

GENERAL PERSONNEL POLICY

PROCEDURE FOR ADDRESSING THE BOARD OF EDUCATION 3001

In endorsing the concept of communication, it is not the Board of Education's intent to impede normal conversations and open communication among any of the district's employees. Rather, it is to provide a framework for addressing major problems and/or resolving disputes that may arise in day-to-day school operations.

Each employee of the Hayes Center Public Schools is responsible to the Board of Education through the Superintendent of Schools. All personnel shall refer matters requiring administrative action or attention to the administrator immediately in charge of the building or area in which the problem arises. If a problem is not resolved at the first administrative level, it may be forwarded to the superintendent's office for review. In turn, any significant communications or directives to staff from the Superintendent of School's office will be channeled through the appropriate administrator.

To seek a Board of Education audience for a complaint or problem, certificated staff members are encouraged to utilize the formal grievance procedure in the negotiated agreement. Ordinarily, formal complaints of non-certificated staff will not be carried beyond the level of the Superintendent of Schools. If a dismissal or job reassignment of a non-certificated staff does occur the Superintendent shall notify the Board of Education of the changes.

GENERAL PERSONNEL POLICY

SMOKE FREE 3002

The 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 of Education bans smoking and the use of all tobacco products in all school buildings of the Hayes Center Public Schools and in all school vehicles by all persons at all times.

This ban extends to all employees, students, and patrons attending school events and meetings.

This policy shall become effective October 8, 1990.

GENERAL PERSONNEL POLICY

DRUG FREE SCHOOL AND COMMUNITY POLICY 3003

Hayes Center Public School is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative productive work force. To this end, the Hayes Center Public Schools unequivocally endorses the philosophy that the workplace should be free from the detrimental effects of illicit drugs and alcohol.

It is unlawful and, therefore, absolutely prohibited for an employee of the Hayes Center Public Schools to engage in the unlawful possession, use, manufacture or distribution or to be under the influence of illicit drugs or alcohol on school premises or as a part of any of the school's activities.

DEFINITIONS

As used in this policy, prohibition against the unlawful possession, use, manufacture, distribution or being under the influence of illicit drugs or alcohol on school premises or as a part of any of the school's activities shall mean, but not be limited to the following:

1. The possession, use, distribution or being under the influence of any substance which is declared by the State of Nebraska or any other applicable law to be an illicit substance.
2. The possession, use, distribution or being under the influence of alcohol on school premises or as a part of any of the school's activities.

As used herein, the term "school premises" shall mean any property whether owned, leased or in other manner under the control of the Board of Education of the Hayes Center Public Schools.

As used herein, the phrase "as a part of any of the school's activities" shall mean any activity or enterprise carried out in whole or in part under the auspices of the Hayes Center Public Schools.

PROCEDURE

1. All employees and each new employee will receive a copy of this policy.
2. Each employee will acknowledge receipt of this policy and will sign such form acknowledging receipt and acknowledging the Hayes Center Public Schools policy of absolutely prohibiting conduct as set forth in this policy and further acknowledging that serious sanctions can and will be taken against an employee, including termination of employment and referral for prosecution for any failure to comply with the above-stated standards of conduct and further acknowledging that such compliance is mandatory, and further acknowledging that this policy is adopted pursuant to P.L. 101-226, 34 C.F.R., Part 86, and other applicable statutes, and will further acknowledge that failure to comply with such federal requirements may put the Hayes Center Public Schools receipt of federal funds in jeopardy.

3. In the event the employee does not understand the terms and conditions of this policy, it shall be the duty of the employee to ask for such points of clarification of the Superintendent of schools or his designee at the time this policy is distributed to the employee. If no question is directed by an employee to the Superintendent of schools or his designee it shall be the legal position of the Hayes Center Public Schools to presume that the employee has understood and will abide by this policy.
4. In the event of any non-compliance by any employee with this policy, it shall be the duty of the Superintendent of schools or his designee to inform any employee not in compliance about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees within fifty (50) miles of the administrative offices of the Hayes Center Public Schools. If no such programs are available within 50 miles, then such other programs as may exist in the State of Nebraska shall be made known to such employee. The Superintendent or his designee shall maintain a list of such available services and shall from time to time update such list.
5. Sanctions which may be taken against an employee for non-compliance with this policy may be any one or more of the following:
 - a. An oral reprimand.
 - b. A written reprimand.
 - c. Suspension with pay.
 - d. Suspension without pay.
 - e. Termination of employment.
 - f. Cancellation of employment.
 - g. Non-renewal of employment.
 - h. Referral to appropriate authorities for criminal prosecution.
 - i. Mandatory enrollment in in-patient cares or otherwise as a term and condition to any continuing employment by the Hayes Center Public Schools.
 - j. Mandatory enrollment in any training programs that are or may be provided by the Hayes Center Public Schools or others relating to any of the activities prohibited by this policy.
6. Disciplinary action sought to be imposed by the Superintendent or his/her designee shall be carried out in accordance with the established policies of the Hayes Center Public Schools. However, nothing in this policy shall be construed to vest any right in any employee beyond that required by law and the manner in which each case shall be handled shall be in the sole discretion of the Superintendent or his designee subject to the Superintendent's approval, provided only that such action shall be carried out within the bounds of applicable law.
7. Conviction of an employee of the Hayes Center Public Schools of any criminal statute relating to the unlawful use, possession, distribution or being under the influence of any controlled substance or alcohol, may result in disciplinary action being taken against such employee. When such conviction shall come to the attention of the Superintendent or other official of the Hayes Center Public Schools, any employee convicted as above described may be disciplined in any manner provided by statute, the contract of the employee,

any existing policy of the Hayes Center Public Schools or any other applicable body of law. As used herein “applicable body of law” shall mean, but shall not be limited to, state and federal statutes, state and federal regulations, and any applicable case law.

8. As an alternative to discipline or as a concurrent requirement to the disciplinary action less severe than the maximum disciplinary action that may be carried out against an employee, the Hayes Center Public Schools, by and through its Superintendent or his designee may require the employee to successfully finish a drug or alcohol abuse program. As used herein, the term “drug or alcohol abuse program” shall mean a drug or alcohol abuse program sponsored by an approved private or governmental institution. The Superintendent or his designee may require the employee to provide the Superintendent or his designee written documentation satisfactory to the Superintendent or his designee that the employee has successfully finished such program. If such institution recommends aftercare, then the Superintendent or his designee in his sole discretion may require the employee to enroll in such aftercare program and to participate in a manner satisfactory to the provider of such aftercare program. The Superintendent or his designee may require an employee to participate in aftercare in the same manner and under the same terms as may be required by the Superintendent or his designee. The Superintendent or his designee may require ongoing reporting of such participation as a term and condition of continuing employment by such employee of the Hayes Center Public Schools.
9. It shall be the policy of the Hayes Center Public Schools to require an employee who has been charged or convicted of a violation of any statute as hereinabove referred to in this policy to report such charge or conviction to the Superintendent or his designee. Any information received pursuant to this policy may be used in any lawful manner. Any employee having concerns about an admission hereunder constituting self-incrimination shall bear the burden of seeking his or her own legal advice regarding any such potential self-incrimination.

EXHIBIT A

DRUG FREE SCHOOL AND COMMUNITY POLICY

ACKNOWLEDGEMENT OF UNDERSTANDING AND RECEIPT OF BOARD OF EDUCATION STANDARDS AND POLICIES PROHIBITING THE UNLAWFUL POSSESSION, USE, DISTRIBUTION OR BEING UNDER THE INFLUENCE OF ILLICIT DRUGS AND ALCOHOL ON THE SCHOOL PREMISES OR AS A PART OF ANY OF THE SCHOOL'S ACTIVITIES.

I, the undersigned, do by affixing my signature hereto acknowledge that I understand the absolute prohibition of the Hayes Center Public Schools against any employee of the Hayes Center Public Schools engaging in unlawful possession, use, manufacture, distribution or being under the influence of illicit drugs and alcohol on the school premises or as a part of any of the school's activities as defined by Board of Education policy or administrative directive. I further understand by affixing my signature hereto that disciplinary sanctions up to and including termination of my employment and referral of me for criminal prosecution may be imposed upon me for any violation of these standards. I further agree to be bound by these standards and acknowledge that I have been fully notified and that appropriate school personnel have explained all policies to my satisfaction and full understanding. I further understand that compliance with these standards is mandatory and is a material term and condition of my employment by the Hayes Center Public Schools.

Dated this _____ day of _____, 20____.

Signature of Employee

GENERAL PERSONNEL POLICY

SEXUAL HARRASSMENT AND COMPLAINT PROCEDURE3004

It shall be the policy of the Hayes Center Public Schools to prohibit sexual harassment of employees, applicants for employment, and students on any work premises where the Hayes Center Public Schools 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, requests for sexual favors, verbal or physical conduct of a sexual nature, submission to which, or rejection of which, by any employee is used as a basis for any employment decision such as, but not limited to, rate of pay, promotion, favorable evaluations, whether formal or informal, or the conferring of job responsibility.
2. Conduct of a sexual nature by an employee or employees directed against another employee or employees, which has its purpose unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment.
3. 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 Hayes Center Public Schools 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.
4. 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.
5. Conduct of a sexual nature by a student or any other person over whom the Hayes Center Public Schools 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 intimidating, hostile, offensive, unsafe, or unwholesome learning environment.

It shall be the policy of the Hayes Center Public Schools 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 the professional Practices Commission, the Nebraska Department of Education, the 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 Hayes Center Public Schools 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 the Hayes Center Public Schools 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 to 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 Hayes Center Public Schools 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 Hayes Center Public Schools has a right to his/her good reputation and 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 Hayes Center Public Schools.

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.

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 Hayes Center Public Schools 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 that 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 that may make it difficult or impossible for the Hayes Center Public Schools to fully resolve my complaint.

Complaining Party's Signature

Date

PERSONNEL OPERATIONS

WORKPLACE SAFETY AND HEALTH POLICY 3005

The Board of Education is committed to providing the best possible working conditions for all Hayes Center Public Schools employees. The Board of Education is committed to providing effective methods for discovering, correcting, and preventing workplace safety and health hazards that could affect Hayes Center Public Schools employees. The Hayes Center Public Schools policy is to develop and implement programs aimed at preventing any Hayes Center Public Schools employees from being subject to any avoidable safety and health risk. Developing and implementing an effective loss prevention and loss control program will accomplish this.

To fulfill the policy the Board of Education will direct the Hayes Center Public Schools Safety Committee to: (a) develop loss control and prevention policies and procedures with the cooperation and input of Hayes Center Public Schools employees; (b) maintain continuing training programs for all Hayes Center Public Schools employees so that such employees clearly understand their individual responsibility in discovering, correcting, and preventing safety and health hazards in their area; (c) have each employee fill out a Choice of Doctor Form; (d) make sure each employee recognizes and understands their individual responsibility in complying with all safety health policies, procedures, rules, regulations, and standards; (e) conduct facility safety inspections, review injuries and accidents involving employees; (f) make recommendations to the Board of Education concerning safety and health issues; and (g) will not become involved in any issue not directly related to safety and health of school district employees.

The Hayes Center Public Schools intends to comply with applicable statutes, including LB 757, (1993 session) and rules and regulations promulgated by the Nebraska Department of Labor regarding LB 757. The Occupational Safety and Health Act standards, specifically 29CFR 1910 and 29CFR and Mind Safety and Health Act standards will be minimum safety and health standards used for developing safety and health operating instructions.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

ELECTION OF PROFESSIONAL PERSONNEL 3010

Upon recommendation of the Superintendent, the Board of Education shall employ and approve assignments of all professional school personnel. However, no member of the Board of Education may cast a vote in favor of the election of any teacher when such member of the Board of Education is related by blood and/or marriage.

The Superintendent shall recommend only those candidates for employment that meet all legal requirements and are properly certificated by the Nebraska Department of Education and which, in his/her professional opinion, are best suited to meet the needs of the Hayes Center Public Schools.

Staff members should be encouraged to suggest outstanding candidates of their acquaintance to the administration for consideration.

All letters of application and credentials are to be sent to or forwarded to the superintendent's office. All letters of application shall be acknowledged.

The Principal and/or Superintendent shall select those candidates to be interviewed. The Superintendent will make the final determination, in cooperation with the Principal, of the candidate to be recommended to the Board of Education for employment.

There shall be no discrimination against any employee or applicant for employment by reason of race, color, national origin, creed, marital status, sex or age.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

ASSIGNMENT TO DUTIES AND RESPONSIBILITIES 3011

The Superintendent shall assign all principals, teachers, custodians and other employees to the particular school in which they will work. The building principal or other supervisors, in accordance to Organization of Staff Chart (2000.4), shall have the authority to assign specific responsibilities and duties. Assignments shall, insofar as possible, provide for equitable and fair distribution of duties, work load, and other responsibilities, except for personnel whose contract as basis of employment indicates special duties and load.

All staff members that are unable to perform the duties and responsibilities of their extra duty assignment and upon approval of the building administrator, may forfeit a prorated share of their extra duty pay while they are unable to perform these responsibilities. This forfeiture of pay will be prorated appropriately for the amount of time or number of activities in which they were unable to participate in the extra duty assignment. The principal after meeting with the appropriate personnel will determine the amount of pay to be prorated for the specific amount of time that was missed.

CERTIFICATED PERSONNEL-RELATED POLICIES

DUTY HOURS 3011.1

Teacher’s minimum duty hours shall be from 7:45 a.m. until 4:15 p.m. with a half hour duty free lunch. Teachers are to be in the building, accessible to parents, students, and the administration during this time.

In addition, teachers may be assigned responsibilities for supervising or directing school activities and/or be required to participate in other school-sponsored activities at other hours. These assignments shall be on as nearly an equal basis as possible.

All employees are expected to be punctual. Teachers needing to arrive later or depart earlier must first obtain permission from the building principal.

CERTIFICATED PERSONNEL-RELATED POLICIES

ATTENDANCE AT MEETINGS 3011.2

Teachers shall attend all district-wide teacher meetings as well as all building level meetings scheduled by the Principals unless excused by his/her Principal.

CERTIFICATED PERSONNEL-RELATED POLICIES

SUPERVISION AND RELATED DUTIES 3011.3

Supervision of the buildings and grounds shall be provided during the regular school day. It shall be the duty of the Principals to assign teachers and aides to supervisory duties to ensure that playgrounds, halls, lunchrooms, etc. are properly supervised. It is the responsibility of every teacher to assist with supervision whether specifically assigned to an area or not.

It is necessary that teachers fulfill some non-teaching duties during the year. Other responsibilities and teaching loads may be considered when assigning these duties. All other factors being equal, assignments shall be made on as near equal basis as possible.

CERTIFICATED PERSONNEL-RELATED POLICIES

E-MAIL POLICY 3011.4

All personnel will be allowed to use the Hayes Center Public Schools computer system for personal e-mail and Internet use provided they follow a signed ethical code of conduct.

E-MAIL RECORDS AND ELECTRONICALLY STORED INFORMATION
POLICY.....3011.41

Any e-mails that are pertinent and must be saved for an extended period of time (to exceed one month) shall either be (1) printed and physically filed in such a way that they will be easily retrievable or (2) saved directly to an electronic file on one of the district computers from which it will be easily retrievable. The district should regularly delete unnecessary e-mails on the district's computer system on the first school day of each month during the school year.

Until the district's e-mail system can be equipped with such capabilities, all employees of the school district shall regularly update their e-mail account by either saving necessary and pertinent e-mails to their computer or printing them and filing them appropriately. Employees shall also delete unnecessary e-mails from their account at the same time. This process shall become a permanent and regular occurrence if the automatic deletion process is not incorporated into the district's e-mail system.

Certificated Personnel –Related Policies

Records Management and Disposition3011.5

1. General Standard. Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State’s schedules for retention and disposition of public records.
2. Records Officer. The Superintendent is hereby designated as the records officer of the school district for purposes of this policy. Any questions about the type or category of a record or the required retention period for it should be addressed to the records officer.
3. Electronic Messages. Electronic messages are communications using an electronic system for the conduct of school district business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), and electronic data interchange (EDI). In this policy, the terms electronic messages and e-mail are used, depending on the context, to mean the same thing. The school district’s electronic system in which records are collected, organized, and categorized to facilitate preservation, retrieval, use, and disposition is as follows:
 - a. End-User Management. End-user means anyone who creates or receives electronic messages on the school district’s electronic system. Electronic messages are to be managed at the end-user’s desktop rather than from a central point. Each end-user is responsible for organizing, managing and disposing of records that are part of his or her desktop computer.
 - b. Categories for Retention. Electronic messages fall within three categories: (1) transitory messages; (2) records with a less than permanent retention period; and (3) records with a permanent retention period. End-users are to organize, store, retain and dispose of electronic messages according to these three categories. This means determining which electronic messages require long-term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.
 - i. *Transitory messages.* Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts; unwanted and unneeded “junk” mail; “personal” mail for employees not related to school business; unsolicited sectarian, religious, partisan, political or commercial messages, or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages. Employees

sending or receiving such communications may delete them immediately without obtaining approval.

- ii. *Less than permanent retention records.* These records are governed by the retention period for equivalent hard copy records as specified in the approved records retention and disposition schedules. These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Questions relating to the retention or destruction of these records should be referred to the records officer.
 - iii. *Permanent/archival retention records.* These are records scheduled for transfer to the Nebraska State Historical Society (NSHS). Decisions relating to such records should be made by the records officer in consultation with NSHS, and the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency and format of the transfer should be determined cooperatively by the records officer, the NSHS, and the State Records Administrator.
- c. Electronic Storage Limitations. The district's computer systems have storage limitations. E-mails are deleted by the computer system within 60 to 90 days to avoid operational problems. End-users are instructed that electronic messages that are required to be maintained past that time period should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. The retention period for the particular record is the best indicator of which storage medium or format to choose.
- d. Proper Use of Electronic Messages.
- i. Non-Discrimination. Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; promote sexual harassment; or to promote personal, political, or religious business or beliefs.
 - ii. Permissible Use. Electronic messaging is to be used only for purposes that are consistent with the mission of the school district. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot

question. Electronic messaging is not permitted to be used for purposes of assisting a non-profit organization except when and to the extent such use serves a school purpose or facilitates school district business.

- iii. Conduct. Employees shall not read electronic messages received by another employee when there is no school purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.
- iv. Other Regulations. Electronic messaging is subject to all requirements of the school district's "Acceptable Use of Computers, Network, Internet and Websites" policy and may be monitored and accessed at any time without prior notice. The school district has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right and is not a public forum. Electronic messaging is made available subject to all board policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

4. Litigation Holds

When litigation against the District or its employees is filed or threatened, the District will take all reasonable action to preserve all documents and records that pertain to the issue. Such action will in particular be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

As soon as the District is made aware of pending or threatened litigation, a litigation hold directive will be issued by the records officer or designee. The directive will be given to all persons suspected of having records that may pertain to the litigation issue.

The litigation hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation hold has been lifted. E-mail and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the records officer until the hold is released.

Employees who receive notice of a litigation hold are to preserve all records that pertain to the litigation issue. This includes preserving electronic messages that would otherwise be deleted by the computer system; such messages are to be converted by the recipients of the litigation hold to hard copy (printed) or electronic format which can be retrieved and interpreted (downloaded) for the duration of the litigation hold.

No employee who has been notified of a litigation hold may alter or delete an electronic or other record that falls within the scope of the hold. Violation of the litigation hold may subject the employee to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

5. Settlement Agreements

A public written or electronic record of all settled claims shall be maintained.

The record for all such claims settled in the amount of fifty thousand dollars or more (or one percent of the total annual budget of the School District, whichever is less) shall include a written executed settlement agreement. The settlement agreement shall contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the School District or on its behalf. Any such settlement agreement shall be included as an agenda item on the next regularly scheduled public meeting of the School Board for informational purposes or for approval if required.

Any such settled claim or settlement agreement shall be a public record. Nonetheless, specific portions of the record may be withheld from the public to the extent permitted or provided by statute.

The foregoing does not apply to claims made in connection with insured or self-insured health insurance contracts.

Legal Reference: Neb. Rev. Stat. ' ' 84-712 through 84-712.09
 Neb. Rev. Stat. ' ' 84-1201 to 84-1227
 Laws 2010, LB 742
 State Records Administrator Guidelines:
 Schedule 10: Records of Local School Districts (Feb. 1989)
 Schedule 24: Local Agencies General Records (March 2005)
 Electronic Imaging Guidelines (March 2003)

Date of Adoption: February 13, 2012

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

TEACHER EVALUATION POLICIES AND PROCEDURES.....3012

HAYES CENTER PUBLIC SCHOOL

Statement of Purpose

The Board of Education of Hayes Center County School District #43-0079, the Hayes Center Public School, believes that effective teaching is necessary to achieve the instructional goals of the district. Effective teaching is assessed by teacher evaluation. The Purposes of teacher evaluation in this district are to: (1) improve instruction; (2) guide staff development activities; and (3) substantiate employment decisions. Teachers shall be appraised using the written evaluation plan and procedure approved by this Board.

Procedure for Teacher Evaluation

Teachers shall be evaluated upon specific criteria, which are tied to the instructional goals of the district. Evaluation instruments shall be approved by the Board of Education, be designed primarily for the improvement of instruction, and include district-defined standards for the measurement of:

1. Instructional performance
2. Classroom organization and management
3. Professional conduct
4. Student involvement
5. Teacher/Staff Relations
6. Personal Conduct

Probationary teachers shall be formally observed and evaluated at least once each semester. Each formal observation shall be for an entire instructional period.

Permanent teachers shall be formally observed and evaluated at least once each year. Each formal observation shall be for an entire instructional period.

Formal evaluations for probationary and permanent teachers shall be documented in the following manner:

1. Based upon the observation(s) and other relevant information, the evaluator shall prepare a written evaluation report.
2. The evaluation report shall provide.
 - a. Noted deficiencies.
 - b. Specific means for the correction of the noted deficiencies.
 - c. An adequate timeline for implementing the concrete suggestions for improvement.
3. The process shall provide for the teacher to offer a written response to the evaluation.

All evaluators used in the district shall possess a valid Nebraska Administrative Certificate and shall be trained to use the evaluation system employed in the district. The Superintendent or his or her designee shall conduct the training. Training sessions shall include, but not be limited to:

1. A review of the district's teacher evaluation policies and procedures.
2. A review of the expectations for evaluation.
3. A review of the evaluation instruments.
4. A discussion of evaluation skills.

The evaluation procedure shall be annually communicated, in writing, to those being evaluated.

PLANNING FOR EFFECTIVE INSTRUCTION

Planning is acknowledged to be one of the most influential factors in successful teaching. Should there be a system or does one hope for a burst of inspiration from which effective instruction will automatically flow? While the writers are all for inspiration, we agree with Edison, that a certain amount of well-directed “planning perspiration” will work wonders in increasing success in the classroom.

It is assumed before a teacher begins to plan for a particular day’s teaching, the following steps, which make effective instruction possible, will have been taken:

1. Within each general content area, the teacher will have determined the particular standard for immediate diagnosing and teaching. For example, in the general content area of reading, the teacher might diagnose for and teach to inference skills.
2. The teacher will have identified a major target objective in that standard and have located student’s educational positions in relation to that objective. For example, the Teacher, will identify which students can make only simple inferences and which can make more complex ones.
3. On the basis of the diagnosis, the teacher will have selected the special objective for a particular group’s daily instruction.

Now the teacher is ready to plan for that instruction regardless of whether the plan is implemented by input from the teacher, by materials or by the student himself/herself.

For each instructional session, the teacher must consider the following eight steps separately to determine whether or not it is appropriate for the particular objective, for these students, and whether it should be included, excluded, or combined with a subsequent step. If the step is included, how to effectively integrate it into an artistic “flow” of instruction is the essence of the planning task.

INSTRUCTIONAL PERFORMANCE:

- 1) The teacher has examined the elements of effective lesson design and included all appropriate elements for the particular lesson.
 - a) Anticipatory Set:
 - i) Teacher provides some type of activity that focuses students on the day’s lesson and its objectives.
 - ii) Teacher effectively uses activities such as a review of previous day’s learning, brainteasers, word games, stimulating questions, or sponge activities to provide anticipatory set.
 - iii) Teacher demonstrates ability to integrate necessary administrative routine within chosen anticipatory set activity.
 - b) Statement of Goal Objectives:
 - i) Teacher skillfully includes goal objectives of day’s lesson in “kid” talk so that all students can understand them.
 - ii) Teacher’s goal objectives include what students should know or be able to do by the end of the lesson.
 - c) Input:
 - i) Teacher effectively provides new information, concepts or skills to be learned.
 - ii) Teacher shows evidence of skillful choice of teaching strategies that reflect understanding of how new content can best be given to particular students.
 - iii) Teacher’s choice of input indicates understanding of variety of input options available such as lecture, role playing, demonstrations, films, reading, video tapes, speakers, board work, etc.
 - iv) Teacher’s choice of content is appropriate for learners at this time and clearly shows that teacher has determined which information is basic or essential.
 - v) Teacher presents basic information in its simplest and clearest form.

- d) Modeling:
 - i) Teacher skillfully models or provides a model that describes new information, concepts or skills being learned to increase meaning.
 - ii) Teacher stretches thinking by exposing students to models that are more ambiguous and require students to discriminate.
 - iii) Teacher uses a variety of models such as examples, diagrams, demonstration drawing, and actual models to make new learning meaningful.
 - iv) Teacher exhibits an understanding of how to use transfer theory to develop examples which hook into previous student experiences when modeling is not possible.

- e) Check for Understanding:
 - i) The teacher skillfully checks students' understanding before practicing new content, extending thinking, or re-teaching.
 - ii) Teacher avoids using questions like "O.K.?" "You all understand, don't you?", and "Now, does anyone have any questions?", which gives false feedback as to student understanding.
 - iii) The teacher skillfully uses signaled answers, choral or short written samples of student's individual responses, and tests, papers or demonstration to check students' understanding.
 - iv) Teacher understands principles or higher level thinking and applies that knowledge to developing questions that extend student thinking beyond the knowledge and comprehension level.

- f) Guided Practice:
 - i) Teacher demonstrates the ability to guide initial practice while providing feedback that gives the learner information about what is correct, what needs to be improved and how to improve performance. (Student work corrected and returned as soon as possible.)
 - ii) Teacher guides students through each step in practice, modeling the correct approach, identifying critical points, and developing strategies for avoiding errors. Perfect practice makes perfect.
 - iii) Teacher monitors group response using a variety of response techniques and gives feedback on correctness of student practice.
 - iv) Teacher shows an understanding of retention theory by providing guided practice that is meaningful, has positive feeling tone, a high degree of original learning, and uses a schedule for practice.
 - v) Teacher uses a variety of examples that require students to think to higher levels.

- g) Independent Practice:
 - i) Teacher provides independent practice activities that are meaningful, reinforce lesson, and allow for individual differences.
 - ii) Teacher assignments or homework allow for individual differences and reinforces higher level thinking skills.
 - iii) Teacher's assignment of homework is the final check for student understanding and is followed up in a subsequent class period.

- h) Summarization and Concluding Activity:
 - i) Teacher provides for meaningful closure to lesson.
 - ii) Teacher summarizes major points or objectives of lesson using student input or sponge activity.

PRE-OBSERVATION CONFERENCE, OBSERVATION, POST CONFERENCE

- 1) The Pre-Observation Conference. During this conference, the Principal or Superintendent will gather information on the following:
 - a) About the program:
 - i) Overall aims(Standards and Goals)
 - ii) Specific goal objectives of this lesson
 - iii) Continuing lesson or new topic
 - iv) General plans for the lesson (activities, experiences)
 - v) Special materials or equipment

- b) About the students:
 - i) Range of activity
 - ii) Special problems (especially hearing, sight, physical, language)
- c) General:
 - i) The classroom – other available facilities
 - ii) Where to sit during observation
 - iii) Teacher availability for post conference

2) The Observation

- a) The Principal would gather data on teaching performance and record it in an objective manner. Criteria for efficiently and effectively obtaining records in any situation are:
 - i) They require minimum equipment in terms of cost, bulk, and time for setup
 - ii) Their focus is flexible rather than static
 - iii) They provide sequential data from which can be inferred cause-effect relationships
 - iv) They are not biased
 - v) They are easily “played back”
 - vi) They can be edited easily and a specific part located quickly
- b) Several taping devices that could be used in the supervisory evaluation process are:
 - i) Videotape/audiotape
 - ii) Script taping

3) The Post Conference

- a) This conference will be held during the teacher’s next prep period or as soon after that time as is mutually convenient. During this conference, the following agenda would be used as a guideline.
 - i) Review data, goals and objectives jointly and cooperatively. This gives the Principal or Superintendent a chance to clarify activities he observed, but did not understand of things he did hear and observe.
 - ii) The Principal or Superintendent and the teacher will analyze the data in terms of goals, strengths, and weaknesses.
 - iii) They will discuss differences in perception of the performance and data recorded.
 - iv) They will explore assistance needed, if any, and available resources.
 - v) They will set goals for teaching and develop a plan of action for achieving those goals that will include a timeline for further observations to check improvement, if the situation warrants.
- b) This conference will be reduced to writing and kept as a formal evaluation with one copy placed in the teacher’s file, one given to the teacher, and one to the Principal.
- c) The teacher will sign on the evaluation form that he/she has reviewed the evaluation and any concerns with the Principal.
- d) The teacher can also place his/her own response on the evaluation.
- e) Casual observation highlighting good teaching practices or bringing up specific concerns will also be made on a casual observation form with a copy given to the teacher and one placed in the personnel file.

OBSERVATION DATA SHEET

Teacher _____ Class _____ Period _____ Date _____

TO BE OBSERVED

OBSERVED

COMMENTS

- 1) Develop anticipatory set _____
- 2) State goal objectives _____
- 3) Provide input _____
- 4) Modeling _____
- 5) Check for comprehension _____
- 6) Provide guided practice _____
- 7) Provide independent practice _____
- 8) Closure _____

1) Anticipatory Set

COMMENTS

2) What are stated goal objectives?

3) What input was observed?

4) What modeling was observed?

5) Was comprehension checked?

6) Did the teacher provide guided practice?

7) What independent practice was observed?

8) Was a closure present in the lesson?

TEACHER EVALUATION DESCRIPTORS

The description for teacher evaluation will be as follows: Each teacher will be evaluated on personal conduct, professional conduct, student involvement, teacher/student relations, classroom organization and management, and instructional performance.

1) Personal Conduct

- a) Staff:
 - i) Assume their share of responsibility.
 - ii) Exercises discretion when speaking of colleagues in and out of school.
 - iii) Shares ideas and techniques.
 - iv) Thinks critically as an individual, yet recognizes different points of view.
 - v) Works harmoniously with other staff members.
- b) Administration:
 - i) Recognizes that professional growth enquires mutual respect, courtesy, cooperativeness, loyalty, free and open exchange of ideas, and recognition of the different roles and responsibilities.
- c) Parents:
 - i) Evaluates and reports progress of student.
 - ii) Respects parent insight into problems.
 - iii) Recognizes parental contribution to the child's development.
 - iv) Treats confidential information with respect.
 - v) Communicates honestly, accurately, and with understanding and tact.
 - vi) Communicates concerns about child to parents in a timely and appropriate fashion.
- d) Health:
 - i) The teacher's physical fitness, energy and predisposition are sufficient to physically perform appropriate tasks, communicate vigorously, and carry out school assignments.

2) Professional Conduct:

- a) Participation in professional growth activities such as professional organizations.
- b) Attends in-service training programs.
- c) Takes suggestions in a mature, objective way.
- d) Seeks suggestions and appraisal.
- e) Follows proper chain of command in purchasing materials, scheduling activities, and expressing concerns regarding school business procedures.
- f) Demonstrates, through considered expression of views, a positive attitude toward the total school program both within the profession and in the community.
- g) Involvement in Community.
 - i) Participation in community affairs.
 - ii) Informs self about the community.

3) Student Involvement

- a) Students are actively involved in all the observed instructional activities.
 - i) Every student has a chance to respond during the class period. Student responses are balanced so that a few students do not monopolize the discussion
 - ii) All students maintain a readiness to respond through the teacher's conscious use of devices such as signaling, directing questions to the group, and sponge activities.
 - iii) Students are willing to enter discussion, ask and answer questions and are comfortable seeking help from the teacher.

- iv) Students remain on task during the entire period; very little wasted effort or off task behavior occurs during task completion.
 - b) Students' display independent thinking and study skills.
 - i) Students work quietly by themselves or in groups without distracting others.
 - ii) Students are able to find needed information and complete assigned work without direct supervision.
 - c) Students are able to successfully handle the content of the lesson being presented.
 - i) Evidence that students' previous learning makes them ready for today's lesson.
 - d) Students are able to perform the input and output behaviors chosen by the teacher.
 - i) Students appear to be able to work well with input activities such as reading, discussing, listening, observing, which the teacher has chosen to present the new learning or skill.
 - ii) Students appear to be able to provide output to the teacher that demonstrates their understanding of the new learning or skill.
- 4) Teacher/Student Relations:
- a) Teacher has developed a high level of student/teacher rapport that provides for a safe, warm, positive classroom environment.
 - i) Teacher accepts and encourages student expression.
 - ii) Teacher shows respect, admiration, and genuine personal interest for each pupil.
 - iii) Teacher displays evidence of concern for student's understanding and welfare.
 - iv) Teacher is understanding and friendly in the classroom and exhibits a positive sense of humor.
 - v) Teacher is enthusiastic, stimulates students to be highly productive, imaginative, and innovative and demonstrates a high energy level.
 - vi) Teacher demonstrates a commitment to student success; once a student is called on, teacher provides all the time and cues necessary for that student to be successful.
 - vii) Teacher is always willing to provide individual help and provides it in the most positive way, free from humiliation.
 - viii) Teacher positively communicates a high level of expectation for all students to be successful in each learning task.
 - b) Teacher makes effective use of reinforcement theory to maximize student learning.
 - i) Teacher frequently exhibits positive non-verbal reinforcement skills such as eye contact, smiles, appropriate touching, gestures and proximity.
 - ii) Teacher uses positive verbal reinforcement of student responses and exhibits skill in personalizing those responses and providing specific feedback to each student. Incorrect answers are dignified to enhance continued student effort.
 - iii) Teacher effectively makes limited use of negative reinforcement and extinction to limit or eliminate unwanted behavior.
 - c) Teacher effectively uses the elements of motivation theory that increases student's intent to learn.
 - i) Teacher skillfully makes decisions about appropriate level of concern, pleasant, neutral, or unpleasant feeling tone, and student success to enhance student motivation.
 - ii) Teacher increases motivation through designing learning activities that increase student interest, providing appropriate extrinsic/intrinsic rewards. The teacher rewards attentiveness, effort accuracy and productive thinking.
- 5) Classroom Organization and Management:
- a) Teacher's skillful organization and control provides for an honest, friendly, non-threatening atmosphere in which effective and efficient learning takes place
 - i) The teacher's planning of the physical environment is evident; through arrangement of furniture to permit a variety of learning activities, arrangement and display of learning and teaching resources that enhance the learning climate, optimum control of temperature and lighting and readiness of all equipment, A-V supplies, instructional material and furniture for the class.

- ii) The teacher has established and implemented appropriate standards for student behavior.
 - (1) The teacher establishes, communicates, and consistently enforces guidelines for students' classroom behavior.
 - (2) The teacher consistently and impartially recognizes infractions and consistently administers consequences in a positive, non-threatening and non-hostile manner.
 - (3) The teacher maintains emotional stability during situations and demonstrates the ability to adjust to change as the situation warrants without losing self-control.

SUMMARY OF CONFERENCE WITH TEACHERS

Name _____ Position _____

Grade/Subject of Observation _____ Date of Observation _____

Tenured: Yes No Date of Conference _____

Total Years of Experience _____ Total Years of Experience at Hayes Center _____

GENERAL STATEMENT: E – Exceed, exceeds district standards. P – Proficient, meets district standards.
U – Unsatisfactory, does NOT meet district standards. Improvement is mandatory if contract is expected.

_____ PERSONAL CONDUCT

Strengths:

Suggestions:

_____ PROFESSIONAL CONDUCT

Strengths:

Suggestions:

_____ STUDENT INVOLVEMENT

Strengths:

Suggestions:

_____ TEACHER/STUDENT RELATIONS

Strengths:

Suggestions:

_____ CLASSROOM ORGANIZATIONAL MANAGEMENT

Strengths:

Suggestions:

_____ INSTRUCTIONAL PERFORMANCE

Strengths:

Suggestions:

_____ I concur with analysis and recommendation.

_____ I do not concur with the analysis and recommendation and I will respond in writing within ten working days.

Signature of Evaluator*

Date

- Indicated only that the teacher and supervisor have discussed the evaluation but in no way signifies agreement or disagreement with evaluation.

CASUAL OBSERVATION

Teacher _____

Observation _____

Lesson Topic _____

Date _____

Time _____

Teaching Skills Observed:

Observed Student Behavior:

Data (Notes) Taken During the Lesson by the Observer. Label Examples below:

Teacher's Signature

Observer's Signature

Date

Date

THE NINE EXPECTATIONS FOR TEACHERS ARE:

1. DEVELOP AND POST A CLASSROOM DISCIPLINE PLAN
2. GIVE SPECIFIC DIRECTIONS FOR EACH CLASSROOM SITUATION
3. PROVIDE POSITIVE REINFORCEMENT FOR APPROPRIATE AND ON-TASK BEHAVIOR
4. PROVIDE DISCIPLINARY CONSEQUENCES FOR DISRUPTIVE OR CONTINUALLY OFF-TASK BEHAVIOR
5. WORK WITH THE PRINCIPAL
6. COMMUNICATE WITH PARENTS
7. DEVELOP INDIVIDUALIZED DISCIPLINE PLANS FOR STUDENTS WITH SEVERE BEHAVIOR PROBLEMS
8. DOCUMENT CHRONIC STUDENT MISBEHAVIOR
9. WORK WITH SUBSTITUTES

YEAR-END CONFERENCE, JOB TARGETS FOR THE _____ - _____ SCHOOL YEAR

Instructor _____

Date _____

Current School Year _____

I. AREA OF FOCUS FOR IMPROVEMENT:

1. _____

SPECIFIC OBJECTIVES FOR IMPROVEMENT:

2. _____

3. _____

II. AREA OF FOCUS FOR IMPROVEMENT:

1. _____

SPECIFIC OBJECTIVES FOR IMPROVEMENT:

2. _____

3. _____

III. AREA OF FOCUS FOR IMPROVEMENT:

1. _____

SPECIFIC OBJECTIVES FOR IMPROVEMENT:

2. _____

3. _____

Instructor's Signature

Principal's Signature

**HAYES CENTER PUBLIC SCHOOL
TEACHER EVALUATION REPORT**

Teacher's Name

Date _____

Evaluating Administrator

Evaluate:

- 1 – Exceeds in meeting District Criterion
- 2 – Proficient in meeting District Criterion
- 3 – Unsatisfactory in meeting District Criterion

	1	2	3
1. Personal Conduct	_____	_____	_____
2. Professional Conduct	_____	_____	_____
3. Student Involvement	_____	_____	_____
4. Teacher/Staff Relations	_____	_____	_____
5. Class Organization/Management	_____	_____	_____
6. Instructional Performance	_____	_____	_____

OVERALL RATING:

- | | |
|---|--|
| <input type="checkbox"/> Superior | <input type="checkbox"/> Professional Attainment |
| <input type="checkbox"/> Outstanding Strength | <input type="checkbox"/> Needs Improvement |
| | <input type="checkbox"/> Unacceptable |

COMMENTS: Explanation of the above evaluation instrument.

In order to qualify for an overall rating of: Professional Attainment, Outstanding Strength, or Superior a staff must meet all "District Criterion".

If a staff member were to "not meet District Criterion" in one to two categories, an overall rating of Needs Improvement would occur. If a staff member were to "not meet District Criterion" in three or more categories, an Unacceptable rating would occur.

Signature of Evaluating Administrator

Date

Signature of Teacher being Evaluated

Date

The teacher's signature indicates that he or she has seen the report and has been given a copy. It does not necessarily imply agreement with the contents thereof.

Comments by Teacher: (optional)

EVALUATION CRITERIA

Criterion 1:

PERSONAL CONDUCT. The certificated teacher exhibits personal qualities and values, which are conducive to a positive educational setting.

Indicators:

- 1.1 Assumes his/her share of responsibility.
- 1.2 Exercises discretion when speaking of colleagues in and out of school.
- 1.3 Shares ideas and techniques.
- 1.4 Thinks critically as an individual, yet recognize different points of view.
- 1.5 Works harmoniously with other staff members.
- 1.6 Recognizes that professional growth requires mutual respect, courtesy, cooperativeness, loyalty, free and open exchange of ideas, and recognition of the different roles and responsibilities.
- 1.7 Evaluates and reports progress of student.
- 1.8 Respects parent insight into problems.
- 1.9 Recognizes parental contribution to the child's development.
- 1.10 Treats confidential information with respect.
- 1.11 Communicates honestly, accurately, and with understanding and tact.
- 1.12 Communicates concerns about child to parents in a timely and appropriate fashion.
- 1.13 The teacher's physical fitness, energy, and predisposition is sufficient to physically perform appropriate tasks, communicate vigorously, and carry out school assignments.

Criterion 2:

PROFESSIONAL CONDUCT. The certificated educator demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting guidance and counseling experiences.

Indicators:

- 2.1 Participation in professional growth activities such as professional organizations.
- 2.2 Attends in-service training programs.
- 2.3 Takes suggestions in a mature, objective way.
- 2.4 Seeks suggestions and appraisal.
- 2.5 Follows proper chain of command in purchasing materials, scheduling activities, and expressing concerns regarding school business procedures.
- 2.6 Demonstrates a positive attitude toward the total school program both within the profession and in the community.
- 2.7 Involvement in Community. Participation in community affairs. Informs self about the community.

Criterion 3:

STUDENT INVOLVEMENT. The certificated educator demonstrates, that students are actively involved in all the observed instructional activities, display independent thinking and study skills, successfully handle the content of the lesson being presented, and perform the input and output behaviors chosen by the teacher.

Indicators:

- 3.1 Every student has a chance to respond during the class period. Student responses are balanced so that a few students do not monopolize the discussion.
- 3.2 All students maintain a readiness to respond through the teacher's conscious use of devices such as signaling, directing questions to the group, and sponge activities.
- 3.3 Students are willing to enter discussion, ask and answer questions, and are comfortable seeking help from the teacher.
- 3.4 Students remain on task the entire period; very little wasted effort or off task behavior occurs during task completion.
- 3.5 Students work quietly by themselves or in groups without distracting others.
- 3.6 Students are able to find needed information and complete assign work without direct supervision.
- 3.7 Evidence that students' previous learning makes them ready for today's lesson.
- 3.8 Students appear to be able to work well with input activities such as reading, discussing, listening, observing, which the teacher has chosen to present the new learning or skill.
- 3.9 Students appear to be able to provide output to the teacher that demonstrates their understanding of the new learning or skill.

Criterion 4:

TEACHER/STUDENT RELATIONS. The certificated educator exhibits, he/she has developed a high level of student/teacher rapport which provides for a safe, warm, positive classroom environment, makes effective use of reinforcement theory to maximize student learning, and effectively uses the elements of motivation theory which increases student's intent to learn.

Indicators:

- 4.1 Teacher accepts and encourages student expression.
- 4.2 Teacher shows respect, admiration, and genuine personal interest for each pupil.
- 4.3 Teacher displays evidence of concern for student's understanding and welfare.
- 4.4 Teacher is understanding and friendly in the classroom and exhibits a positive sense of humor.
- 4.5 Teacher is enthusiastic, stimulates students to be highly productive, imaginative, and innovative and demonstrates a high energy level.
- 4.6 Teacher demonstrates a commitment to student success; once a student is called on, teacher provides all the time and cues necessary for that student to be successful.
- 4.7 Teacher is always willing to provide individual help and provides it in the most positive way, free from humiliation.
- 4.8 Teacher positively communicates a high level of expectation for all students to be successful in each learning task.
- 4.9 Teacher frequently exhibits positive non-verbal reinforcement skills such as eye contact, smiles, appropriate touching, gestures and proximity.
- 4.10 Teacher uses positive verbal reinforcement of student responses and exhibits skill in personalizing those responses and providing specific feedback to each student. Incorrect answers are dignified to enhance continued student effort.
- 4.11 Teacher effectively makes limited use of negative reinforcement and extinction to limit or eliminate unwanted behavior.
- 4.12 Teacher skillfully makes decisions about appropriate level of concern, pleasant, neutral, or unpleasant feeling tone, and student success to enhance student motivation.
- 4.13 Teacher increases motivation through designing learning activities that increase student interest, providing students with immediate and specific knowledge of results, and providing appropriate extrinsic/intrinsic rewards. The teacher rewards attentiveness, effort, accuracy and productive thinking.

Criterion 5:

CLASSROOM ORGANIZATION AND MANAGEMENT. The certificated educator demonstrates a skillful organization and control provides for an honest, friendly, non-threatening atmosphere in which effective and efficient learning takes place.

Indicators:

- 5.1 Planning of the physical environment is evident.
- 5.2 Communicates, and consistently enforces guidelines for student's classroom.
- 5.3 Consistently and impartially recognize infractions and consistently administer consequences in a positive, non-threatening and non-hostile manner.
- 5.4 Maintains emotional stability during situations requiring discipline of students, exhibits poise and tact in all situations and demonstrates the ability to adjust to change as the situation warrants without losing self-control.

Criterion 6:

INSTRUCTIONAL PERFORMANCE. The certificated educator exhibits the elements of effective lesson design and included all appropriate elements for the particular lesson.

Indicators:

- 6.1 Anticipatory Set
- 6.2 Statement of Objectives
- 6.3 Input
- 6.4 Modeling:
- 6.5 Check for Understanding
- 6.6 Guided Practice
- 6.7 Independent Practice
- 6.8 Summarization and Concluding Activity

**HAYES CENTER PUBLIC SCHOOL
MEDIA EVALUATION**

To plot the MEDIA DUTY PROFILE on the chart that follows, the user should mark the proper blank to show whom, if anyone, performs the function listed to the left.

Library Media Personnel Duties	Exceed (E)	Proficient (P)	Unsatis- factory (U)
1. Confers with administrators and/or school board concerning media operation, programs, & budget.	_____	_____	_____
2. Participates in curriculum development and revision.	_____	_____	_____
3. Designs learning materials.	_____	_____	_____
4. Helps to develop and implement proposals for federal projects, programs, & service units.	_____	_____	_____
5. Coordinates selection and evaluation of learning materials & appropriate equipment.	_____	_____	_____
6. Conducts media in-service for faculty.	_____	_____	_____
7. Instruct students in library media collection.	_____	_____	_____
8. Organizes the library media collection.	_____	_____	_____
9. Reads and utilizes materials reviews.	_____	_____	_____
10. Develops long-term goals.	_____	_____	_____
11. Provides training for aides & student assistants.	_____	_____	_____
12. Suggests related materials, ideas, & resource people for classroom units & provides materials for extra-curricular activities.	_____	_____	_____
13. Serves teachers & students as a resource person.	_____	_____	_____
14. Produces graphic, photographic, & audio Instructional displays.	_____	_____	_____
15. Provides Storytelling experiences.	_____	_____	_____
16. Maintains instructional materials files of pictures, charts, maps, & other vertical file items.	_____	_____	_____
17. Keep an up-to-date inventory.	_____	_____	_____
18. Catalogs materials.	_____	_____	_____
19. Gives individual guidance in research & reading.	_____	_____	_____
20. Attends & participates in meeting of professional organizations.	_____	_____	_____
21. Introduces materials of special interest to class groups.	_____	_____	_____
22. Supplies bibliographical information.	_____	_____	_____
23. Supervises the charging desk.	_____	_____	_____
24. Weeds out collection and card catalog.	_____	_____	_____
25. Directs & promotes effective use of ITV (Instructional Television)	_____	_____	_____

CLASSIFIED EVALUATION FORM
For
HAYES CENTER PUBLIC SCHOOL

Name: _____

Position: _____

Date: _____

Years Employed: _____

Key for evaluation levels:

E= Exceed, Exceeds district standards.
P= Proficient, Meets district standards.
U= Unsatisfactory, continually below district standards.
NA= Not Applicable.

- | | | | | |
|---|---|---|---|----|
| 1. Is punctual to meetings, to work, etc. | E | P | U | NA |
| 2. Is professional when working with others | E | P | U | NA |
| 3. Appearance neat, clean and appropriate | E | P | U | NA |
| 4. Cooperates with Supervisors, teachers and others. | E | P | U | NA |
| 5. Displays self-control and tact in emotional situations | E | P | U | NA |
| 6. Disciplines students appropriately and reports any problems that persist | E | P | U | NA |
| 7. Responds to suggestions and authority in a positive way. | E | P | U | NA |
| 8. Is knowledgeable in their area of expertise | E | P | U | NA |
| 9. Enjoys working with students | E | P | U | NA |
| 10. Assumes his or her fair share of responsibilities | E | P | U | NA |

Additional comments: _____

Employee signature

Date

Supervisor's signature

Date

**HAYES CENTER PUBLIC SCHOOL
COUNSELOR EVALUATION REPORT**

Counselor's Name

Date: _____

Evaluating Administrator

Evaluate:

- 1 – Exceeds in meeting District Criterion
- 2 – Proficient in meeting District Criterion
- 3 – Unsatisfactory in meeting District Criterion

	1	2	3
1. Personal Qualities	_____	_____	_____
2. Guidance and Counseling Skill	_____	_____	_____
3. Management Competence	_____	_____	_____
4. Professional Preparation and Commitment	_____	_____	_____
5. Effort Toward Improvement	_____	_____	_____
6. Handling Student Discipline and Attendant Problems	_____	_____	_____
7. Interest in Students	_____	_____	_____
8. Counselor-Staff Relations	_____	_____	_____

OVERALL RATING:

- | | |
|---|--|
| <input type="checkbox"/> Superior | <input type="checkbox"/> Professional Attainment |
| <input type="checkbox"/> Outstanding Strength | <input type="checkbox"/> Needs Improvement |
| | <input type="checkbox"/> Unacceptable |

COMMENTS: Explanation of the above evaluation instrument.

In order to qualify for an overall rating of: Professional Attainment, Outstanding Strength, or Superior a staff must meet all "District Criterion".

If a staff member were to "not meet District Criterion" in one to three categories, an overall rating of Needs Improvement would occur. If a staff member were to "not meet District Criterion" in four or more categories, an Unacceptable rating would occur.

Signature of Evaluating Administrator

Date

Signature of Counselor being Evaluated

Date

The counselor's signature indicates that he or she has seen the report and has been given a copy. It does not necessarily imply agreement with the contents thereof.

Comments by Counselor: (optional)

EVALUATION CRITERIA

Criterion 1:

PERSONAL QUALITIES. The certificated counselor exhibits personal qualities and values that are conducive to a positive educational setting.

Indicators:

- 1.1 Is appropriately dressed for assigned duties; is neat and clean.
- 1.2 Is tactful.
- 1.3 Is patient.
- 1.4 Is tolerant and open-minded; accepts constructive criticism.
- 1.5 Is punctual and efficient in meeting all assignments.
- 1.6 Displays self-control in emotional situations.
- 1.7 Displays a sense of humor.
- 1.8 Maintains positive relations with students.
- 1.9 Maintains positive relations with parents.
- 1.10 Maintains positive relations with colleagues.

Criterion 2:

GUIDANCE AND COUNSELING SKILL. The certificated counselor demonstrates, in his or her performance, a competent level of knowledge and skill in designing and conducting guidance and counseling experiences.

Indicators:

- 2.1 Identifies the learning needs of individual pupils.
- 2.2 Evaluates pupil achievement of learning objectives.
- 2.3 Provides in-service to teachers.
- 2.4 Works toward the implementation and successful completion of school district goals.

Criterion 3:

MANAGEMENT COMPETENCE. The certificated counselor demonstrates, in his or her performance, a competent level of knowledge and skill in organizing the physical and human elements in the educational setting.

Indicators:

- 3.1 Utilizes instructional materials and media appropriate to the pupils needs.
- 3.2 Organizes the physical setting so that it contributes to learning through scheduling.
- 3.3 Utilizes community resources.
- 3.4 Organizes individual, small group, and large group experiences as appropriate to the pupil.
- 3.5 Promotes office climate conducive to counseling and guidance.
- 3.6 Encourages students to assume responsibilities for behavior.
- 3.7 Secures permanent records.
- 3.8 Coordinates the school-testing program.

Criterion 4:

PROFESSIONAL PREPARATION AND CONDUCT. The certificated counselor exhibits, in his or her performance, evidence of having a theoretical background and knowledge of the principles and methods of counseling, and a commitment to education as a profession.

Indicators:

- 4.1 Demonstrates enthusiasm and interest in counseling as reflected in the counselor's continuing professional development.
- 4.2 Keeps abreast of new developments, ideas and events in guidance and counseling.
- 4.3 Demonstrates a commitment to school and professional activities (attendance at local, district, and state meetings, consortium activities, participation on committees, etc.)
- 4.4 Follows proper chain of command in purchasing materials, scheduling activities, and expressing concerns regarding school business procedures.

Criterion 5:

EFFORT TOWARD IMPROVEMENT. The certificated counselor demonstrates an awareness of her limitations and strengths, and demonstrates continued professional development.

Indicators:

- 5.1 Identifies strengths, limitations, needs, etc. through continuous self-evaluation activities.
- 5.2 Responds to recommendations (if any) included in periodic and annual evaluations.

- 5.3 Participates in activities sponsored by the district, educational service district, and professional organizations.

Criterion 6:

THE HANDLING OF STUDENT DISCIPLINE AND ATTENDANCE PROBLEMS. The certificated counselor demonstrates the ability to manage the non-instructional, human dynamics in the educational setting.

Indicators:

- 6.1 Recognizes conditions that may lead to disciplinary problems.
- 6.2 Develops appropriate strategies for preventing disciplinary problems.
- 6.3 Responds appropriately to disciplinary problems when they do occur.
- 6.4 Resolves discipline problems in accordance with law, school board policy, and administrative regulations and policies.
- 6.5 Assists students toward self-discipline and acceptable standards of self-behavior.

Criterion 7:

INTEREST IN STUDENTS. The certificated counselor demonstrates an understanding and commitment to each pupil, taking into account each individual's unique background characteristics. The certificated counselor demonstrates enthusiasm for or enjoyment in working with pupils.

Indicators:

- 7.1 Enjoys the process of working with students.
- 7.2 Recognizes the process of working with students.
- 7.3 Seeks to maintain and increase the enthusiasm of the students for the program.
- 7.4 Seeks to improve students' self-esteem.

Criterion 8:

COUNSELOR-STAFF RELATIONSHIPS. The certificated counselor contributes to all employee relationships by exhibiting professional behavioral qualities.

Indicators:

- 8.1 Assumes his/her share of responsibility.
- 8.2 Uses discretion when speaking of school or colleagues.
- 8.3 Observes proper "channels" when speaking on matters affecting the welfare of students and staff.
- 8.4 Shows a willingness to share ideas and techniques.
- 8.5 Is professional in all contacts with colleagues.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

CERTIFICATED EMPLOYEE DISCIPLINARY ACTION 3013

The Superintendent or Principal may take action with regard to a certificated employee's performance or conduct which is deemed reasonably necessary to assist the certificated employee and further school purposes including: (1) Counseling; (2) Oral reprimand; (3) Written reprimand; (4) Suspension with pay; and (5) Suspension without pay, not to exceed thirty working days.

Prior to taking any action under subdivision (3) the certificated employee shall be advised of the alleged reasons for the proposed action and provided the opportunity to present his/her version of the alleged reasons. The employee may proceed under the grievance procedure. Possible reasons for written reprimand are as follows: (1) unprofessional conduct; (2) insubordination; (3) neglect of duty; (4) consuming any drug or alcohol prior to attending school or school activity.

Prior to taking any action under subdivision (5) the certificated employee shall be advised in writing of the alleged reasons for the proposed action and provided the opportunity to present his/her version of the alleged reasons. Within seven calendar days of receipt of such notice the certificated employee may make a written request to the Secretary of the Board of Education or the Superintendent for a formal due process hearing under section 79-12,115. Possible reasons for suspension without pay not to exceed thirty working days are as follows: (1) immorality; (2) consuming any drug or alcohol during school times; (3) charged with sexual assault.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

RENEWAL OF CONTRACT-PROFESSIONAL PERSONNEL 3014

To insure that the Hayes Center Public Schools has well qualified teacher personnel throughout the system it is necessary that the renewal/nonrenewal of classroom teachers' contracts be considered early in the school year. Hence, the Board of Education establishes the following policies relative to this process. The procedures in State Statutes will be followed.

1. A letter of intention will be issued to each teacher. This form shall ask the teacher to indicate whether or not he/she wishes to be considered for reelection.
2. The Board of Education will be informed of the reelection of all certificated staff, other than administrators, at a regular board meeting.
3. Should any certificated staff member's contract under consideration be recommended for nonrenewal, termination, or cancellation due process as outlined in state statutes shall be followed.
4. If contracts are not returned as stipulated in the contract and according to statute, the position will be considered open and candidates will be screened to fill the vacancy.
5. The President and Secretary of the Board of Education shall sign teacher contracts.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

SEPARATION 3014.1

Teachers who for any reason intend to resign or who intend to retire are encouraged to indicate their plans to the Superintendent of school at as early a date in the school year as a teacher's plans may become firm and the decision to leave the Hayes Center Public Schools is made. Resignations become effective at the end of the school year in which they are submitted and approved by the Board of Education. Resignations to become effective earlier than at the end of the school year, require a release by the Board of Education and shall be considered on an individual basis. Resignations submitted after May 15th for the ensuing year shall be granted only if a satisfactory replacement can be found. The Board of Education will consider each resignation submitted after June 1 individually. Resignations are to be submitted to the Superintendent of schools.

State law and all actions of Hayes Center Public Schools govern procedures for the dismissal of certificated employees and the Board of Education, as well as the rights and privileges of employees, are clearly identified in the statutes. Certificated employees are dismissed only for those reasons and according to those procedures identified in statute.

The Superintendent will inform the Board of Education of certificated staff for the next school year on or prior to the April Board of Education meeting.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

TEMPORARY EARLY RETIREMENT INCENTIVE PROGRAM 3014.2

Hayes Center Public Schools
Temporary Early Retirement Incentive Program

A. PURPOSE:

The purpose of the Temporary Early Retirement Incentive Program is to encourage eligible certificated employees who are considering an early retirement to accelerate their plans. The program's objectives include, but are not limited to the following:

1. Offering financial incentives, which will assist long-term employees who are considering early retirement.
2. Reducing costs to the Hayes Center Public Schools by replacing maximum salaried employees with lesser salaried employees.
3. Providing a balance of employee experience.
4. All applications are subject to approval of the Board of Education based on needs of the district.

B. QUALIFICATIONS:

1. **Certificated Employee.** To participate, person must be a teacher or administrator certificated by the Nebraska Department of Education.
2. **Full-time Equivalency.** Certificated employees, whether full-time or part-time, may participate in the Temporary Early Retirement Incentive Program (TERIP), provided, that the part-time employee's benefits under the Program shall be based on the employee's teaching contract salary for the academic year preceding early retirement.
3. **Minimum Year of Service.** To be eligible for this program, a current certificated employee of Hayes Center Public Schools must have completed 20 years of credited teaching service, 15 of which must have been in the employment of Hayes Center Public Schools system. Board of Education approved military service, sabbatical and/or approved leave of absence, or other leave required to be granted according to law, shall not be included as credited years of service. In determining years of credited service with the district for the purpose of meeting the 20-year requirement, part-time employment is based on full time equivalency factors.

C. ENROLLMENT REQUIRMENTS:

1. **Resignation.** Participants in the program may resign their teaching positions with Hayes Center Public Schools effective at the close of

the school year in consideration for the benefits outlined in paragraph D below.

2. **Application.** An applicant must submit a signed application and agreement to the Board of Education on or before March 1, of the school year preceding the school year of separation. The Superintendent shall review the employee's record to determine whether the employee is eligible for the program.
3. **Employee's Ineligibility.** An employee who has received written notice of possible contract termination or cancellation shall not be eligible to participate in the program unless (1) the notice of termination or cancellation is withdrawn by the administration or (2) after a hearing before the Board of Education, the Board of Education determines that said employee's employment should not be cancelled or terminated.

D. BENEFITS:

1. **Calculation of Benefits:**

- A. The benefit to be paid to a teacher who has been approved for early separation shall be based on the teacher's teaching contract salary during the last contract year. Teaching contract salary refers to salary paid from the salary schedule. It includes salary paid for an extended contract, plus \$20.00 for each day of unused accumulated sick leave. Calculation of benefit excludes fringe benefits and other salary payments for extra responsibilities such as extra duties.
 - B. The benefit to be paid under this program shall be an amount based on the teacher's teaching contract salary for last year of service, multiplied by the number of years of credited service, multiplied by one and three-fourths percent (1.75%) plus credit of unused sick leave. For example, the formula for an employee with 20 years credited service, a teaching contract salary of \$30,000 and 15 unused sick leave days would be \$30,000 multiplied by 20 multiplied by 1.75% plus 15 multiplied by \$20.00 ($\$30,000 \times 20 \times 1.75\%$ plus $(15 \times \$20.00)$) which would equal a total benefit of \$10,800.
2. **Payment of Benefit.** The benefit shall be paid to the teacher in two (2) equal payments on September 15 of the calendar year of the teacher's resignation, and on January 15 of the following calendar year. Provided, the teacher and Board of Education may, by mutual agreement, schedule the payment of the benefit in more than two (2) payments, or may vary the amounts of the payments, so long as the first payment does not exceed fifty percent (50%) of the total benefit.

3. **Limitation on Payment.** The Board of Education shall, in its sole and unfettered discretion, determine whether any early retirement incentive program payments will be made in a particular year, and shall determine the total amount of such payments. Applications will be accepted until March 1st of the current year.
4. **Source of Funds.** The Hayes Center Public Schools shall pay the entire cost of the plan.
5. **Administration.** This plan shall be administered by the Board of Education and through the administration of the Hayes Center Public Schools.
6. **Beneficiary Designation.** In order for the application to be considered complete, a beneficiary must be designated.
7. **Income Tax Consequences.** Early retirement Incentive pay has been determined to be taxable income for state and federal income tax purposes, and will be treated as such. It will be reported as a taxable retirement payment. The social security percentage and any other required state or federal withholdings would be subtracted from each payment.
8. **COBRA Rights.** A retiring employee will have the opportunity to continue health insurance benefits as may be permitted by the provisions of the Comprehensive Omnibus Budget Reconciliation Act.

E. ADMINISTRATION

1. **Basis for Benefits.** The benefits to be paid to an applicant for early retirement shall be based on, but not limited to, the salary schedule in effect during the employee's last year of service, as set forth in the negotiated agreement between the Hayes Center Education Association and the Hayes Center Public Schools.
2. **Application and Waiver.** An employee who elects to participate in the TERIP, and Hayes Center Public Schools (through its Board of Education), shall execute the Application and Agreement, Exhibit 'A' attached hereto. The Application and Agreement shall inform the employee that Hayes Center Public Schools Temporary Early Retirement Incentive Program is totally voluntary in nature, provides each employee at least 21 days to consider the ramifications of participation in the Program before making a decision. The Application and Agreement shall also include a specific Waiver and Release of Claims of the participants' rights under the Age Discrimination and Employment Act (ADEA), 29 US sc 621-63 and the Act Prohibiting Unjust Discrimination in Employment Because of Age, NEB. REV. STAT. Sc 48-1001 et seq., the Employee Retirement Income Security Act of 1974 (ERISA), 29 USC sc 1001 et seq., and all other state and federal constitutions, statutes and regulations that relate

to the validity of the TERIP, and allows the employee to revoke the Release or Waiver at any time within one (1) week after signing the contract, and advises the employee to consult with an attorney before signing the Application and Agreement.

An employee who submits an application for early retirement may withdraw the application within 8 days after submitting it, but not afterward without the written consent of the Board of Education. Each application will be reviewed on an individual basis. The Board of Education shall, in its sole discretion, determine the number of applications to be approved in any given year. If the Board of Education receives more applications for voluntary separation than it approves, the Board of Education shall approve the applications on the basis of the seniority of the applicants with the most senior applicants receiving approval in preference to less senior applicants. Seniority shall be defined as the number of full-time equivalent years of employment in the Hayes Center Public Schools as an employee. A full-time equivalent year is defined as employment on a full-time basis for an entire school year. Less than full-time employment would reduce the employee's full-time equivalent employment for a school year. For example, an employee employed on a half-time basis would be credited with half a year of full-time equivalent employment. A break in service will not terminate an employee's seniority and length of service under this provision; however, in determining an employee's full-time equivalent employment, the employee shall not be credited with the period of time of any leave approved by the Board of Education except sick leave and paid leave. If a tie results because two or more employees have equal seniority, the tie shall be broken in the following manner.

(a) The Board of Education will approve the application of the employee whose salary is higher, as determined by the employee's placement on the salary schedule index (excluded all unit pay).

(b) If the salaries of those involved are exactly the same, the Board of Education will approve the application of the employee whose signed application was submitted on the earliest date.

(c) If the salaries and signing dates of those involved are exactly the same, the Board of Education will approve the application of the employee, which was submitted at the earliest time.

An employee's application for voluntary retirement is in itself not a resignation of a contract with the Hayes Center Public Schools. However, the Board of Education's approval of an employee's application for voluntary separation will be considered a voluntary resignation and termination of the employee's continuing contract. Should the Board of Education not approve an employee's application, the employee's contract will continue in effect, and the employee will remain an employee of the Hayes Center Public Schools unless he or she otherwise resigns or the employee's contract is terminated for just cause.

VOLUNTARY TEMPORARY EARLY RETIREMENT INCENTIVE POLICY

APPLICATION AND AGREEMENT

This agreement made this _____ day of _____, 20____, at _____ m o'clock, between Hayes Center Public Schools and _____ (hereinafter referred to as 'Teacher').

RECITALS

1. The Hayes Center Public Schools has established a Temporary Early Retirement Incentive Program (hereinafter referred to as the 'Program') for the purpose of encouraging eligible certificated employees who are considering an early leaving decision to accelerate their separation plans.
2. The Teacher is desirous of voluntarily participating in the Program sponsored by Hayes Center Public Schools.
3. The Teacher has a full-time equivalence of _____% for the current school year; and
4. The Teacher has completed 20 years of credited teaching service in the Public Schools, 15 of which must have been in the employment of the Hayes Center Public Schools.

TERMS OF AGREEMENT

The parties to this agreement, in consideration of the mutual covenants and stipulations set forth above, hereby agree as follows:

5. **INCORPORATION OF BOARD OF EDUCATION POLICY:** This agreement is made pursuant to the policy of the Board of Education titled "Hayes Center Public Schools Temporary Early Retirement Incentive Program". The provisions of that policy are incorporated by this reference and made a part of this agreement.
6. **TEACHER RESIGNATION:** The teacher hereby voluntarily, unconditionally, and irrevocably (1) resigns his/her teaching position with Hayes Center Public Schools effective at the end of the current school year; (2) waives any and all further notice of action by the Board of Education to terminate the Teacher's continuing contract; and (3) waives any and all rights the Teacher may have under NEB. REV. STAT. 79-824 to 842, as those statutes now exist or as they may be amended. The Teacher further authorizes the Board of Education to advertise for and contract with a replacement-certificated employee for the Teacher's position for the next school year. Approval of this agreement by the Board of Education shall constitute an acceptance of the Teacher's resignation.

7. EARLY RETIREMENT BENEFITS: In consideration for the Teacher's resignation set forth in Paragraph 1 above, the Teacher shall receive the following benefits, to wit:

(a) Computation of Benefits: The Teacher shall be paid the sum of \$ _____, which was calculated based on the following formula, to wit:

[Teacher's salary for last year of service (not including fringe benefits or extra-duty pay) x number of years of credited service x 1.75% plus \$20.00 per day of unused accumulated sick leave = Benefit Amount.]

(b) Payment of Benefits: The benefits to be paid to the Teacher shall be paid in two equal payments. The first payment shall be due on September 15 of the year in which the teacher resigns; the second payment shall be due on January 15 of the following year.

(c) Alternative Plan: The Teacher and the Board of Education can vary the amounts of the payments, so long as the first payment does not exceed fifty percent (50%) of the total benefit amount. The parties elect the alternative plan and agree that the benefit amount shall be paid as follows:

(Leave this space blank if payments are to be made in accordance with the provisions of paragraph 7(b)).

8. LIMITATION ON PARTICIPATION: The Teacher understands that the Board of Education, in its sole and unfettered discretion, shall determine whether any early retirement incentive program payments will be made in a particular year, and shall determine the amount of such payments. The Board of Education shall determine, in its sole discretion, the number of applications to be approved in any given year. If the Board of Education receives more applications for voluntary separation than it approves, the Board of Education shall approve the applications on the basis of the criteria set out in board policy.

9. BENEFICIARY DESIGNATION: The Teacher hereby designates _____, whose address is _____, Social Security No. _____, to be the Teacher's beneficiary in case of the Teacher's death. In the event of the Teacher's death, any sum of money otherwise due to the Teacher under the terms of this agreement will be paid to the designated beneficiary pursuant to the provisions of this agreement.

10. **TAX CONSEQUENCES:** Early separation incentive pay has been determined to be taxable income for state and federal income tax purposes, and will be treated as such. It will be reported as taxable retirement pay. The social security percentage and any other required state and federal withholdings would be subtracted from each payment of the retiree.
11. **TEACHER’S VOLUNTARY ACT:** The Teacher acknowledges that he/she has twenty-one (21) or more days to consider the ramifications of participation in the Program; acknowledges that the Teacher’s participation in said program is voluntary; and that the Teacher was not coerced in any manner to participate in the Program sponsored by Hayes Center Public Schools.
12. **WAIVER AND RELEASE OF CLAIMS:** By entering into this Agreement, the Teacher hereby waives the Teacher’s right under the Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protector Act (OWBPA), 20 U.S.C. 621-634, the Employee Separation Income Security Act of 1974 (ERISHA), 20 U.S.C. 1001 Et seq., the Act Prohibiting Unjust Discrimination in Employment Because of Age, NEB. REV. STAT. 48-1001 et seq., and all other state and federal constitutions, statutes and regulations that relate to the validity of the Program, or any rights or claims arising hereunder. Such waiver and release of claims does not cover rights or claims arising after the date of the execution of this contract. This Waiver and Release is given in exchange for consideration in addition to what the Teacher is already entitled to receive from Hayes Center Public Schools. The Teacher acknowledges that he/she has been advised in writing to consult with an attorney before signing this Voluntary Temporary Early Retirement Incentive Program Agreement. The Teacher further acknowledges that the Teacher has had sufficient time to decide whether or not to execute this Agreement, including the Waiver and Release of Claims arising under the ADEA and the Act Prohibiting Discrimination in Employment Because of Age.
13. **REVOCATION AND CANCELLATION OF AGREEMENT:** The Teacher and Hayes Center Public Schools acknowledge that the Teacher may cancel this Contract at any time within eight days after the execution of this agreement by the Teacher. In order to cancel the agreement the Teacher must submit a written statement in writing to the Superintendent of schools indicating that he/she is exercising his/her right to cancel the agreement.

Dated: _____

Teacher Signature _____

Dated: _____

Board of Education President Signature _____

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

CERTIFICATED EMPLOYEE CONTRACT

AMENDMENT/CANCELLATION 3015

The contract of any certificated employee may be cancelled or amended by a majority of the members of the Board of Education during the school year for any of the following reasons: (a) Upon cancellation, termination, revocation, or suspension of an administrative/teacher certificate, by the State Board of Education; (b) Breach of any of the material provisions of the teacher's or administrator's contract; (c) For any of the reasons set forth in the employment contract; (d) Incompetence; (e) Neglect of duty; (f) Unprofessional conduct; (g) Insubordination; (h) Immorality; or (i) Physical or mental incapacity.

Certificated employee shall be notified in writing of the alleged grounds for cancellation of the contract. Within seven (7) calendar days of receipt of such notice, the certificated employee may make a written request to the Secretary of the Board of Education or Superintendent for a hearing.

Prior to scheduling of action or the hearing, if requested, the notice of possible cancellation and the reasons supporting possible cancellation shall be considered a confidential employment matter subject to the provisions of sections 84-1410 and 79-4,156 to 79-4,158, and shall not be released to the public or any news media.

Nothing contained in this section shall prevent the suspension from duty with pay of a certificated employee pending a decision on the cancellation of the contract.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

PERSONNEL RECORDS 3016

The personnel file of the instructional staff shall be maintained in the office of the Superintendent.

All certificated personnel shall, upon request, have access to their personnel file maintained by Hayes Center Public Schools and shall have the right to attach a written response to any item in such file in the presence of a witness. He or she may, in writing, authorize any other person to have access to such file, which authorization shall be honored by the district. Such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer, which appear in the personnel file. No other person except school officials while engaged in their professional duties shall be granted access to such file or shall the contents thereof be divulged in any manner to any unauthorized person.

The certificated personnel may request a third party to accompany him or her in the review of his or her file.

Personnel lists will not be provided to any person or agent without authorization of the Superintendent.

All certificated employees of Hayes Center Public Schools are required to furnish an official transcript of college courses to be kept on file in the office of the Superintendent.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

OFFICIAL RECORDS AND REPORTS 3016.1

All school employees shall furnish the Superintendent promptly any information relating to their professional training, experience activities, or work which is required for reports to county or state officials or for official school records. School officials shall treat data of personal nature confidentially.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

CERTIFICATION 3017

Valid teaching certificates for all professional employees must be on file in the Superintendent's office of Hayes Center Public Schools. It shall be the responsibility of the professional employee to meet this requirement. Failure to meet this responsibility may be cause for that employee's salary to be withheld.

CERTIFICATED PERSONNEL – RELATED POLICIES

STAFF DEVELOPMENT 3018

1. Statement of purpose

To encourage and assist teachers in continual improvement of their total performance

Consist of efforts to eliminate deficiencies

Build on teacher and school strengths

2. Procedures

Administration will provide some in-service for staff development

Administration and staff will be alert to possible staff development activities

The administration will make the final decision as to the attendance of a particular activity

Staff will be encouraged to attend in-service in the North Platte and McCook area

Points will be applied toward the Professional Growth Policy 3019

3. Financial arrangements

Mileage will be paid to all activities, with a maximum range of 150 miles

All registration fees will be paid for approved activities

Meal allowance will be paid if leaving early and will be arriving home late

4. College studies

Staff will be encouraged to attend their college of choice for graduate studies. Points will be applied toward the Professional Growth Policy.

5. Organization involvement

Staff will be encouraged to join and become active in local, state and national organizations

6. In-service types for professional leave

Funded

a. Curriculum area

b. Extra-curricular

Non-funded

a. State contest/tournament

CERTIFICATED PERSONNEL – RELATED POLICIES

PROJECT MENTORING POLICY3018.1

The administration will support the first-year mentoring programming by making arrangements for allowing the teacher to attend and pay for professional growth activities such as seminars and workshops. Arrangements will also be made to allow for substitute teachers for first year teachers to participate in relevant activities, including time for them to observe each other in the classroom. Teachers and mentors will have substitutes in order that neither has students assigned to them while working on mentoring projects.

1. Purpose

Every certificated staff member should continue to improve professionally and personally through staff development activities. To assist each staff member in this process, as well as meet the requirement of state statute, the Hayes Center Public Schools Board of Education hereby adopts the following staff development rules and regulations.

- a. All permanent certificated employees shall be required to earn six units of professional growth every six years. An employee's six-year period shall begin with the attainment of tenured status in the Hayes Center Public Schools.
- b. Prior written approval by the Superintendent is required for any activity except college credit to count toward professional growth units.
- c. Verification by the Superintendent is required for any activity to count toward professional growth units.

1. Units Toward Professional Growth

The following activities shall be evidence of professional growth and the number of units granted. It is suggested that each staff member show evidence of professional growth in a variety of activities.

- a. One point per semester hour credit. (At least 1 point must be college credit.)
- b. One point for serving as president or secretary-treasurer of a professional organization or for serving on the negotiations committee or other Board of Education or administration appointed committee.
- c. One point per class for teaching an adult education class or summer school.
- d. One point for serving on an evaluating team (other than local) for the State Department of Education.
- e. One point per day for visitation of another school provided that school is in session.
- f. One point per year for serving on a committee of a professional organization. This does not include local standing committee.
- g. One point for attendance at professional meetings and conventions. If the teacher is the presenter of workshop he/she will receive 2 points.
- h. One point for educational travel related to your field. The teacher must have an approved project. Such approval must be given by the Board of Education in advance of the travel.

Exhibit A

PROFESSIONAL GROWTH POLICY

TEACHER _____

The best education possible for all students is the goal of every professional educator. To achieve this goal teachers must constantly strive to improve themselves by keeping abreast of developments in their fields.

THE LAW Section 79-12,113 RRS became law September 1, 1982 – retroactive.

“Every six years permanent certificated employees shall give evidence of professional growth. Six semester hours of college credit shall be accepted as evidence of professional growth, or, in the alternative, such other activities as are approved by the school board, which may include, but are not limited to educational travel, professional publications, or work on educational committees.”

PROFESSIONAL GROWTH POINTS: (please keep track and mark in the left hand margin.)*

- _____ 1. One point per semester hour credit. (At least 1 point must be college credit.
- _____ 2. One point for serving as president or secretary-treasurer of a professional organization or for serving on the negotiations committee or other Board of Education or administration appointed committee.
- _____ 3. One point per class for teaching an adult education class or summer school.
- _____ 4. One point for serving on an evaluating team (other than local) for the State Department of Education.
- _____ 5. One point per article published in a professional publication.
- _____ 6. One point per day for visitation of another school provided that the school is in session.
- _____ 7. One point per year for serving on a committee of a professional organization. This does not include local standing committees.
- _____ 8. One point for attendance at professional meetings and conventions. If the teacher is the presenter of the workshop he/she will receive 2 points.
- _____ 9. One point for educational travel related to your field. The teacher must have an approved project. Such approval must be given by the Board of Education in advance of the travel.

_____ Date _____ Signature of Teacher

_____ Date _____ Reviewing Administrator
(SEE BACK)

RECORD KEEPING: Each teacher is responsible for keeping record of his/her own professional growth. Each entry on this form should be initialed and dated by the appropriate administrator at the time of entry.

- Please use the following space for explanation of points such as educational travel, officer of professional organization, visiting another school system, etc.

Exhibit B

INSERVICE WORKSHOPS

Title of Workshop

Host School

Instructors Name

Staff Member Participating

Date

Signature of Workshop Instructor
Or Administrator

A copy must be turned in to the Superintendent for placement in your file.

CERTIFICATED PERSONNEL – RELATED POLICIES

PROFESSIONAL ORGANIZATIONS AND ETHICS 3019.1

All teachers should take pride in being a member of this profession. Teachers are encouraged to become familiar with the Professional Code of Ethics and abide by this Code.

Teachers are encouraged to belong to professional organizations that promote the profession by assisting teachers with improving instructional techniques and keeping abreast of new research in the field.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

PAYMENT OF SALARIES AND PROFESSIONAL DUES 3020

Salary payments shall be made in twelve equal installments. The first payment will be made on or before September 15 and on or before the 15th of each month thereafter.

At the written request of the teacher, payroll deductions for professional dues will be made.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

TAX SHELTERED ANNUITIES 3020.1

Employees may enter into tax-sheltered annuities under the provision of Section 403 (b) of the Internal Revenue Code. The business office shall be responsible for complying with laws and regulations in carrying out the provisions of this policy.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

GROUP INSURANCE 3020.2

The Hayes Center Public Schools provides group health and accident insurance and income protection insurance. Employees electing to participate in these programs may obtain information and the necessary forms at the central office.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

SCHOOL PERSONNEL 3022

1. Payment of Salary

Salary payments are made to all employees up to twelve equal installments. The payment will be made to the employees on or before the 15th day of each month, starting the month following the commencement of employment in accordance with the terms of the contract.

2. Term of Employment

The Board of Education shall annually set the dates the schools will be in session. All teachers shall be required to be on duty in the schools two days prior to the opening date of school as stated on the calendar, and shall remain on duty one day following the last day of school for that term or until all required work for the term is completed. Principals shall be on duty two weeks prior to the opening of school and two weeks following the closing date of school.

CERTIFICATED PERSONNEL SELECTION AND EMPLOYMENT

HANDICAPPED-SECTION 504 OF THE REHABILITATION ACT OF 1973 . . 3030

Employment

1. No qualified handicapped personnel shall, on the basis of handicap, be subjected to discrimination and Hayes Center Public Schools shall not limit, segregate, or classify any applicant for employment, or employee, in any way that adversely affects their opportunities or status because of their handicap. This shall apply to all aspects of employment from recruitment to promotions and include all elements of compensation including fringe benefits. (84.11) d
2. Hayes Center Public Schools shall make reasonable accommodations to the known physical or mental handicapped applicant or employee unless it would impose an undue hardship on the operation of the school program. Such reasonable accommodations may include:
 - a. Making facilities used by employees readily accessible to, and usable by handicapped persons.
 - b. Job restructuring, part-time or modified work schedules, purchasing or modifying of equipment, and other actions as needed.
 - c. In determining whether or not accommodations would impose an undue hardship on Hayes Center Public Schools, factors to be considered include the nature and cost of the accommodations; provided, however, that the school district may not deny any employment opportunity to a qualified handicapped employee or applicant solely on the basis of the need to make reasonable accommodation. (84.12)
3. Hayes Center Public Schools shall not make use of any employment test or criteria that screens out handicapped persons unless:
 - a. The test or criteria is clearly and specifically job related.
 - b. Alternate tests or criteria that do not screen out handicapped persons are not available. (84.13)
4. Hayes Center Public Schools may not make pre-employment inquiry as to whether an applicant has a handicap or as to the nature and severity of such a handicap. It may, however, inquire into an applicant's ability to perform job related functions. (84.14)
5. The Superintendent shall be designated as the person responsible for the administration of this policy. The responsibilities of the administration of Handicapped Policy shall include preparation of assurances of compliance, development of all plans and reports required under this policy and the administration of the grievance procedure. (84.5)

Personnel - All Employees

Anti-discrimination, Anti-harassment, and Anti-retaliation3030.5

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.

Received by: _____ Signature: _____
Date: _____

CERTIFICATED PERSONNEL – RELATED POLICIES

TITLE IX GRIEVANCE PROCEDURE 3031

Any employee of Hayes Center Public Schools who believes he/she has been discriminated against, denied a benefit, or excluded from participation in any Hayes Center Public Schools education program or activity, on the basis of sex may file a complaint with the Title IX Coordinator.

LEVEL I: Informal

If the employee or student feels he/she has a grievance concerning Title IX compliance, he/she should discuss the grievance with the building principal, or supervisor of that department and attempt to solve the problem at their meeting.

LEVEL II: Formal

1. If the aggrieved person is not satisfied with disposition of the problem at the informal level, or if no decision has been reached within TEN SCHOOL DAYS, at the informal level, he/she may submit a claim as a formal grievance in writing to the building principal or supervisor and retain a copy.
2. The building principal shall within FIVE SCHOOL DAYS render his decision and the reason therefore in writing to the aggrieved person, retaining a copy for himself.
3. If the decision by the Principal is not rendered in five days, or is unsatisfactory, the aggrieved party may submit the grievance to the school district Title IX compliance officer (Superintendent). Within TEN SCHOOL DAYS the Title IX compliance officer (Superintendent) shall meet with the aggrieved party for the purpose of resolving the grievance. The compliance officer (Superintendent) within FIVE SCHOOL DAYS of the hearing shall render his decision and reasons in writing with copies to all concerned.
4. If the aggrieved party is not satisfied with the response of the Principal, supervisor, or Title IX compliance officer (Superintendent), he/she may submit a written appeal to the Board of Education.

The appeal should indicate the nature of the disagreement with previous responses and his/her reasons underlying such disagreements.

The Board of Education shall consider the appeal at its next regularly scheduled Board of Education meeting following the receipt of the appeal. The complainant will have an opportunity to address the Board of Education concerning his or her complaint.

The Board of Education will render a written decision in the matter as expeditiously as possible following completion of the hearing.

5. If the aggrieved party is not satisfied with the decision of the Board of Education, he/she may appeal to the regional office of civil rights.
6. Additional information and assistance may be obtained from:

Regional Civil Rights Director
U.S. Department of Education
Office for Civil Rights, Region VII
P.O. Box 901381
10220 N. Executive Hills Blvd., 8th Floor
Kansas City, MO 64190-1381
Telephone: (816) 891-8026

CERTIFICATED PERSONNEL – RELATED POLICIES

EQUAL OPPORTUNITY EDUCATION POLICY 3032

(This policy may be cited as the Nebraska Equal Opportunity in Education Act 79-3001)

POLICY

Section 1

The Legislature finds and declares that it shall be an unfair or discriminatory practice for any educational institution to discriminate on the basis of sex in any program or activity. Such discriminatory practices shall include but not be limited to the following practices.

1. Exclusion of a person or persons from participation in, denial of the benefits of, or subject to discrimination in any academic, extra-curricular, research, occupational training, or other programs or activity, except athletic programs;
2. Denial of comparable opportunity in intramural and interscholastic athletic programs;
3. Discrimination among persons in employment and the conditions of such employment; and
4. The application of any rule which discriminates on the basis of (a) the pregnancy of a person, (b) the marital status of any person, or (c) the condition of being a parent. Rules requiring certification of a physician's diagnosis and such physician's recommendation as to what activities a pregnant person may participate in are permissible. For purposes of this section marital status shall be the condition of being married, single, widowed, or divorced.

GRIEVANCE PROCEDURE

Section 1

Any person aggrieved by a violation of this act or any rule, regulation, or procedure adopted pursuant to this act may file a complaint with the governing board of the educational institution committing such violation. Such complaint shall be made in writing, under oath, within one hundred eighty days of such alleged violation, and shall set forth the claimant's address and the facts of such alleged violation with sufficient particularity as to permit the governing board to understand and investigate the conduct complained of.

1. The governing board is empowered to take such actions as may be necessary to correct such violation, including but not limited to terminating the discriminatory practice or policy.
2. The governing body shall dispose of the complaint and shall notify the claimant of its findings.

All dispositions of such complaints shall be made in writing, signed by the chief officer of the governing board, and a true copy of such disposition shall be mailed by certified mail return receipt requested to the claimant at the address set forth on the complaint, or at such other address as may be filed by the claimant with the governing board. It shall be the duty of the claimant to

notify the governing board of any changes of address, and governing board has no duty to attempt to locate any claimant who has failed to advise such board of a change of address.

Section 2

If the claimant elects to accept the written disposition of the complaint made by the governing board, he or she shall notify such board in writing of his or her acceptance within sixty days after receipt of such disposition, at which time such disposition shall be deemed final and conclusive. A failure to notify the board of such acceptance within the time period provided this section shall be deemed a rejection of such disposition.

Section 3

If the claimant elects not to accept the written disposition of such complaint made by the governing board, he or she may, within one hundred eighty days of receipt of such disposition, file an original action in the district court of the judicial district where such educational institution is located.

Section 4

If the governing board fails to dispose of any written complaint filed pursuant to this act within one hundred eighty days after the date of filing, such complaint may be withdrawn by the claimant, and he or she may then proceed to file an original action in the district court of the judicial district where such educational institution is located pursuant to Section 7 of this act. Such action must be filed within two years of the date of the filing of such complaint.

Section 5

No original action asserting a violation of this act may be filed in any district court unless a complaint asserting such violation is first filed with the governing board of the educational institution committing such discriminatory act or practice and dispose of or withdrawn as provided in this act.

LIMITATIONS

Section 1

Nothing in this act shall be construed to prohibit a person from asserting a claim for discrimination in employment or the conditions thereof from filing a complaint pursuant to the Nebraska Fair Employment Practice Act. Filing a complaint pursuant of the Nebraska Fair Employment Act shall constitute a waiver of any right to seek relief pursuant to the Nebraska Fair Employment Act.

Section 2

Nothing in this act shall be construed to prohibit any educational institution from maintaining separate toilet facilities, locker rooms, or living facilities for the different sexes.

CERTIFICATED PERSONNEL – RELATED POLICIES

REDUCTION IN FORCE 3033

Reduction in Force

A reduction in force of certificated staff members may be determined to be appropriate due to declining enrollment in a grade or grades, changes in financial support, changes in curricular programs, a decline in the taxable value of property located within the Hayes Center Public Schools, increased costs of operating the school district, or another change or changes in circumstances. The Board of Education shall, in its sole discretion, determine whether such a change or changes have occurred and whether a reduction of certificated staff is necessary. The Superintendent shall notify those certificated employees whose contracts may be reduced. Provided, however, that the employment of a permanent employee may not be terminated through a reduction in force while a probationary employee is retained to render a service which such permanent employee is qualified for by reason of certification and endorsement to perform or where a certification is not applicable, by reason of college credits in the teaching area.

Definition of Reduction in Force

A reduction in force shall consist of a reduction of one or more positions or a reduction in the percentage of employment of one or more certificated staff members, even if the number of percentage of employment of the certificated staff overall may be increased by other hiring's or increases in the percentage of employment of other employees. Reduction in force may result in the termination of employment or an amendment to an employee's contract reducing the extent of the employee's employment.

Administration

Due to the confidential and unique personal working relationship necessary between the administration and the Board of Education, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the school system.

Criteria

The selection of personnel for reduction in force shall be made with consideration given to the following criteria, which are not listed in any order of importance: (1) programs to be offered; (2) areas of certification and endorsement which would be of present or future value to Hayes Center Public Schools; (3) state and federal regulations which may mandate certain employment practices; (4) special qualifications based on past performance and competence as determined by the principal, superintendent, and/or other evaluator through employee evaluation procedures; (5) the organizational and educational effect created by multiple part-time certificated employees; and (6) any other reasons which are rationally related to the instruction in or administration of the school system.

Performance Evaluation

For purposes of reduction in force, performance evaluation shall be based upon a minimum of one classroom observation per year for 15 minutes. The evaluation form shall be the document used for the periodic evaluation of teachers' teaching performance.

Endorsement.

Endorsement shall mean the endorsement(s) as shown on each teacher's Nebraska Teaching Certificate.

Special or Advanced Training

Special or advanced training shall mean the college credits or special training in a teaching area or areas under consideration.

Contribution to the Activity Programs

Contribution to the activity programs shall mean the employee's involvement in the programs and activities sponsored by Hayes Center Public Schools.

Experience

Experience shall mean actual teaching experience on a full-time equivalency basis in Hayes Center Public Schools.

Other Special or Advanced Training and/or Teaching Endorsements

Other special or advanced training and/or teaching endorsements shall mean the college credit, other advanced training or endorsements on the Nebraska Teaching Certificate of a teacher in areas other than the specific position(s) under consideration.

Use of Evaluations

If employee evaluations are to be used as a criterion in a reduction in force, the comparison of evaluations shall be based on the most recent three years of evaluations. For the purposes of this policy, employees shall be observed and evaluated at least once per year for a minimum of 15 minutes on the forms used for the periodic evaluation of certificated staff members (copies attached). If three years of evaluations are not available for an employee, the comparison shall be made on the basis of the evaluations available for that employee.

Uninterrupted Service

If, after consideration of the criteria set forth above, it is the opinion of the Superintendent that no significant difference exists between or among certificated employees being considered for reduction in force, the employee(s) with the longest uninterrupted service to the district shall be retained. Uninterrupted length of service shall be defined as the number of continuous full-time equivalent years of employment in the district as a teacher. A full-time equivalent year is defined as employment on a full-time basis for an entire school year. Less than full-time employment would reduce the teacher's full-time equivalent employment for a school year. For example, a teacher employed on a half-time basis would be credited with half a year of full-time equivalent employment. A break in service will terminate a teacher's seniority and length of service under this provision. That period of time when a teacher is on a leave of absence shall not constitute a break in service; however, any years of absences or fractions of years of leave of absence will not count as years of employment for the purposes of determining the length of a teacher's uninterrupted service.

Dismissal with Honor; Right of Recall

Any certificated employee whose contract has been terminated shall be considered to have been dismissed with honor and shall, upon request, be provided a letter to that effect. Such employee shall have preferred rights to re-employment for a

period of 24 months commencing at the end of the contract year, and the employee shall be recalled on the basis of length of service to the school or any position for which he or she is qualified by endorsement or college preparation to teach. Upon re-employment, a recalled employee shall be placed on the salary schedule and provided fringe benefits based on existing district policies and the current negotiated agreement. Hayes Center Public Schools shall not consider any year(s) of absence from employment as a year(s) of employment. An employee under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his or her right to subsequent recall.

Filing of Endorsements

It shall be the responsibility of each certificated employee to file with the Superintendent of schools a copy of the employee's teaching certificate, including endorsements, upon initial employment with Hayes Center Public Schools. On or before March 15th of each year thereafter, for so long as an employee is employed in the school system or has rights of recall, it shall be the responsibility of the employee to file with the Superintendent evidence of any changes in certification or endorsements which have occurred since March 15th of the previous year or are pending.

Filing of Change in Address; Offer of Recall

Any certificated employee whose employment contract is terminated as a result of reduction in force shall, during the period which he or she is eligible for recall, report his or her current address to the Superintendent of schools and shall inform the superintendent of any changes of address thereafter. If a vacancy in the system occurs for which an employee has right of recall, the Superintendent to the employee's last known address may send the offer of such employment. If Hayes Center Public Schools does not receive written acceptance of such offer from the employee within ten days of mailing, the employee shall be deemed to have waived his or her rights to recall and to said employment position.

CERTIFICATED PERSONNEL – RELATED POLICIES

GRIEVANCE PROCEDURE 3034

HAYES CENTER PUBLIC SCHOOLS
DISTRICT 43-0079

A. DEFINITION

1. A grievance is a claim based upon an event or condition, which affects the welfare or conditions of employment of a teacher.

B. PURPOSE

1. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to grievances.

C. PROCEDURE

1. Since it is important that a grievance be processed as rapidly as possible, the number of days indicated at each level should be considered a maximum. The time limit specified, however, may be extended by mutual agreement.

LEVEL ONE

1. A teacher with a formal grievance will present the grievance in writing to the Principal. The Principal will inform the grievant of his decision in writing, within five school days after the grievance was presented.
2. If a teacher does not present a grievance to the Principal within twenty-five school days after the teacher knew or should have known of the act or condition on which the grievance is based, then the grievance shall be waived.

LEVEL TWO

1. If the aggrieved person is not satisfied with the disposition of his grievance at Level One, or if no decision has been rendered within five school days he may then file the grievance with the Superintendent of schools.
2. Within ten days after receipt of the written grievance the Superintendent will meet with the aggrieved teacher. The Superintendent will inform the grievant, of his decision in writing, within five school days of the meeting.
3. If the Principal is also the Superintendent, LEVEL TWO will be omitted and LEVEL THREE will be followed.

LEVEL THREE

1. If the aggrieved person is not satisfied with the disposition of his grievance at Level Two, or if no decision has been rendered within fifteen school days after the grievance was presented to the Superintendent, the aggrieved may file the grievance in a certified letter to the President of the Board of Education within five school days after receiving the Superintendent's decision, or twenty school days after the grievance was first presented to the Superintendent, whichever is sooner.
2. The Board of Education will meet in executive session within ten school days of receipt of the grievance. All parties of interest shall be notified and have the right to appear before the Board of Education and present any information or evidence that is relevant to the grievance.
3. Within ten school days of the meeting the Board of Education will render a decision in writing. A copy of the decision will be mailed to the Principal, the Superintendent, and the aggrieved party.
4. The decision of the Board of Education will be final and binding.

D. MISCELLANEOUS

1. No reprisal of any kind shall be taken by or against any participant in the grievance procedure by reason of such participation.

GRIEVANCE FORM A

FORMAL GRIEVANCE PRESENTATION
(LEVEL I – STEP ONE)

(To be completed by aggrieved person)

AGGRIEVED PERSON _____ DATE OF PRESENTATION _____

NAME ADDRESS OF AGGRIEVED PERSON _____

SCHOOL _____

PRINCIPAL _____

SUBJECT AREA OR GRADE _____

NAME OF ASSOCIATION SCHOOL REPRESENTATIVE _____

STATEMENT OF GRIEVANCE:

ACTION REQUESTED:

Signature

GRIEVANCE FORM B

DECISION OF PRINCIPAL
(LEVEL I – STEP ONE)

(To be completed by Principal, within five days of formal grievance presentation.)

AGGRIEVED PERSON _____ DATE OF PRESENTATION _____

SCHOOL _____

PRINCIPAL _____

DECISION OF PRINCIPAL (OR OTHER ADMINISTRATOR) AND REASONS THEREFORE:

DATE OF DECISION _____
Signature _____

AGGRIEVED PERSON'S RESPONSE: (To be completed by aggrieved within 3 days of decision.)

_____ I accept the above decision of Principal

_____ I hereby appeal to the Superintendent of Schools for review of the grievance

DATE OF RESPONSE _____
Signature _____

GRIEVANCE FORM C

DECISION BY SUPERINTENDENT
(LEVEL II – STEP II)

(To be completed by Superintendent of schools within 5 days after hearing with
Aggrieved Person.)

AGGRIEVED PERSON _____ DATE APPEAL RECEIVED BY SUPERINTENDENT _____

DATE HEARING HELD BY SUPERINTENDENT _____

DECISION OF SUPERINTENDENT AND REASONS THEREFORE:

DATE OF DECISION _____
Signature

AGGRIEVED PERSON'S RESPONSE: (To be completed within 5 days of decision.)

_____ I accept the above decision of the Superintendent of schools.

_____ I hereby appeal, to the Board of Education for a review of this grievance.

DATE OF RESPONSE _____
Signature

GRIEVANCE FORM D

REVIEW BY BOARD OF EDUCATION
(LEVEL III)

AGGRIEVED
PERSON _____

DATE OF APPEAL RECEIVED
BY BOARD OF EDUCATION _____

DATE HEARING HELD BY
BOARD OF EDUCATION _____

DECISION OF BOARD OF EDUCATION AND REASONS THEREFORE:

DATE OF
DECISION _____

Signature

CERTIFICATED PERSONNEL – RELATED POLICIES

RECEIVING AGENTS, SALESMEN AND BUSINESS REPRESENTATIVES . . . 3035

No Hayes Center Public Schools employee shall visit with or discuss business matters of a personal nature with any representative during the hours the employee is on duty in the Hayes Center Public Schools, except by special permission of the Principal or the Superintendent. Any agent or business representative calling on Hayes Center Public Schools personnel about school matters such as textbooks, publications of the school, class insignia, athletic equipment, school equipment, school supplies, building and custodial supplies, and the like, shall first obtain the permission of the Principal or the Superintendent. The Hayes Center Public Schools employee who orders any supplies or equipment, without express authorization of the Superintendent, shall be personally liable for payment of the bill and for the material so ordered.

Personnel - All Employees

Family and Medical Leave Policy.....3039

Family and medical leaves shall be allowed under the terms and conditions of the Family and Medical Leave Act of 1993 (FMLA) as amended.

The “leave year” for purposes of the FMLA shall be a “rolling” twelve-month period, measured backward from the date of any FMLA leave usage.

Substitution of accrued paid leaves for otherwise unpaid FMLA leaves may be required in the discretion of the Superintendent or the Superintendent’s designee, or the Board. The employee may also have paid leave run concurrently with unpaid FMLA leave entitlement, provided the employee meets applicable requirements of the leave policy.

Employees shall be required to submit medical certifications to support a request for FMLA leave because of a serious health condition, or a sick leave, when such leave is for a duration in excess of five (5) successive days, and in such other cases as deemed appropriate by the Superintendent or the Board based on the nature of the illness or other circumstances surrounding the leave. Second and third medical opinions may, in the Superintendent or the Board's discretion, be required. Employees shall be required to report periodically, at such times as requested by the Superintendent or the Board, on their intent to return to work from FMLA leaves and other leaves. Employees shall be required to submit a fitness-for-duty certification from their health care provider as a condition of returning to work from a FMLA leave taken because of the employee’s serious health condition, or from a sick leave taken by reason of the employee's illness, when such leave was of a duration in excess of five (5) successive days, and upon request of the Superintendent or the Board when such is deemed appropriate by the Superintendent or the Board based upon the nature of the illness or other circumstances surrounding the leave.

An “equivalent position” for FMLA restoration purposes shall, in the case of certificated employees, be any administrative, teaching, or instruction related position for which the employee is qualified by reason of endorsement, college preparation, or experience, or other indicia; in the case of coaching or other similar extracurricular duty assignments, be any extracurricular duty assignment, and in the case of other employees or positions, be in a position with or at equivalent pay, benefits, and working conditions, involving similar or related duties, as determined by the Superintendent or the Board.

Legal Reference: 29 USC Sections 2611 to 2618 and
 29 CFR Part 82

Date of Adoption: March 9_____, 2009

Personnel - All Employees

Military and Family Military Leave3039.5

Military leave and family military leave will be granted to the extent required by state and federal law.

Employees requesting military leave must notify the Superintendent as soon as they receive notification of activation. Employees are to attach a copy of their orders to a District leave request form when they prepare the request for military leave.

Employees requesting to take family military leave under the Nebraska statutes must notify the Superintendent at least 14 days in advance of taking such a leave if the leave will be for 5 or more consecutive days, consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the school, and for leaves of less than 5 days, notify the Superintendent of the leave request as soon as practicable.

Family military leave under the Family and Medical Leave Act (FMLA) will be provided in accordance with that law and subject to the provisions of the Board policy pertaining to FMLA leave.

Legal Reference: Neb. Rev. Stat. §§ 55-160 to 55-166;
Neb. Rev. Stat. §§ 55-501 to 55-507
29 U.S.C.A. §§ 2611, et seq. and 29 CFR Part 825
38 USC Sections 4301 to 4333 and 20 CFR Part 1002

Date of Adoption: June 9, 2008

CERTIFIED PERSONNEL ABSENCE

LEAVE 3040

Leave for the certificated teaching staff shall be according to the negotiated agreement with the local teachers association.

CERTIFIED PERSONNEL ABSENCE

TRAVEL AT DISTRICT REQUEST 3040.1

Teachers will be reimbursed for expenses incurred while attending meetings at the request of Hayes Center Public Schools as follows:

Mileage: Reimbursed at the approved rate adopted by the Board of Education each year at the September meeting or use of the Hayes Center Public Schools car if available at the Department of Administrative Services.

Registration: Paid by Hayes Center Public Schools.

Lodging: Lodging expenses shall be paid if approved in advance by the Superintendent.

Meal Allowance: Reimbursed upon submitting receipts and approved by Superintendent. (Receipts required)

See Exhibit A

CERTIFIED PERSONNEL ABSENCE

JURY DUTY AND SUPOENAED WITNESS 3041

When an employee is required to serve on a jury or as a subpoenaed witness, any absence from work for this reason will be excused without loss of pay or leave. The pay received by the employee for jury duty shall remain the employees. Employees are expected to report back to their working assignment during a normal workday when the jury does not require their presence.

CERTIFICATED PERSONNEL ABSENCE

ABSENCE WITHOUT PAY 3042

Teacher absences not covered by leave policies but approved by the Superintendent shall be granted without pay. If a teacher is absent without pay, the teacher shall have his/her pay deducted in proportion to the total number of days contracted, as set by the Board of Education. (Teacher absences not approved by the Superintendent shall be considered a leave of absence without pay and may result in additional disciplinary action).

PERSONNEL SELECTION AND EMPLOYMENT

REQUIREMENTS FOR PHYSICAL AND MENTAL EXAMINATIONS 3043

The Board of Education may require a certificate of health and physical fitness of any employee. Should an employee be unable to perform his/her duties by reason of illness, accident or any other cause beyond his/her control, and said disability exists for a period exceeding the sick leave absence, the Board of Education may, in its discretion, make a proportionate reduction from the salary stipulated, and if such disability continues or is permanent, or of such nature as to make the performance of duties impossible, the Board of Education may terminate employment, whereupon the respective duties, rights and obligations shall terminate.

For uniformity the Board of Education will select the physician/clinic to provide the physical examination, and cost of the physical shall be the responsibility of the Hayes Center Public Schools.

Any employee deemed necessary by the Hayes Center Public Schools or is required by state law to have a physical is included under this policy.

PERSONNEL SELECTION AND EMPLOYMENT

DRUG AND ALCOHOL POLICY FOR SCHOOL BUS DRIVERS 3044

It is the policy of the Hayes Center Public Schools that its drivers should be free from drug and alcohol abuse. Consequently, the use of illegal drugs or improper use of alcohol by drivers is prohibited. The overall goal of drug and alcohol testing is to ensure a drug-free and alcohol-free transportation environment and to reduce accidents, injuries and fatalities. The requirements of this policy are in addition to other requirements established by federal and state law and Board of Education policy regarding the use of alcohol and drugs. In some instances, those laws or policies may be more restrictive than requirements set out in this policy.

The Hayes Center Public Schools is required under the provisions of the federal Omnibus Transportation Employee Act of 1991 to implement a drug and alcohol test program for all persons subject to commercial driver's license requirements. This program includes drug and alcohol testing such drivers for reasons of reasonable suspicion, random, post-accident, return to duty and follow-up and pre-employment drug testing. In addition, the Hayes Center Public Schools is responsible for maintaining appropriate records, and notifying drivers of the requirements and consequences of the program.

Implementation Date

The testing program referred to in this policy shall be implemented on January 1, 1996.

Definitions

For the purpose of this policy, the following terms are defined:

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl.

Driver – Any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operated contractors.

Drug – Includes any of the following controlled substances: marijuana, cocaine, opiates, amphetamines and Phencyclidine (PCP).

Medical Review Officer (MRO) – A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a District's drug testing program who meets the qualifications as listed in 49 CFR 40.3.

Regulations – Those regulations promulgated by the Department of Transportation found at 49 CFR 40, and the regulations promulgated by the Federal Highway Administration found at 49 CFR part 382, as from time to time to amend.

Safety-Sensitive Function – Includes all on-duty functions performed from the time a driver begins work or is required to be ready to work until he or she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched;

inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the district or paid work for any other entity.

Substance Abuse Professional – A licensed physician or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

Program Coordinator

The Board of Education shall designate the program coordinator to implement the alcohol and drug testing program of the district within the guidelines of this policy.

Alcohol and Drug Prohibitions

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol. No driver shall use alcohol while performing safety-sensitive functions. No driver shall perform safety-sensitive functions within four hours after using alcohol. No driver required to take a post-accident test shall use alcohol for eight hours following the accident or until he or she undergoes a post-accident alcohol test (whichever comes first).

No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely perform the function. No driver shall report for duty, remain on duty or perform a safety-sensitive function of the driver tests positive for drugs. No driver shall refuse to submit to a drug or alcohol test when provided for under this policy or the Regulations.

Pre-employment Tests

Drug tests shall be conducted in accordance with the Regulations before any bus driver is permitted to perform a safety-sensitive function for the Hayes Center Public Schools. Testing for newly hired drivers shall be conducted after the offer of employment but before employment commences. Offers of employment are contingent on this test result. A refusal to submit a drug testing and/or refusal to release information as required by the Hayes Center Public Schools shall remove the applicant from employment consideration. Such testing will also be required of any employee transferring into a covered position.

Exceptions may be made for drivers who have participated in the drug testing program required by law within the previous 30 days, have been drug tested within the previous six months, or have been in a random program for the previous 12 months, and the previous employer(s) of the driver has no knowledge of a violation within the previous six months, provided that the Hayes Center Public Schools has been able to make all verifications required by law.

Post-Accident Test

Alcohol and drug tests shall be conducted as soon as practicable after an accident on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
2. Receives a citation under state or local law for a moving traffic violation arising from a recordable accident. A recordable accident includes: (a) bodily injury requiring immediate treatment away from the accident scene and (b) disabling damage to one or more vehicles requiring the vehicle to be towed or transported away from the scene of the accident.

Drivers shall make themselves readily available for testing, unless such driver has the need for immediate medical attention.

No driver shall use alcohol for eight hours after the accident or until after he or she undergoes a post-accident alcohol test whichever comes first. Alcohol test must be performed within eight hours following an accident and drug test within 32 hours. Drivers must follow all post-accident instructions given by the Hayes Center Public Schools.

Post-accident testing requirements may be fulfilled by properly administered test conducted by federal, state and/or local law enforcement officials as long as the results of those tests are provided to the Hayes Center Public Schools.

Random Testing

Alcohol and drug testing shall be conducted on a random basis at unannounced times throughout the year in accordance with the federal regulations. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. A scientifically valid random process shall select drivers, and each driver shall have an equal chance of being tested each time selections are made. Random selections shall be spread throughout the year. Drivers who have been told of their random selections shall, from the point of being informed, devote every one of their actions to providing a specimen. Any action that impedes the proper administration of a test shall be considered refusal to test.

Reasonable Suspicion Tests

Any qualified supervisor or Hayes Center Public Schools administrator who has reasonable suspicion to believe that a bus driver has violated the alcohol or drug prohibitions of the Hayes Center Public Schools shall require the driver to submit to reasonable suspicion testing. A qualified supervisor or administrator must be a person who has been properly trained, in accordance with federal regulations; to make a determination that reasonable suspicion exists. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of drugs.

Alcohol testing is authorized for reasonable suspicion only if the required observations are made just before, during or just after the period of the workday when the driver must comply with alcohol prohibitions. The person who determines reasonable

suspicion exists to conduct such a test may not conduct an alcohol test. If an alcohol test is not administered within two hours of determination of reasonable suspicion, the Hayes Center Public Schools shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours, and the Hayes Center Public Schools will state in the record the reason for not administering the test.

A qualified supervisor or Hayes Center Public Schools administrator who makes observations leading to a reasonable suspicion test shall make a written record of his or her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Return-to-Duty Tests

An alcohol or drug test shall be conducted when a driver who has violated the Hayes Center Public Schools alcohol or drug prohibition returns to performing safety-sensitive duties.

Employees whose conduct involved alcohol cannot return to duty in a safety-sensitive function until the return-to-duty tests produces a verified result that meets Federal and Hayes Center Public Schools standards.

Employees whose conduct involves drugs cannot return to duty in a safety-sensitive function until the return-to-duty test produces a verified negative result.

Follow-up Tests

A driver who violates the Hayes Center Public Schools alcohol or drug prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving an alcohol or drug problem shall be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing shall be conducted just before, during or just after the time when the driver is performing safety-sensitive functions.

Refusal to Submit to Tests

No driver shall refuse to submit to any of the tests. An employee will be considered to refuse to submit when he or she fails to provide adequate breath or urine for testing when notified of the need to do so, or when he or she engages in conduct that clearly obstructs the testing process. Such refusal will be treated as if the Hayes Center Public Schools received a positive test.

Testing Procedures

The Hayes Center Public Schools shall follow the federal guidelines and standards of the Department of Health and Human Services and the Department of Transportation regarding testing and laboratory procedures. This shall include a selection of sites with appropriately trained personnel for alcohol and drug testing, selection of a laboratory certified by the Department of Health and Human Services to conduct drug specimen analysis, and selection of a Medical Review Officer to verify laboratory drug test results. The drug and alcohol test program of Hayes Center Public Schools shall provide individual privacy in the collection of specimen samples to the maximum extent possible. The specimen collection procedures and chain of custody shall ensure that specimen security; proper identification and integrity are not compromised.

Enforcement

Employees whose conduct involved alcohol and drug use cannot return to duty in a safety-sensitive function until the return-to-duty test produces the required result. A driver who is tested and found to have an alcohol concentration of 0.02 or greater, but less than 0.04 shall not perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period but not less than 24 hours after the test was administered. Further employment actions up to and including termination may be instigated in accordance with the Drug Free Workplace Act of 1988 (P.L. 101-226), other state and federal laws, and Hayes Center Public Schools policy. In the event a driver test's positive for drugs, or has a confirmed alcohol concentration of 0.04 or greater, or violates a prohibited conduct, the Hayes Center Public Schools does not guarantee that a position will be held open for the driver in the event that they become requalified.

Rehabilitation

The Hayes Center Public Schools shall provide for the identification of a Substance Abuse Professional (SAP) for treatment for those employees who have violated the prohibitions of the regulations. This information shall include the names, addresses and telephone numbers of SAP's and counseling and treatment programs. Any rehabilitation or evaluation sought shall be at the expense of the driver.

Employees Records

Employees' alcohol and drug test results and records shall be maintained in strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his or her use of alcohol or drugs, including any record pertaining to his or her tests. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver. Test records shall be maintained with the separate medical files of each employee.

Hayes Center Public Schools Records and Reports

The Hayes Center Public Schools shall maintain records of its alcohol and drug prevention programs as required by federal law on 49 CFR 382.401.

Notification

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations Title 49, Part 382, together with a copy of the Hayes Center Public Schools policy. The program coordinator shall ensure that all covered employees receive written materials explaining the Hayes Center Public Schools drug and alcohol misuse prevention program requirements including:

1. The identity of the program coordinator, a contact person knowledgeable about the materials, policy, administrative regulations and the Omnibus Act.
2. The categories of employees covered;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning prohibited conduct;
5. The circumstances under which employees will be tested;

6. Procedures used in the testing process;
7. The requirement that a driver submit to alcohol and drug test administered in accordance with federal law;
8. An explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04; and
11. Information on the effects of drug and alcohol misuse on personal life, health and safety in the workplace.

Drivers shall also receive information about legal requirements, Hayes Center Public Schools policies and disciplinary consequences related to the use of a alcohol and drugs.

Employees shall sign a statement certifying that they have received the materials.

Before any driver operates a commercial motor vehicle, the Hayes Center Public Schools shall provide him or her with post-accident testing requirements.

Before drug and alcohol tests are performed, the Hayes Center Public Schools shall inform drivers that the tests are given pursuant to the code of Federal Regulations, Title 49, Part 382. This notice shall be provided only after the compliance date specified in law.

The Hayes Center Public Schools shall notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of his or her employment application.

The Hayes Center Public Schools shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The Hayes Center Public Schools shall also tell the driver which controlled substance(s) were verified as positive.

In the event a driver tests positive for a controlled substance, the driver shall have the right to have the split specimen (collected at the same time as the tested specimen) retested provided that the driver provides written notice to the Medical Review Officers (MRO) within 72 hours of being notified of the positive result.

NOT A CONTRACT - This policy does not create a contract, either express or implied. The Hayes Center Public Schools may change the policy at any time, without notice.

DRIVER CERTIFICATION 3045
FOR USE OF DISTRICT VEHICLES OR TRANSPORTATION OF STUDENTS

This certification is required for all persons who: (1) drive District-owned or leased vehicles or (2) drive students as part of their employment or (3) provide a pupil transportation service which is sponsored or approved by the District.

Name _____ Operator's License No: _____ License Class: _____

I certify that the following information is true and accurate:

_____ I have a current and valid Nebraska motor vehicle license, current proof of insurance, and the physical and mental ability to properly operate a motor vehicle.

_____ My driver's license is subject to the following restrictions (check the applicable restrictions) and I will comply with all such restrictions:

- | | |
|--------------------------|-----------------------------|
| _____ Corrective Lenses | _____ Outside Mirrors |
| _____ Automatic Signals | _____ Maximum Speed Rest. |
| _____ Mechanical Aids | _____ Daylight Only |
| _____ Restricted Area | _____ 2 Lane, 2 Way Only |
| _____ Automatic Trans. | _____ No Interstate Driving |
| _____ No One Way Streets | _____ Other: _____ |

_____ I will abide by all rules of the road and any applicable rules of the Nebraska Department of Education and the District relating to driving a motor vehicle. Seat belts and child restraint systems will be utilized by all occupants. Cell phones and other handheld wireless communication devices will not be used while the vehicle is in motion.

_____ I have been given instruction on emergency evacuation procedures, first aid and other instruction applicable to the group of pupils being transported.

_____ I certify that I am of good moral character and I will not engage in conduct or use language inappropriate for children.

_____ I certify that I have a satisfactory driving record. I agree to immediately notify my supervisor or the Superintendent upon the occurrence of any of the following events:

- Suspension, revocation, withdrawal or expiration of my driver's license;
- Any ticket or accident while in a District-owned vehicle or while engaged in school business;
- Any ticket or accident which could result in the suspension, revocation, or withdrawal of my driver's license while in any vehicle at any time;
- Any circumstance which may result in any of the responses on this Driver Certification not continuing to be completely accurate or which may indicate that I should not be driving a school vehicle or transporting students.

Dated this _____ day of _____, 20__.

Driver

DATE OF ADOPTION: APRIL 14, 2011

CERTIFICATED PERSONNEL-RELATED POLICIES

SUBSTITUTE TEACHERS 3050

The Superintendent or Principal shall select substitute teachers from a list of approved substitute teachers. All substitute teachers must have a valid Nebraska Teaching Certificate in force and have it registered with the Superintendent of Schools.

Substitute teachers shall be paid on the same date as other employees. Pay periods shall coincide with regular hourly employees.

The Board of Education shall set the substitute teaching pay rate annually. Long-term substitute, after teaching for (10) consecutive days for the same teacher, shall be paid according to the base salary on the salary schedule per diem.

CERTIFICATED PERSONNEL-RELATED POLICIES

STUDENT TEACHER GUIDELINES 3060

A. Placement:

1. Colleges wishing to place their students must submit their request to the Superintendent of Schools in writing annually.
2. The Hayes Center Public Schools may deny the request or may terminate a student's placement at any time.

B. Program:

1. Student teachers shall be interviewed by the administration prior to acceptance. At that time the philosophy, policies, and rules of the Hayes Center Public Schools shall be reviewed.
2. The student teacher's assignment shall be made by the building principal with the approval of the college and Superintendent of schools.

C. Cooperating Teachers:

1. The cooperating teacher must be willing to work with a student and accept the responsibility for that role.
2. The cooperating teacher will have at least one year successful teaching experience and will have at least nine hours graduate credit or have previously had student teachers.
3. The cooperating teacher will always be responsible for the performance of the student teacher, the classroom instruction and student performance.

SUPPORT STAFF

APPOINTMENT 3100

The Superintendent with the approval of the Board of Education shall appoint support staff.

The Board of Education shall be informed of the reelection of support staff employees annually.

Support staff shall be on duty for as many days prior to the opening of school and after the close of school as the Superintendent shall designate.

SUPPORT STAFF

DUTIES 3101

The duties of all support staff shall be in accordance with job descriptions developed by the administration and approved by the Board of Education.

SUPPORT STAFF

SALARY SCHEDULE 3103

Salary for all support staff shall be reviewed and adopted annually by the Board of Education.

SUPPORT STAFF

LEAVES FROM DUTY 3105

All support staff shall receive leave as defined in their contract.

SUPPORT STAFF

TERMINATION 3106

Support staff members are considered “at will” employees and as such have no property right in continued employment. Either party with or without cause or hearing may terminate employment. Under normal circumstances two weeks notice of intent to terminate employment shall be provided the other party.

SUPPORT STAFF

TIME CARDS 3107

All support staff employees will keep a record of their hours on time cards provided by Hayes Center Public Schools. Time cards must be turned in to the employee's immediate supervisor for his/her review and signature.

Payday is on or before the 15th of the month.