground, gym) will be made available to use by parents with their children outside the normal school day, subject to priority use being for children and subject to other competing uses and safety and risk management considerations.

- b. School communications to parents will include information that promotes physical activity. Such communications may include information about the benefits of physical activity to children and the distribution of information about youth sports programs.
8. Staff: Our employees are encouraged to be healthy role models for students. It is important for students to receive consistent messages. Staff is encouraged to be seen engaging in non-sedentary lifestyles. For example, staff is encouraged to walk or bike to work; use stairs even if an elevator is available; and share as appropriate personal information about physical activities they engage in to remain fit.

Other School Activities to Promote Student Wellness

The established goal is to offer other suitable opportunities to students to engage in health-promoting activities. The administration establishes the following additional goals and actions to achieve such goals:

1. Extracurricular Programs: The District will offer athletic and other activity programs subject to and in compliance with the bylaws of the Nebraska School Activities Association.
2. After-School Facility Uses: The school's physical activity facilities (playground, gym) will be made available to use by students outside the normal school day, subject to other competing uses and safety and risk management considerations.
3. Advertising: The administration will monitor advertising that occurs in the school and endeavor to limit messages that promote foods of minimal nutritional value.
4. Staff Development:
 - a. Professional staff members will be provided with professional development and guidance on appropriate practices and procedures to implement the school wellness goals and recommendations.
 - b. The District will provide ongoing training and development for food service staff related to nutrition and wellness goals and activities.
5. Community Resources: The administration will coordinate the school wellness program efforts with those available from medical and other community organizations.

Nutrition Guidelines

The established nutrition guidelines for foods available in each school building during the school day are as follows: (1) school breakfast and lunch programs will be offered which meet or exceed the requirements of federal and state law and regulatory authorities and (2) no foods in competition with the school lunch or breakfast program shall be sold or otherwise made available to students anywhere on school premises.

The administration establishes the following additional nutrition guidelines and actions to meet the guidelines:

1. Conditions for School Meals:
 - a. Scheduling meals. Lunch periods will be scheduled at times when students are in need of nutrition (e.g., in the middle of their school day). Students will be provided adequate time to eat. In general students will, upon arrival in the cafeteria, have at least 10 minutes to eat breakfast and 15 minutes to eat lunch.
 - b. Conditions for meals. Efforts shall be made to establish comfortable and relaxed eating conditions. The factors to promote these conditions will be a clean, orderly environment, pleasant food services staff, adequate seating, enforcement of student conduct rules and adequate supervision.
2. Selection of School Meals:
 - a. School Meals: School meals shall at a minimum meet nutrition requirements established by state and federal law. The school food service staff is to offer meals that are of a nutritional value higher than that required. Emphasis is to be on good menu planning principles that offer healthy food choices including lean meats, a variety of fruits and non-fried vegetables daily, whole grains once each week, and low-fat or nonfat milk daily. Locate these choices where they are readily accessible to students. Limit portion sizes of desserts and fried foods.
3. Student's Meals From Home: Students will be discouraged from sharing food and be prohibited from sharing foods brought from home. Parents will be encouraged via health promotional materials to make healthy choices for student lunches.
4. Vending machines:
 - a. Elementary school students: No vending machines available.
 - b. High school students: Vending machines in High School building

shall include healthy choices (e.g., water, 100% fruit juices, low-fat/non-fat milk, animal crackers, granola bars, whole-grain fruit bars, pretzels, nuts, plain trail mix).

5. Foods available during the school day:
 - a. Water: Students will be allowed access to water during the school day. Water fountains are available. Educators may in their discretion allow students to bring water bottles to classes. Students will not be permitted to bring soda pop or other drinks or food to class.
 - b. Food rewards. Food will not be used as rewards. No foods are to be provided by the school or school staff during instructional time except: healthy foods, foods provided for instructional purposes or special dietary needs as determined by a doctor.
 - c. Classroom Celebrations:
 - i. Staff is not to offer students foods of minimal nutritional value for classroom celebrations.
 - ii. Parents are to be encouraged to bring healthy foods for classroom celebrations.
6. Fund-raising: Student clubs are encouraged to not sell foods of minimal nutritional value as part of fund-raising efforts.
7. School activities/events:
 - a. Athletes: Student athletes serve as role models. Coaches are to encourage healthy eating by student athletes. The coaches' conduct rules may limit consumption of foods of minimal nutritional value by their athletes during their sport season.
 - b. Concessions: Concession stands will include healthy food choices. Efforts will be made to reduce offerings of foods of minimal nutritional value.
8. Definition of Foods of Minimal Nutritional Value: For purposes of this regulation, "foods of minimal nutritional value: has the same meaning as in the federal regulations for the National School Lunch program. Foods of minimal nutritional value are as follows:

Food of minimal nutritional value means: (i) In the case of artificially sweetened foods, a food which provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving; and (ii) in the case of all other foods, a food which provides less than five percent of the RDI for each of 8 specified nutrients per 100 calories and less than 5% of the RDI for each of eight specified nutrients per 100 calories and less than 5% of the RDI for each of eight specified nutrients per serving. The 8 nutrients to be assessed for this purpose are – protein, vitamin A, vitamin C, niacin, riboflavin, thiamine, calcium, and iron.

Specific foods of minimal nutritional value are:

- (1) Soda Water.
- (2) Water Ices (except those which contain fruit or fruit juices).
- (3) Chewing Gum.
- (4) Certain Candies – Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - (i) Hard Candy – A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
 - (ii) Jellies and Gums -- A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.
 - (iii) Marshmallow Candies – An aerated confection composed as sugar, corn syrup, invert sugar, 20 percent water and gelatin or egg white to which flavors and colors may be

added.

(iv) Fondant – A product consisting of microscopic-sized sugar crystals which are separated by thin film of sugar and/or invert sugar in solution such as candy corn and soft mints.

(v) Licorice – A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root.

(vi) Spun Candy – A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.

(vii) Candy Coated Popcorn – Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

8. Definition of Healthy Foods: For purposes of this regulation, “healthy foods” means foods that are not foods of minimal nutritional value, and that are low in fats, sodium and sugars, and high per serving in the nutrients which are needed to meet Reference Daily Intakes.

HOMELESS CHILDREN AND YOUTH4080

The Board will make reasonable efforts to identify homeless children and youth of school age within the district, encourage their enrollment and eliminate existing barriers to their receiving an education which may exist in district policies or practices. The designated liaison for identification of homeless children and for tracking and monitoring programs and activities for these children is the Counselor.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Are abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as a regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Are migratory children living in conditions described in the previous examples.

District Residency: To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in which attendance area the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families resident in the district.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district's decision and their appeal rights in writing. The district's liaison will carry out dispute resolution as provided by state rule. Unaccompanied youth will also be enrolled pending resolution of the dispute.

Placement: If the school district is unable to determine the grade level of the student because of missing or incomplete records, the school district will administer tests or utilize other reasonable means according to district policy to determine the appropriate grade level for the child.

School Records: For students transferring out of the district, records may be provided directly to the student or the student's parents. In addition, students transferring into the school district may provide cumulative records directly to the district. The school district will not require that such records be forwarded from another school district before that student may enroll. The school will then request the official records from the previous school.

Immunization Requirements: Homeless students will not be denied enrollment for lack of immunization records. The school district will make a reasonable effort to locate immunization records from the information provided or will arrange for the student to receive immunizations. Permanent exemptions for homeless students from the immunization requirement in this policy will be allowed only for medical, military or religious reasons recognized under the law.

Students defined in state law as homeless children shall be admitted without payment of tuition.

Transportation for homeless students who enroll in the district shall be furnished by the district under the same guidelines applying to other students or if such transportation is necessary for compliance with federal law.

Each homeless child shall be provided services for which the child is eligible comparable to services provided to other students in the school selected regardless of residency.

Homeless children shall be provided access to education and other services that such children need to ensure that they have an opportunity to meet the same student performance standards to which all students are held.

If a homeless child registered to attend school in the district is receiving family reconciliation services pursuant to state law, the district will work in cooperation with any county or department of social services in the district to jointly develop an educational program for the child.

Legal Reference: Neb. Statute 79-215
 NDE Rule 19
 42 W.S.C. §11431 and §11432 (McKinney-Vento
 Homeless Assistance Act)
 NCLB, Title X, Sec. 722, P.L. 107-110 (2002)

Cross Reference: 503.01 Compulsory Attendance

Students

Dating Violence4090

Hayes Center Public Schools strives to provide physically safe and emotionally secure environments for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Dating violence will not be tolerated.

For purposes of this policy “dating violence” means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner. “Dating partner” means any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long term.

Incidents of dating violence involving students at school will be addressed as the administration determines appropriate, within the scope and subject to the limits of the District’s authority.

Staff training on dating violence shall be provided as deemed appropriate by the administration. The dating violence training shall include, but need not be limited to, basic awareness of dating violence, warning signs of dating violence, and the District's dating violence policy.

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

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

Legal Reference: Neb. Rev. Stat. §§ 79-2,139 to 79-2,142

Date of Adoption: May 10 , 2010