

Last Revised September 14, 2017

**LEWISTON  
CONSOLIDATED  
SCHOOLS**

**DISTRICT NO. 69**

**BOARD POLICY  
MANUAL**

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## **FORWARD**

By having a written policy, the employees may proceed with the assurance they are administering the school system in accordance with the wishes of the governing body.

These policies are prepared so that the board, staff, pupils, and public can work cooperatively with the common understanding of the correct procedures. It will help all of us to work together in harmony and with a constantly increasing degree of effectiveness. The policies as set forth in this manual are not so rigid that they cannot be altered or changed at any time by a majority of the school board members at any regular meeting.

The policies are so numbered to enable the Board of Education to add new policies as the occasion arises and to delete the policies that they feel no longer apply to the school district.

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2007

REVIEWED: 2014

## **PHILOSOPHY OF EDUCATION**

The purpose of the Lewiston Consolidated Schools is to provide equal learning opportunity for all students. This learning opportunity will prepare them to become responsible adults in a rapidly changing society.

Such a program will afford EACH student an equal opportunity for a sound basic education and the stimulus to develop the individual's interests, talents, and other potentials. The style and mode will be such that it will provide a healthy, moral, and pleasant environment.

The policies of the Board of Education shall be designed to support state standards, statutes, and provide the foundations for such educational programs and to promote the continual improvement of our educational system.

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2007

REVIEWED: 2014

1050.00

## **NOTICE OF NON-DISCRIMINATION**

Applicants for admission and employment, students, parents of elementary and secondary school students, employees and all professional organization holding collective bargaining agreements with the Lewiston Consolidated School District #69, are hereby notified that the school does not discriminate on the basis of race, color, national origin, sex, age, or handicap in admission or success to, or treatment or employment in, its programs and activities. Any person having inquiries concerning Lewiston Consolidated Schools' compliance with the regulations implementing Title VI, Title IX or Section 504 is directed to contact the Superintendent of Schools, Lewiston Consolidated Schools, Lewiston, Nebraska, Telephone – (402) 865-4675. The Superintendent of Schools has been designated by the Lewiston Consolidated Schools Board of Education to coordinate the schools' efforts to comply with the regulations implementing Title VI, Title IX, and Section 504. Any person may also contact the Assistant Secretary for Civil Rights, U.S. Department of Education, regarding the schools' compliance with the regulations implementing Title VI, Title IX or Section 504.

### **Public Notification:**

Procedure for yearly notification of the schools non-discrimination policies to students, parents, employees and the general public of the schools will be accomplished by including the policies in student and employee handbooks and other written communications. The policy statement will also be included in job applications.

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2007

REVIEWED: 2014



1075.00

## **POLICY ON EQUAL EDUCATIONAL OPPORTUNITY – CULTURAL PLURALISM**

The Board of Education is aware of the great differences in talent, intelligence, and ability that exists among the pupils who are enrolled in our school. Equally great differences are found in economic, cultural, and racial backgrounds. The educational program should be planned and executed with sufficient flexibility so that it provides challenge and success for all, from the most academically talented to the least talented, or to the educationally handicapped pupil, or to the culturally, or racially deprived student.

No person in the Lewiston Public Schools shall be subjected to discrimination or to be excluded from participation in any program or activity, or practices of employment on the basis of race, sex, or handicapping condition.

### Definition: Equal Educational Opportunity

The Nebraska State Department of Education has used this definition for equal educational opportunity – Provision of educational processes where all students have equal access to the educational programs essential to their needs and abilities regardless of race, culture and/or socio-economic level.

### Definition: Cultural Pluralism

The Nebraska State Department of Education has used this definition for cultural pluralism – A concept that accepts the equal worth of all individuals and groups regardless of their ethnic, racial or cultural background. It negates assimilation and separatism as goals and recognizes the wholeness of the society based on the unique strength of each of its parts.

### Definition: Multicultural Education

The Nebraska State Department of Education has used this definition for multicultural education – Education where students gain knowledge which enables them to respect and appreciate the total culture of ethnic and minority groups in American history.

*A multicultural education plan is available for review at the Office of the Superintendent of Schools.*

ADOPTED: July 11, 1995

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2007

REVIEWED: 2014

1100

**POLICIES RELATING TO THE BOARD OF EDUCATION**

**DUTIES AND RESPONSIBILITIES OF THE BOARD**

1100.1

**NUMBER OF MEMBERS**

The Board of Education shall consist of six members.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1100.2

### **REGULAR MEETINGS**

The regular meetings of the Board of Education shall be on the Monday that falls between the 12<sup>th</sup> and 18<sup>th</sup> of each month. All meetings will be open to the public. The board, however, may go into executive session upon a request and vote of a majority of its members present. Executive session is statutorily reserved for items concerning personnel or negotiations. Regular and special meetings are normally called to order at 8:00 p.m. from April through November and at 7:00 p.m. from December through March. Meeting times are subject to change.

ADOPTED: July 11, 1995

REVIEWED: 1998

REVISED: June, 2003

REVISED: September, 2009

REVIEWED: 2014

1100.3

### **SPECIAL MEETINGS**

Special meetings may be called when necessary. The president or secretary shall notify the other members of the time and place of the meeting.

REVIEWED: 1994

REVISED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1100.4

### **PLACE OF MEETINGS**

All meetings of the Board of Education shall be held at the school unless a different place shall be designated by resolution or in the notice of the special meeting.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

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1100.5

## **QUORUM**

A majority of the members shall constitute a quorum.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1100.6

### **ATTENDANCE AT MEETINGS**

It shall be the duty of each member of the Board to attend all meetings of the Board; and if any member shall refuse to attend any two consecutive meetings of the Board, after having been regularly notified, and if satisfactory cause for his/her non-attendance is not shown, the board may proceed to declare his/her office vacated.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1100.7

### **BOARD VACANCIES**

In the event of death, resignation, refusal to serve or any disqualification of a board member, the board at its next regular meeting may elect a new member to fill such a vacancy. Such election shall be by a majority vote of all members present at such a meeting.

Any vacancy on the board resulting other than from the expiration of a term, shall be filled by the remaining members for the remainder of the term. (79-516.05)

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014



1100.8

### **ELECTION OF OFFICERS**

At the regular January meeting of the Board, they shall elect from its own members a President and a Vice-President for a term of one year. At this meeting a Treasurer shall also be elected for a period of one year. A board secretary may be selected from outside the board membership as per state statute (79-456-79-1004).

ADOPTED: July 11, 1995

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

## **RULES OF ORDER**

The following shall be the order of business:

1. Call to order
2. Acceptance of Agenda
3. Welcome to Visiting Delegations/Comments From Audience
4. Business Affairs
  - a. Approval of Minutes of Meetings Held Since Last Regular Meeting
  - b. Treasurer's Financial Report
  - c. Approval of Claims/Transfers
5. Old (Unfinished) Business
6. New Business
7. Informational Items/Reports
8. Board/Committee Reports
9. Executive Session (If Needed)
10. Adjournment

The Superintendent or Board President shall ask those wishing to be on the agenda to indicate if their business is to be an action item or an informational item.

ADOPTED: July 11, 1995

REVISED: January 14, 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1100.12

### **PURCHASING SUPPLIES**

The Board of Education shall authorize the Superintendent of Schools to purchase individual items covered by the budget that have a cost of \$1,500.00 or under. For individual items that are over \$1,500.00, the Board must give approval to the Superintendent to purchase those items or to receive bids on items or equipment and then make a decision as to the purchase of the items or equipment.

ADOPTED: July 11, 1995

REVISED: January, 1998

REVISED: 2003

REVIEWED: 2009

REVIEWED: 2014

## **GENERAL POLICY STATEMENT**

The organization, management, and control of Lewiston Consolidated Schools is vested in its Board of Education (“board”). To guide the board and school district operations, and to assist it and its designees in carrying out duties, the board will establish, maintain, and amend a set of policies.

Written board policies serve the following purposes:

1. Formally articulating the board’s goals and long-term objectives.
2. Providing district administrators and staff with guidance in making decisions that affect students, employees and patrons of the district.
3. Informing the public of the manner that the board and district will conduct its business and its relationships with staff, pupils, parents and patrons.

To avoid unnecessary rigidity, these policies are stated in general terms. With the exception of statutory requirements or instances when the specific application of a policy is essential to the long-term welfare of the district, these policies are intended to provide administrators with the flexibility to apply them to a wide range of situations.

The policies are not the only guidelines for district operations. Specific regulations, procedures, and practices also help guide and govern actions and decisions. They must be consistent with policies, but serve a different purpose.

### **Exceptional Circumstances**

The board cannot foresee every situation that may arise, and circumstances will occur when these policies provide inadequate guidance. In such circumstances, the superintendent should use his or her best judgment, and communicate with the board about the situation as soon as is convenient.

### **Validity of Policies**

Each policy and its provision should be interpreted so that it is valid under applicable law. If a court determines that a provision of a policy is invalid, such invalidity shall not affect the remaining provisions of that policy.

ADOPTED: December 12, 2011

REVIEWED: 2014

## **CREATION AND AMENDMENT OF BOARD OF EDUCATION POLICIES**

### **Creation of Board Policies**

Each of these policies shall become the official policy of the school district when the board has approved it by majority vote of the members present at any lawfully convened meeting of the board.

### **Amendment of Board Policies**

The board may revise policies at a regular or special meeting if the proposed revision, addition, or amendment has been distributed to the board members in writing prior to the meeting at which it is to be adopted.

In an emergency, the board may declare an emergency and revise policies without having distributed copies of the proposed revisions to board member prior to the meeting.

Each policy shall bear the date when it was adopted, revised or reviewed. Policies written prior to the adoption of this policy may not have an adoption date.

The superintendent shall distribute copies of these policies to all members of the board, maintain a master copy in the central office, and see to it that the policies are maintained on the school district's web site.

### **Annual Review**

The board shall review all policies on a regular basis. Nebraska statutes require an annual review of specific policies, and such policies shall be so identified. The board may update or add policies as-needed. The board shall determine the number of copies of policies to be made and their distribution. The superintendent shall maintain an up-to-date master copy of the policies in the main administrative office. Unless otherwise directed by the board, the master copy shall be considered the official district policy manual.

ADOPTED: December 12, 2011

REVISED:

REVIEWED: 2014

## **DRUG AND ALCOHOL POLICY FOR SCHOOL BUS DRIVERS**

It is the policy of Lewiston School District 69, 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 policy regarding the use of alcohol and drugs. In some instances, those laws or policies may be more restrictive than the requirements set out in this policy.

The Lewiston School District is required under the provisions of the federal Omnibus Transportation Employee Testing Act of 1991, to implement a drug and alcohol testing 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, randomly, post accident, return to duty and follow-up and pre-employment drug testing. In addition, the School District 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 or 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 part 40, and the regulations promulgated by the Federal Highway Administration found at 49 CFR part 382, as from time to time amended.

**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; inspection and servicing equipment; supervision, 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 word for any other entity.

**Substance Abuse Professional** – A licensed physician or certified psychologist, social worker, employee assistance professional 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 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 if 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 District. 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 to drug testing and/or refusal to release information as required by the District 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 months, provided that the District has been able to make all verifications required by law.

### **Post-Accident Tests**

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 or the accident.

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

No such 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 tests within 32 hours. Drivers must follow all post-accident instructions given by the District.

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

### **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. Drivers shall be selected by a scientifically valid random process, 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 District administrator who has reasonable suspicion to believe that a bus driver has violated the alcohol or drug prohibitions of the District 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 work day when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines reasonable suspicion exists to conduct such a test. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight hours, and the District will state in the record the reasons for not administering the test.

A qualified supervisor or District 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 is released, whichever is earlier.

### **Return-to-Duty Tests**

An alcohol or drug test shall be conducted when a driver who has violated the District's 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 test produces a verified result that meets federal and District standards.

Employees whose conduct involved 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 District's 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 conduct that clearly obstructs the testing process. Such refusal will be treated as if the District received a positive test.

### **Testing Procedures**

The District 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 testing program of this school district 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 who 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 District policy. In the event a driver tests positive for drugs, or has a confirmed alcohol concentration of 0.04 or greater, or violates a prohibited conduct, the District does not guarantee that a position will be held open for the driver in the event that they become requalified.

## **Rehabilitation**

The District 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 SAPs 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 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.

## **District Records and Reports**

The District shall maintain records of its alcohol and drug prevention programs as required by federal law in 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 district's policy. The program coordinator shall ensure that all covered employees receive written materials explaining the District's 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 tests 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 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, District policies and disciplinary consequences related to the use of alcohol and drugs.

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

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

Before drug and alcohol tests are performed, the District 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 District shall notify a driver of the results of a pre-employment drug tests if the driver requests such results within 60 calendar days of being notified of the disposition of this or her employment application.

The District shall notify a driver of the results of random, reasonable suspicion, and post-accident drug tests if the test results are verified positive. The District 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 a split specimen (collected at the same times 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 District may change the policy at any time, without notice.

ADOPTED: May, 1996  
REVIEWED: January, 1998  
REVIEWED: 2003  
REVIEWED: 2014

1200.00

## **DUTIES OF THE OFFICERS OF THE BOARD**

1200.01

### **DUTIES OF THE PRESIDENT OF THE BOARD OF EDUCATION**

The President of the Board of Education is elected for a one year term from among the legally elected board members at the regular board meeting in January. The President is the Chairmen of the Board of Education and has the following duties:

1. Call any special meetings of the Board of Education.
2. Preside at all regular and special meetings.
3. Represent the district in all legal action.
4. Appoint school board committees.
5. Countersign all orders upon treasurer for claims allowed by the board.
6. Enter into discussions, make suggestions and vote on any and all issues if he/she wishes.
7. Hand out diplomas at any and all graduation exercises.

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1200.02

### **DUTIES OF THE VICE PRESIDENT**

The Vice-President of the Board of Education shall be elected for a one year term from among the legally elected members at the regular board meeting in January. The Vice-President also becomes President of the Board of Education in the event that during his one year term of office the President moves from the district and is no longer a legal Board member or for any other legal reason the regularly elected President should no longer be a legal Board member, the Vice-President then moves up to the position of President of the Board.

The Vice-President also assumes the chair and conducts the meeting for all meetings at which the President is absent.

REVIEWED: 1998

REVISED: 2003

REVIEWED: 2009

REVIEWED: 2014

### **DUTIES OF THE SECRETARY OF THE BOARD**

The Secretary of the Board of Education shall be elected from among the legally elected Board members at the regular meeting in January, or, by a majority vote, appoint the Superintendent of Schools to act in the capacity of Secretary of the Board. His/her duties shall be as follows:

1. Keep a record of all meetings of the board.
2. Send out legal notices of meetings.
3. Handle all school board correspondence.
4. Make required legal reports to county and state.
5. Take required annual school census or see that the census is taken.
6. Draw and sign all orders upon the treasurer for salaries and for payment of moneys for bills allowed by the board.
7. Compute the withholding tax and teacher retirement from the salaries of the school employees, or see that this is done.
8. If a board member is the secretary, they shall work with the Superintendent in preparing the school budget for the ensuing school year.

REVIEWED: 1998

REVISED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1200.04

### **DUTIES OF THE TREASURER OF THE BOARD**

The treasurer of the Board of Education shall be elected from among the legally elected Board members at the regular meeting in January. His/her duties shall be as follows:

1. Report on the Financial Status of the School District at every regular monthly meeting of the Board.
2. Serve on the finance/budget committee for the ensuing year.
3. Monitor the budget of expenditures, along with the Superintendent.
4. Sign all checks over to the business manager that come from the county treasurer.
5. Sign all warrants and all checks for payroll or payments of bills.
6. The treasurer shall be bonded according to the provisions of the Nebraska State Statutes.

REVIEWED: 1998

REVISED: 1998

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.0

**POLICIES RELATING TO THE ADMINISTRATIVE STAFF**

1300.1

**SUPERINTENDENT OF SCHOOLS - QUALIFICATIONS**

The Superintendent of Schools must meet all the requirements as set forth by the school laws of the State of Nebraska. The Superintendent of Schools must hold a Professional Administrative and Supervisory certificate valid in all Nebraska school districts.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014



1300.2

### **SUPERINTENDENT OF SCHOOLS - POSITION**

The Board shall employ a Superintendent of Schools, who shall serve as the executive officer of the board and as head of the school system. He/she shall attend all board meetings, unless excused at his/her request, except for those portions of any executive sessions in which his own re-election is under consideration.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVEIWED: 2003

REVISED: 2009

REVIEWED: 2014

1300.3

**SUPERINTENDENT OF SCHOOLS - TERM OF CONTRACT**

The Superintendent may be contracted for one, two, or three years. The Superintendent's contract will run from July 1 to June 30.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.4

### **SUPERINTENDENT OF SCHOOLS - APPOINTMENT**

The Board of Education shall appoint the Superintendent of Schools for a term of not more than three years. If at any time, in the opinion of the majority of the board, his/her services are unsatisfactory, he/she shall be notified in writing and given an opportunity to correct the conditions. If the conditions are not corrected, he/she shall be given notice in writing by at least the regular January board meeting.

REVIEWED: 1994

REVISED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVISED: 2009

REVIEWED: 2014

1300.5

**SUPERINTENDENT OF SCHOOLS – MULTI-YEAR CONTRACT**

If the Superintendent is employed on a contract for more than one year, the Board will review the contract in regard to salary during the first year for the second year and then act on the Superintendent's contracted salary for any ensuing year in January of the year that the present contracted salary exists.

REVIEWED: 1994

REVISED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVISED: 2009

REVIEWED: 2014

### **DUTIES OF THE SUPERINTENDENT**

1. Assumes charge of the school system as the board's chief executive officer, coordinates the work of all departments, executes the policies of the board and recommends policies for the board to consider.
2. Nominates all certificated and non-certificated employees, recommends for discharge any employees rendering unsatisfactory service within the limits of the law and board regulations.
3. Working with teaching staff and principal, authorizes the purchase of approved textbooks and other instructional guides and equipment within the parameters of the budget and the purchasing policy; authorizes scheduling of classes for various types of training; makes final assignment, if necessary, for appropriate instructors for the various curricular offerings.
4. Presents a proposed budget and interprets it for the board; administers the budget after it is adopted and keeps expenditures within limits; directs the accounting of all school funds and makes proper financial reports to the board.
5. Coordinates the planning of all educational features of new buildings or additions or alterations of old buildings. Assigns caretakers to both the interior and exterior and maintains general supervision over these.
6. Sees that all classes authorized by the board are carried out properly; monitors the instruction, guidance and disciplining of all students; promotes organizations for training students in democratic and socially adjusted living.
7. Coordinates and oversees a program for reaching the citizens of the school community with adequate information about the activities of the school district.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVISED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.7

**SUPERINTENDENT OF SCHOOLS – DISCIPLINARY DUTIES  
EXPULSION OF STUDENTS**

The Superintendent or his/her designee (usually the principal) will follow all proper procedures in the course of the expulsion of students from the school. These procedures will include those enumerated elsewhere in the board policy, those enumerated in student/parent handbooks and those required by state and federal law. The school attorney will be consulted by the administration, as necessary, to make certain proper procedures are being followed.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.8

### **SALARY OF THE SUPERINTENDENT**

The Board of Education shall set the salary of the Superintendent at the same time his/her contract is reviewed in January. If a new Superintendent is hired, the Board of Education will set the salary of the new Superintendent at the same time his/her contract is offered.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.9

**SUPERINTENDENT OF SCHOOLS – OVERSEEING RECORD  
KEEPING/INVENTORYING**

The Superintendent shall assign and oversee the function of keeping an accurate record of textbooks, library books, moveable equipment, including usual educational equipment, athletic equipment, inkling supplies, music equipment, typewrites, computers, tools and the like. He/she may require teachers to aid the principal and himself/herself in the maintenance of such inventories. He/she shall report to the Board of Education any losses of equipment and supplies not caused by normal consumption in the process of usage.

REVIEWED: 1994  
REVIEWED: 1998  
REVIEWED: 2001  
REVEIWED: 2003  
REVIEWED: 2009  
REVIEWED: 2014



1300.10

### **SUPERINTENDENT OF SCHOOLS - PUBLIC RELATIONS**

The Superintendent of Lewiston Schools will be responsible for overseeing the publication of informative articles regarding the school and its related activities.

The Superintendent will also do what he/she can to promote the positive image of the school and to assist patrons in attaining reasonable requests and expectations.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.11

**SUPERINTENDENT OF SCHOOLS - ELECTION OF PERSONNEL**

The Superintendent shall make recommendations to the Board of Education for the appointment, assignment, transfer, suspension, or dismissal of all regular employees of the school district.

The Board shall act on all appeals made by teachers in instances where the Superintendent recommends non-renewal of their contract. This recommendation for non-renewal must be given to the teacher on or before April 15, with appropriate appeal procedures outlined. Teachers will not be considered for non-renewal without a recommendation to the Board from the Superintendent.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.12

### **SUPERINTENDENT OF SCHOOLS - ASSIGNMENT OF CERTIFIED STAFF**

The Superintendent shall have final authorization for the assignment of all other administrators and all teachers to the particular grade or assignment with which they will work. He/she will authorize the assignment of all specific responsibilities and duties, sponsorships, and direction of out of class activities, the supervision of students in the hallways, lunchroom, playground, and other instructional areas. Assignments of teachers may also be made to committees and other necessary staff activities. These assignments, as far as possible, will be done in as equitable and fair manner as possible, except in situations where a particular member of the staff has a contract indicating a special duty load. Any teacher who is dissatisfied with his/her duty assignments and responsibilities, may file a grievance with the Superintendent of schools, and then with the Board of Education, if it is still not satisfactory to them.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1300.13

### **SUPERINTENDENT OF SCHOOLS - PAYMENT OF SALARIES**

Salary payments are made to all teachers and administrative personnel in twelve equal installments, unless other arrangements are acceptable to both parties. Each contract period for teachers will begin on or just before the opening day of school, with the first payment being made on the 20<sup>th</sup> day of September and each month thereafter through August of the following year.

Salary payments for the Superintendent will be made from July through June of the following year, with contract running from July 1 – June 30. Salary payments and contract for the principal may be agreed upon by both parties to run either from July 1 June 30 or from August 1 – July 31, with the first salary payment to be made on the 20<sup>th</sup> of the month in which the new contract begins.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

## MEMORIAL POLICY

It is the policy of Lewiston School that whenever possible, when the death of a student or staff member occurs, an appropriate representative of the school will be in personal contact with the family, extending condolences and providing appropriate information regarding memorial possibilities. In cooperation with churches and funeral homes, every effort will be made to schedule funeral services or other memorial events outside of school facilities and not be in conflict with the regular school instructional day. Excused absences to attend memorial services, when requested by parents or guardians, will be granted at the discretion of the school administration.

All scholarship funds, including memorial funds or items, donated to Lewiston School, shall be directed to the Lewiston School Foundation to be identified and administered as agreed between the Foundation Board of Directors and the donor(s).

Any memorial donated or purchased in memory of a current student or staff member must be approved by the Board of Education before placement in or on school property. The Board of Education reserves the right to reject any memorials donated or purchased in memory of a student or staff member. Memorials given to the school (after the adoption of this policy) shall be considered the property of the school.

Board of Education decisions on memorials will be based on the following criteria:

1. Memorials that contain the picture of the deceased will be rejected.
2. Memorials that may alter the conducting of a regular school instructional day will be rejected.
3. Memorials that require the retirement or discontinued use of school property will be rejected.
4. Memorials that require the altering of school property or school publications will be rejected.
5. Memorials that require the altering of school activities or the school activities scheduled will be rejected.
6. Memorials that infringe on the separation of church and state will be rejected.
7. Memorials that require the use of public funds to purchase, develop, or maintain will be rejected unless there is prior agreement as to the source of such funds.
8. Yearbook insertions, including dedications, ad pages, or memorials will be rejected.
9. The yearbook may reserve a page for "remembrances" of current PK-12 students or staff with approval of the immediate family.
10. Memorials may be accepted for a predetermined length of time.
11. Memorials received prior to the adoption of this policy may be offered to the family or moved to an acceptable location after family consultation.

ADOPTED: April 10, 1996

REVIEWED: 1998 REVIEWED: 2001

REVIEWED: 2003 REVISED: 2009

REVIEWED: 2014

## **SEXUAL HARASSMENT POLICY**

It is the policy of Lewiston Consolidated Schools to provide an environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication constituting sexual harassment. The purpose of this policy is to establish clearly and unequivocally that the board of education prohibits sexual harassment by and of its employees and students. Sexual harassment is a form of misconduct which interferes with work productivity and wrongfully deprives employees of the opportunity to work and students of the opportunity to study and be in an environment free from unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances, requests for sexual favors and other such verbal or physical misconduct. Sexual harassment is a prohibited practice and is a violation of the law.

The U.S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII as prohibiting sexual harassment. Sexual harassment is defined in those guidelines as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature constitutes sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

A person who feels harassed should directly inform the person engaging in sexually harassing conduct or communication that such conduct or communication is offensive and must stop. If the person who feels harassed does not wish to communicate directly with the person whose conduct or communication is offensive or if direct communication with the offending person has been ineffective, the person who feels harassed should report the conduct or communication to a supervisor, principal, superintendent of schools, or board of education member whom he or she feels comfortable in reporting the issue.

Regardless of the means selected for resolving the problem, the initiation of a complaint of sexual harassment will not cause any reflection on the complainant nor will it affect his or her employment, compensations, or work assignments, or status as a student.

ADOPTED: April 10, 1996

REVIEWED: January, 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1350.1

### **PRINCIPAL QUALIFICATIONS**

Principals of the Lewiston Consolidated Schools shall hold an Administrative Certificate as required by the Nebraska Department of Education. This certificate shall be copied and placed on file in the Office of Superintendent before the principal may be paid for his/her duties.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014

1350.2

### **ELECTION OF PRINCIPAL(S)**

New principals shall have their salary set for the following year at the same time their contract is offered. Once they start working, the principal(s) employment for the ensuing school year will be decided at the regular February board meeting and the principal(s) will have until the ensuing regular board meeting to accept or reject the contract offer.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVIEWED: 2009

REVIEWED: 2014



## PRINCIPAL EVALUATION OF PERSONNEL

The principal shall give to the Superintendent an evaluation of all teachers that are due to be evaluated for that school year, no later than the December school board meeting. Second evaluations that are necessary will be given to the superintendent no later than the March board meeting. All evaluation procedures will be in accordance with state law, will follow those legal guidelines, and will be on file with the Nebraska Department of Education.

All certificated employees to be evaluated shall be notified annually in writing. A certified administrator, with the exception of the local board of education when it is evaluating the superintendent, will observe and evaluate each probationary certified employee for a full instructional period once each semester and each permanent certificated employee for a full instruction period once each school year. If the probationary certificated employee is a superintendent, he or she shall be evaluated twice during the first year of employment and at least once annually thereafter. The evaluation will include, but not be limited to evaluating the employee's instructional performance, classroom organization and management, personal conduct and professional conduct. Evaluation of instructional performance and classroom organization and management is applicable to teachers only. The administrator will provide the employee with a written list of deficiencies, suggestions and a timeline for correcting the deficiencies and improving performance, and sufficient time to improve. The evaluation form will include notice that the employee may respond to the evaluation in writing.

The school district will train administrators in evaluation annually through meetings with the superintendent or other administration, attendance at regional, state or national workshops, or any other method approved by the superintendent.

For the purposes of this policy, the terms "actual classroom observation" and "entire instructional period" are defined as follows:

**Entire Instructional Period.** For certificated employees whose classes are held during defined periods of time (e.g., senior high classes), an entire instructional period consists of one such time period. For those whose time periods are not so defined (e.g., elementary classroom teachers), an entire instructional period consists of 40 minutes. The instructional period for those whose work does not necessarily involve continuous instruction for 40-minute periods (e.g., librarians or speech therapists) consists of no less than 40 minutes during the semester. The entire instructional period for administrators cannot be defined in terms of an instructional period shall be satisfied by the actual observation of an administrator's work during the semester for no less than 40 minutes.

**Actual Classroom Observation.** Actual classroom observation consists of observing the certificated employee in any activities in a classroom setting. When a certificated employee does not have classroom responsibility (e.g., administrators or librarians), the requirement of "actual classroom observation"

will be satisfied by observing the certificated employee performing activities that are typical of his or her position.

This policy and the evaluation instrument shall be included in the teacher handbook which will be distributed to staff members upon their employment and annually thereafter.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2001

REVIEWED: 2003

REVISED: 2009

REVISED: 2012

REVIEWED: 2014

## **ACTIVITY DIRECTOR JOB DESCRIPTION**

The duties of the Athletic Director shall include, but not be limited to:

1. Be responsible for the entire athletic program to include organization and administration of the program and enforcement of all rules of the school.
2. Contract all contests with other schools and officials for those competitions.
3. Arrange for all support help to insure the smooth operation of activities.
4. Maintain an equipment inventory.
5. Prepare all eligibility forms in accordance with NSAA criteria.
6. Be responsible for the athletic budget, to include budgetary controls and authorizing expenditures.
7. Arrange for concessions, ticket sales, and supervisory personnel for all home contests.
8. Initiate and revise as needed, the responsibilities and duties of the coach, and the athletic philosophy of the school.
9. Prepare and present to the Superintendent, an evaluation of all members of the co-curricular staff, including activity sponsors, based on the current teaching philosophy of Lewiston Schools.
10. Schedule gyms for practice use.
11. Mediate any disputes arising among coaching staff.
12. Supervise awards system for all co-curriculars.
13. Prepare a master schedule for all sport seasons, distributing information to all opponents and media.
14. Serve as Tournament Director for Conference and State events, when required.
15. Represent Lewiston in meetings and through professional organizations pertaining to athletic and co-curricular activities.
16. Aid the administration in assigning extra-duty sponsorships.
17. Coordinate any summer program according to policy mandates of the School Board and Administration.
18. Conduct other duties deemed necessary by the Superintendent.

ADOPTED: 1996

REVIEWED: 1998

REVIEWED: 2003

REVIEWED: 2007

REVIEWED: 2014

**POLICIES RELATING TO EMPLOYED PERSONNEL**

1400.1

**JOB DESCRIPTIONS – K-12  
CERTIFIED STAFF MEMBERS**

1. To provide a course of instruction and/or supervision to those specific classes, grades or classes, or activities as assigned.
2. To provide learning experiences in order to motivate students to their greatest potential, and to instruct pupils in citizenship, cooperation, sensitivity to moral and spiritual values, and an obligation to be responsible citizens.
3. To strive to implement by instruction and actions the District's philosophy of education and instructional goals and objectives.
4. To make use of instructional methods and techniques and modify instruction to meet the abilities of individual students.
5. Evaluate students' academic and social progress regularly through the use of grade reports, conferences, and correspondence to parents if needed.
6. To thoroughly prepare for instructional assignments and provide lesson plans.
7. Maintain accurate, complete, and up-to-date records and reports, including:
  - a. Attendance and lunch count
  - b. Entering of grades on computer program by the prescribed time and date
  - c. Other reports and/or records as needed by prescribe date/time
  - d. Coordinate activities and complete reports for Resource and Title I
8. Aid in the selection of and requisitions of textbooks, instructional aids, supplies, and those items required for an attractive, wholesome learning environment.
9. Assist in upholding and enforcing school rules, administrative regulations, and school district policies.
10. Participate in curriculum and other developmental program through attendance and participation in faculty meetings, SAT meetings, IEP meetings, Title I, committee work, and professional growth activities.
11. Ensure that students attend or receive all program services in or out of the classroom (Title I, Resource) and follow specific individual educational plans.
12. Maintain personal appearance, grooming, and personal qualities which establish a desirable example for students.
13. Maintain a clean and organized classroom to ensure safety, implement security procedures for school equipment and student safety, and develop and use a sense of pride in the buildings and grounds.
14. Perform other tasks as needed that are related to your specific job area.

REVIEWED: 1998

REVISED: 2000

REVISED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.2

### **SCHOOL DAY TEACHER DUTY HOURS**

Teachers are expected to be on call between the hours of 8:00 a.m. and 4:00 p.m. each day, Monday through Friday, and shall be on duty and assigned responsibilities on these days between the above mentioned hours unless otherwise excused. In addition, teachers will be assigned noon lunch and playground supervision and other such responsibilities on as nearly an equitable basis as possible.

REVIEWED: 1994

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.3

### **STUDENT ORGANIZATION RESPONSIBILITIES**

Teachers shall be assigned the sponsorship of classes, organizations or activities by the Administration or Activity Director.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.4

### **TEACHER'S WORKSHOPS**

If school is not in session due to scheduled teacher workshops, all teachers are expected to attend the workshop training that is provided.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2003

REVIEWED: 2006

REVISED: 2014

1400.5

### **TEACHER'S MEETINGS**

All teachers are expected to attend all general teachers' meetings called by the Superintendent or Principal and any other special meetings that are deemed necessary by the Superintendent.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2003

REVIEWED: 2006

REVIEWED: 2014



1400.6

## **TEACHER DISCIPLINARY PROCEDURES**

Minor discipline problems shall be handled by the classroom teacher. If there is any doubt in the teacher's mind as to the importance of the problem, he/she shall consult the Principal. If the Principal is unavailable, the Superintendent should be contacted. If both administrators are out of the building then contact the Guidance Counselor or administrative designee.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2003

REVIEWED: 2006

REVISED: 2014

1400.7

### **CLINIC/WORKSHOP FEES**

Administrative approval is required prior to registering for clinics/workshops. Registrations are to be attached to an approved purchase order whenever possible. If the administration requires attendance at clinics, workshops, or meetings, then 100% of the cost may be paid for the teacher, if approved by the superintendent.

Registration costs paid by the district must be reimbursed by the staff member if an unexcused absence occurs.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2003

REVIEWED: 2006

REVISED: 2014

1400.8

### **CLOSED CAMPUS**

Closed campus shall exist for all certified employees unless permission is granted by the administration.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.9

**LATE ARRIVAL/EARLY DEPARTURE**

Any employees of Lewiston school leaving early or arriving late without just cause or without advance permission from the administration will be reprimanded in writing by the administration.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.10

### **TEACHER ENDORSEMENTS**

Require full-time certificated staff members to be endorsed in their major teaching/administrative field within three years after initial employment and show proof that they are making such advancement as necessary to meet the requirement effective April 11, 1988.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

## **REDUCTION IN FORCE**

It shall be the policy of Lewiston Consolidated Schools, District 69, Pawnee County, that when reductions in certified staff may be required due to decreasing enrollment, changes in financial support, changing programs or other factors, such reduction will first be accomplished when possible through the normal procedures of resignations, retirement, and other methods of attrition of the staff.

In the event that it becomes apparent that the necessary staff reductions may not be accomplished through the normal attrition of staff, the Superintendent will recommend to the Board of Education the names of the individuals to be terminated under the Reduction in Force provisions of the Continuing Contract Law. Dates of notification shall correspond with those of statute.

The process of selecting personnel for termination, non-renewal, or amendment of contract will involve consideration of the following criteria (not listed in any order of priority or importance):

1. Length of uninterrupted service. Non-tenured part-time employees shall have the lowest priority for retention.
2. Contribution of the teacher to the activity program.
3. Course of studies to be offered by the school.
4. Areas of certification and endorsement which may be required to maintain approval or accreditation.
5. Special qualifications that may require specific training and/or experience.
6. State and federal regulations which may mandate certain employment practices.
7. Performance evaluations. Probationary teachers shall be evaluated once each semester. Permanent teachers shall be evaluated at least once yearly. Procedures covered in the district's personnel policy/policies shall be used for purposes of this policy. For purposes of this paragraph, performance evaluations shall be those for the present year and the preceding two years, if available, and if an employee under consideration has not been an employee of the district for such length of time, then such evaluations as have been done shall be the basis for applying performance evaluations within the meaning of this policy.
8. The organizational and educational effect created by multiple part-time certificated employees.
9. If, after considering the preceding criteria, it appears to the Superintendent that a tie exists as between potential reduction in force candidates, the employee to be reduced in force shall be determined by the sole and exclusive discretion of the Superintendent.

No permanent teacher may be RIFed while a probationary teacher is retained to perform a service that the permanent teacher is qualified and endorsed to perform.

Those certificated employees who have been terminated, non-renewed, or who have had their contract amended through a reduction in force shall be considered as "released with honor" and shall, upon request, be provided a letter to that effect. They shall have preferred rights to re-employment with the district for a period of two years (twenty-four 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 when vacancies occur for which they are qualified. At re-employment, the employee shall resume the position on the salary schedule or range that is indicated by his/her experience and training, and the employee shall, upon reappointment, retain any benefits which had accrued to said employee prior to termination, but any absence resulting from reduction in force shall not be considered as a year of employment by the district.

Certified staff members who are notified that they may be considered for termination, non-renewal, or amendment of contract shall be given an opportunity for a hearing with the Board of Education prior to the time final action is taken. They may do this by filing a written request with the Board of Education for a hearing within five days of receipt of the notification of non-renewal, termination or amendment of contract. (School Law Section 799-1254.022)

Nothing in this policy shall prevent the Board of Education from determining, upon recommendation of the administration, the nature of the curriculum to be offered.

ADOPTED: May, 1995

AMENDED: June, 1997

REVIEWED: 2003

REVEIWED: 2006

REVIEWED: 2011

REVIEWED: 2014

1400.12

### **Advanced Placement**

In order to be considered for advanced placement on the salary schedule, all college semester hours above the Baccalaureate Degree level must be approved by the superintendent.

- Hours towards horizontal movement or a Masters' Degree may only be accepted in the teacher's major field of study and/or improve teaching ability.
- Hours beyond a Masters' Degree may only be accepted in the teacher's major field of study.
- Hours outside the major field of study may be approved based upon District need.
- Post Baccalaureate hours may be requested by the Administration to meet a specific District need.
- All hours must be from a college accredited through the Council on Higher Education and Accreditation.

Additional applicable semester hours of credit earned during the summer or the regular school year shall be used for advanced placement on the salary schedule for the following school year. Such advanced placement on the salary schedule shall provide for as many horizontal steps as earned but provide for only one vertical step on the salary schedule in any one year.

Credit for allowable and approved college hours of credit for advanced placement on the salary schedule must have been earned prior to September 1 of the salary year in question, and evidence of such credit in the form of an official transcript from the college or university recognized to grant graduate credit must be on file on or before September 1 in the personnel records housed in the Superintendent's office.

ADOPTED: April 14, 2014

REVIEWED:



1400.13

### **MILEAGE**

Mileage for use of personal vehicle used for official and approved school business shall be at the rate designated by the State of Nebraska for each upcoming year. During each summer, the superintendent of schools is authorized to find out the rate for the upcoming fiscal year and put it into effect.

REVIEWED: 1995

REVISED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.14

### **UNUSED SICK LEAVE**

Certified teachers may accumulate up to 52 days of unused sick leave. Upon departure from the school district “in good standing” they will be reimbursed \$5.00 per day (\$15.00 per day starting September 1, 2015) for each day of unused sick leave that is remaining.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.15

### **INTERRUPTION OF CLASSES**

Classified staff or contracted staff shall in no way interfere with the functioning of a class or classes. Teachers shall have priority on the use of all school facilities and properties.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.16

### **CLAIMS FOR REIMBURSEMENT**

Expenses incurred in attending to school business – The Board of Education will reimburse school employees for all expenses incurred in attending to school business that had been properly authorized by the Superintendent or Board of Education. All claims for reimbursement must be approved by the Superintendent.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.17

## **ADULT EDUCATION**

Certified staff are authorized to organize adult classes when request for same is made in the community. Nonreimbursable classes will be charged actual class cost.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2003

REVIEWED: 2006

REVISED: 2014

1400.18

### **DISCIPLINE – REASONABLE PHYSICAL RESTRAINT**

Discipline shall be the responsibility of each employee. Employees are expected to exercise general control of any situation occurring on school premises.

It is the policy of the board of education that corporal punishment may not be used against a student. A staff member may, however, use reasonable physical force or restraint against a student, without advance notice to a school administrator when:

- I. It is essential for self-defense, against possible harm or injury.
- II. It is for the preservation of order.
- III. It is for the protection of other persons or property of this school district.
- IV. It is to aid or direct a student by the arm to another area or seat for further discussion.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2002

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.19

### **SUBSTITUTE TEACHERS**

Substitute teachers are to be approved by the Superintendent. Substitute teachers shall be paid at a daily rate that is set each summer by the school board. Substitute teachers shall be placed on base salary only after 10 consecutive days of teaching in the same position. If a majority of the school year remains, a substitute teacher shall be placed on their salary schedule step.

ADOPTED: January 13, 1986

REVIEWED: 1995

REVISED: January, 1998

REVISED: August, 2000

REVISED: August, 2001

REVIEWED: 2003

REVISED: 2006

REVIEWED: 2014

1400.20

### **FULFILLMENT OF CONTRACT TERMS**

All employees of the Lewiston Consolidated Schools are required and expected to fulfill the terms of their employment, whether by contract or otherwise, in regard to the daily performance and execution of their duties.

This shall mean that all employees are expected to perform their duties except in cases of illness, bereavement, or emergency. Requests for absence other than those stated must be approved by the Superintendent or the Board of Education.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014



1400.21

## **TOOLS**

Tools have been purchased for the maintenance staff. The maintenance staff shall have these available for his/her use rather than using vocational agriculture shop tools. An inventory of these maintenance staff tools shall be maintained and kept on file in the school records.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVISED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.22

### **DRESS CODE**

Certified staff members of the Lewiston Schools are expected to dress professionally. Any items of apparel that are restricted for student wear are also restricted for faculty wear. Certified staff members shall not wear blue jeans or shorts during school hours unless he/she is instructing P.E. or sports of some nature, or it is a spirit day or other day approved by the administration. On such spirit day, the staff member is expected to dress nicely, even though dressed casually. If there is doubt as to expectations, the administration should be contacted.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.23

**HIRED LABOR – NON-PROFESSIONAL**

The established rate for unskilled labor employed by the District shall be at the minimum wage rate per hour set by the state statute, with the minimum reviewed annually in accordance with Classified Policy # 1400.30A.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVISED: 2014

## **OUTSIDE EMPLOYMENT**

No teacher or other school employee may accept any other employment or carry on any business or activity for profit that interferes with the complete discharge of his or her responsibilities to the school district unless the terms of employment by the Board of Education provides for such other employment during the term the individual is to be on full time duty with the Board of Education in accordance with the contract of employment. However, provided there is no interference with the school duties, school employees may engage in occasional employment or carry on occasional business transactions for profit outside school hours and on school holidays. If such employment or engagement in business activities is on a regular basis or of frequent occurrence, the school employee should notify the Superintendent of Schools of such additional employment, with details such as the hours and times of the day and week devoted to such activities, the rate of pay or expected income, location and nature of the activity, and other pertinent information. The Superintendent will then monitor such employment or business activity and intervene as necessary if it interferes with full discharge of school responsibilities. The employee will still be expected to continue showing physical support for school activities while employed outside the school district.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.25

**DISMISSAL FROM EMPLOYMENT  
ALL EMPLOYEES**

Failure to meet Standards – Each employee will be notified of failure to meet standards of service expected and given a chance to improve such service. In case it seems necessary to discontinue the service of an employee, he/she shall be notified before April 15 and granted the opportunity to appear before the Board of Education in his/her own behalf, as defined per statute.

**NON-CERTIFIED SCHOOL PERSONNEL**

The termination of employment of all non-certified employees of the school district requires two weeks' notice on the part of either the employee or the school district.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.26

### **SOLICITORS/BUSINESS AGENTS**

Receiving Agents, Salesmen, and Other Business Representatives – No school employees shall visit or discuss business or personal matters with any agent or business representative during duty hours except by special permission of the Superintendent. Teachers shall not interrupt class work to confer with such representatives.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.27

### **ADMISSION TO SCHOOL EVENTS**

- a. Athletic Events and any other school functions or activities where admission is charged – Faculty, School Employees, Ministers, School Board Members, Ex-Board Members, and Spouses of all the before mentioned will be admitted free of charge.
- b. Conference passes, and other special passes such as those for senior citizens will be admitted free of charge.
- c. The cost of admission will be reviewed annually by the Board of Education.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVISED: 2014

1400.28

## **PURCHASE ORDERS**

All expenditures for supplies and equipment are authorized either by the use of a Purchase Order signed by the Superintendent or by a verbal authorization by the Superintendent for placing an order, before placing the order.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014



1400.29

### **INSTRUCTIONAL HOURS IN SCHOOL TERM**

The school term as prescribed by 79-201 of Nebraska School Statutes shall be not less than (1) one thousand thirty-two (1,032) instructional hours for elementary grades, and (2) one thousand eighty (1,080) instructional hours for high school grades. The Kindergarten program in accordance with 79-201.10 shall provide at least 400 clock hours each school year.

REVISED: 11-14-88

REVIEWED: 1995

REVISED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVISED: 2014

1400.30

### **ELECTION/EMPLOYMENT OF PERSONNEL**

Election and employment of School Personnel – All teachers and other school employees shall be employed by the Board of Education through official action taken at a regular or special meeting of the board. Except for their own election, the Board shall not appoint or elect any person to a regular position until it has first received from the Superintendent of Schools a recommendation for a person or persons to fill the position.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVEIWED: 2006

REVISED: 2014

## **CLASSIFIED STAFF QUALIFICATIONS AND SELECTION**

### QUALIFICATIONS AND SELECTION

All classified staff shall be approved by the superintendent. Selection will be based on background, experience, work record, and work related personal characteristics of the candidate. It is the policy of Lewiston Consolidated Schools to provide employment opportunities without regard to race, sex, age, national origin, religion, marital status, physical or mental disabilities or union affiliation. Employment decisions covered by this policy include recruiting, hiring, promotion, transfer, training, compensation, benefits, discipline, termination, and other decisions affecting terms or conditions of employment.

The Superintendent of Schools has the authority to place new employees at the appropriate job related level depending upon experience of specific job related skills, certification, or license. If the job related skills, certifications, or license of a new employee dictate a rate of hourly pay higher than provided for on the starting salary schedule, such rate of hourly pay must be approved by the Board of Education prior to employment.

### NOTICE OF NON-DISCRIMINATION

Board policy 1050.00 states that applicants for admission and employment, students, parents of elementary and secondary school students, employees and all professional organization holding collective bargaining agreements with the Lewiston Consolidated School District #69, are hereby notified that the school does not discriminate on the basis of race, color, national origin, sex, age, or handicap in admission or success to, or treatment or employment in, its programs and activities. Any person having inquiries concerning Lewiston Consolidated Schools' compliance with the regulations implementing Title VI, Title IX or Section 504 is directed to contact the Superintendent of Schools, Lewiston Consolidated Schools, Lewiston, Nebraska, Telephone – (402) 865-4675. The Superintendent of Schools has been designated by the Lewiston Consolidated Schools Board of Education to coordinate the schools' efforts to comply with the regulations implementing Title VI, Title IX, and Section 504. Any person may also contact the Assistant Secretary for Civil Rights, U.S. Department of Education, regarding the schools' compliance with the regulations implementing Title VI, Title IX or Section 504.

### WORK DUTIES

Duties of classified staff are subject to assignment by the immediate supervisor, principal, or superintendent. Employees may be required to provide a work schedule.

## DAYS AND HOURS OF EMPLOYMENT

Days and hours shall be assigned by the Superintendent of Schools, based on budgetary limitations. Additional and overtime hours shall only be granted upon prior approval by the principal and/or superintendent.

## WORKING ENVIRONMENT

The board recognizes that the work done by classified employees contributes greatly to the smooth and effective operation of the school district. The board seeks to attract and keep concerned and capable individuals to carry on duty assignments. The board desires that the relationship between the instructional and classified staff be that of partners working together for better schools. The board will strive to provide a working environment for all support staff that will contribute to efficient job performance and promote pride for a job well done. The board also recognizes the employee's obligation to devote their full time and attention during hours of work to performing their duties and to treat all persons with respect, consideration and politeness. Classified employees must adhere to the school district's drug free policy, sexual harassment policy, and all other board policies and procedures.

## SICK LEAVE

Classified staff will be granted 7 days of sick leave per contract year cumulative to 20 days. Sick leave shall be granted for: (a) personal illness or injury; (b) sickness in the immediate family (spouse, child, stepchild, mother, father, sister, and parents-in-law) which places a moral obligation upon the employee to provide care. Classified employees shall not be compensated for unused sick days upon separation from the district.

## PERSONAL LEAVE

At the beginning of each school year, classified employees will be credited with two personal leave days, which are non-accumulative and subject to approval of the superintendent. Personal leave is intended for unforeseeable needs such as funerals, legal or court requirements or other events that would require leave during regularly scheduled work hours.

## BEREAVMENT LEAVE

Classified staff will be granted bereavement leave. 1 sick day may be traded for 1 bereavement day upon approval by the Superintendent.

## VACATION LEAVE

12 month classified employees are credited with paid vacation leave. Vacation leave is assigned individually and noted in on the employee's contract.

## HOLIDAY LEAVE

At the beginning of each school year, 12 month classified employees will be credited with 6 days holiday vacation (Thanksgiving, Christmas, New Year's, July 4<sup>th</sup>, Memorial Day, and Labor Day). These vacation days are non-accumulative.

## LEAVE WITHOUT PAY

Classified staff that have exhausted all other paid leave may request leave without pay from the Superintendent. Leave without pay is normally not a problem if a substitute can be secured.

## PAY PERIOD

Classified staff shall be paid the 20<sup>th</sup> day of the month for the time period ending on the last working day of the previous month, which would include all days the employee is to be compensated for during the previous month.

## GRIEVANCES

Any classified staff with a grievance regarding a violation of the agreement or misconduct to them by a school official shall first take the matter to his/her principal or the superintendent. If a satisfactory agreement cannot be obtained, he/she may then request a hearing with the board of education.

## TERMINATION OF EMPLOYMENT

Classified staff agreements create no property right in continued employment and may be terminated by either party, with or without cause or hearing, upon giving two calendar week's notice. The Superintendent of Schools may terminate the employee's employment, and such termination will be effective two weeks from the date of issuance of notice. The employee has the right to request a hearing with the board of education within two weeks of notice of termination.

## CLASSIFIED STAFF ATTIRE

Classified staff members are expected to dress professionally. Clean, nice, professional dress sets you apart from students and assists with the expectation that all classified staff is treated with the same respect as teachers and administrators.

## PARA-PROFESSIONAL DUTIES

Para-professionals are employed for the purpose of assisting teachers. At no time are Para-professionals expected to give initial instruction to students. Para's responsibilities may include assisting individual students with academic needs, reading to students, listening to students read, supervising before and/or after school, playground and lunchroom, assisting students when they are ill, and other non-instructional duties as assigned by the classroom teacher or administration.

It must be remembered that the primary purpose of the Para-professional is to provide help to classroom teachers and students. Duties may also include grade papers, running copies, putting up bulletin boards, etc. when students are not in need of academic assistance. Directions from teachers to the contrary should be reported to the administration.

- Assists the teacher in providing instruction to students with academic needs.
- Assists the teacher in providing instruction to students with verified I.E.P. needs.
- Abides by the guidelines established for Para-educators of the district.
- Abides by the guidelines established in the Classified Staff Employee Handbook.
- Types, draws, writes, and/or duplicates instructional material.
- Makes educational games and aids.
- Listens to students read, and reads to students.
- Helps students with make-up work.
- Assists in individual or group activities, games, flash cards, etc.
- Assists students in interpreting and following directions of teacher.
- Drills students to reinforce any skill the teacher has taught.
- Alerts teacher to needs of students.
- Assists teacher in checking progress of individualized study projects.
- Provide supervision as assigned.

#### CLASSIFIED STAFF SALARIES

Starting salaries shall be recommended by the Superintendent of Schools. All classified staff starting salaries will be reviewed and approved by the Board of Education. An employee's salary may change if the employee changes duties or assignments. Salaries will not go below the states required minimum salary.

Annual salary increases ranging from 0% - 5% will be recommended by the Superintendent based on performance and evaluation. All classified staff salary increases will be reviewed and approved by the Board of Education.

#### OTHER CONSIDERATIONS:

Health insurance benefits and paid vacation will not be offered or paid to anyone other than year around classified staff. Year around classified staff will be considered for these benefits based on duties and length of service.

Adopted: Oct. 12, 1994  
Reviewed: March 1999  
Revised: August 2000  
Reviewed: August 2003  
Revised: July 2006, August 2006, July 2008  
Revised: July 2009, July 2012, July 2013, July 2014  
Revised: January 2016

1400.31

### **CERTIFICATION**

Each teacher contracted must hold a valid certificate and of proper class, which has been issued by the Nebraska Department of Education Licensure Department. Such certificate shall be registered in the Office of the Superintendent of Schools of the Lewiston Consolidated Schools, prior to the start of the work.

REVIEWED: 1995

REVIEWED: 1998

REVISED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVISED: 2014

## **CONTAGIOUS AND COMMUNICABLE DISEASES – EMPLOYEES**

### **Chronic Infectious Disease Control**

In order to protect the health of others, it is expected that employees will inform the Superintendent of Schools if they are diagnosed as having a chronic infection disease.

If, in the absence of such voluntary notification, there is reasonable cause to believe that an employee has such a condition, the School Superintendent may require the employee to submit to a physical examination to be performed by a physician selected by the school system, the results of which will be reported to the Superintendent of Schools. Such examination shall be at the Board of Education's sole expense. A choice of two or more physicians shall be made available of the employee.

Employees diagnosed as having a chronic infectious disease will be given a paid leave of absence pending the recommendation of a medical Advisory Panel which will include the employee's personal physician, a physician selected by the Board, and a third physician selected by the other two. Others who may be present as non-voting attendees include the employee and/or designee, or an appropriate staff member designated by the Superintendent.

The panel will consider whether the employee's presence would pose any health risk to others in the school community, and whether the employee, from a medical standpoint, can carry out his or her customary duties. Factors to be considered by the panel will include current medical condition and prognosis and the most recent information and advice from the Federal Center for Disease Control and the State Department of Health.

As soon as is feasible, the panel will make a written recommendation to the superintendent. The report may include statements from the non-voting attendees.

The Superintendent will promptly make a recommendation to the Board, based on the recommendation of the Medical Advisory Panel and on the Superintendent's educational judgment, made in consultation with other appropriate administrators, as to whether the individual can effectively carry out his or her customary duties.

The Board of Education will make the final determination and the Superintendent will promptly notify the employee, by certified mail, of the Board's decision.

If the decision is that the employee's presence poses no health risk to others and that the employee can effectively discharge his or her duties, the employee will resume his or her assignment.

If the decision is that the employee's condition precludes resumption of his or her customary assignment, he or she will be placed on medical leave, by the Superintendent, in accordance with his or her employment agreement, or, if feasible and medically appropriate, will be offered an



alternate assignment until the employee's condition is such that he or she can effectively discharge regular and customary duties and/or poses no risk to others.

Employees have the right to appeal decisions of the Board of Education in accordance with grievance procedures in employee contracts and provisions of State Law.

Any return to work of an employee formerly on medical leave or on an alternative assignment shall require medical documentation that the employee is able to discharge his or her customary duties and/or that the health risk to others no longer exists.

No employee shall be required to work with another employee with a chronic infectious disease unless it is determined that the latter employee poses no health risk to others.

The right of privacy of employees and their families will be respected. Confidentiality will be maintained at each step of the review procedure. Identification of the employee and information about the employee's condition will be restricted to the Superintendent and those present at the meeting of the Medical Advisory Panel.

### **COMMUNICABLE DISEASE CONTROL – STUDENTS**

The Lewiston consolidated schools shall cooperate with the county and state health departments in developing procedures for the control of communicable disease in the schools. All procedures shall conform to the regulations for communicable disease control set up by the state health department.

In general, a student with a communicable condition will be allowed to attend school in his/her usual class setting with the written approval of the student's physician stating that the disease is not in communicable state. Without such a written statement, a student with a communicable condition is subject to an emergency exclusion.

When a child is sent home because of suspected reportable communicable disease, a report will be provided to the State Board of Health without delay.

### **ADMINISTRATIVE REGULATION**

#### **COMMUNICABLE DISEASE CONTROL**

1. The Educational Service Unit #4 nurse will function as the liaison with the student's physician as necessary and will coordinate the health management procedures within the school building.
2. Decisions regarding the type of educational setting for these students will be based on the behavior, neurological development and physical condition of the student and the expected type of interaction with others in that setting.
3. The privacy of the student and his/her family must be protected and knowledge that a student has a communicable condition should be confined to persons with a direct need to know. If it

becomes necessary to inform others, these persons will be provided with information concerning necessary precautions and will be made aware of confidentiality requirements.

4. Students who present a high risk of disease transmission may be temporarily excluded from school by the administration after consultation with some or all of the student's physicians, parents, and/or their representative, Educational Service Unit #4 nurse and medical advisors.
5. A student might be considered at high risk if he/she: exhibits behaviors that may spread the disease (e.g., biting, lacks toilet training or is incontinent) or has an open sore that cannot be concealed or hygienically covered, any of which could result in direct spreading of the condition or disease.
6. During the time a student is excluded from the classroom an appropriate alternative or adjustment to the student's education will be provided. Long-term cases should be medically reviewed monthly at a minimum.
7. All staff should use the following routine and standard injury at school: Blood or other body fluids emanating from any child should be treated cautiously. Gloves should be worn when cleaning up blood spills. These spills should be disinfected with either bleach or another disinfectant, and persons coming in contact with them should wash their hands afterwards. Blood soaked items should be placed in lead-proof bags for washing or further disposition. Similar procedures are recommended for dealing with vomits and fecal or urinary incontinence in any child. Hand washing after contact with a school child is routinely recommended only if physical contact has been made with the child's blood or body fluids, including saliva.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

1400.33

### **SUMMER CONDITIONING/WEIGHT-LIFTING PAY RATE**

Pay for summer conditioning/weight-lifting shall be set at the minimum wage set by the government. There will be a maximum of 120 hours during the summer for supervision of weight training. The supervisors will keep an accurate accounting of the hours spent on each program, working together with other coaches, and present a request for payment, complete with a detailed calendar of hours spent during the summer in supervision of weight training. These requests for payment should be turned into the superintendent of schools on or before the first day of school for the ensuing school year.

REVIEWED: 1995

REVIEWED: 1998

REVIEWED: 2000

REVIEWED: 2003

REVISED: 2006

REVISED: 2014

## **SAFETY COMMITTEE POLICY**

Pawnee County School District No. 69 is an employer which has one or more employees not subject to collective bargaining. The district shall establish a safety committee consisting of one member from a collective bargaining unit and shall give due regard to including employees who are not being negotiated for by a collective bargaining agent in the process of selecting a safety committee. The safety committee employer and a like number representing the employees. The employer's representatives shall be the superintendent, principal, and one board representative. Employee representatives shall be the head cook, transportation director, and one teacher representative.

It shall be the duty of the safety committee to meet at least once in every three month period of operation or more often if necessary to respond to unresolved employee complaints concerning safety in the workplace. For purposes of counting three months or quarterly periods for meetings, each calendar year shall be broken into quarterly periods (January 1 – March 31, April 1 – June 30, July 1 – September 30, and October 1 – December 31). In each of the three month periods, the safety committee members shall meet at least once unless the following conditions exist:

1. The total personnel hours expended in a given quarter are 25% or less of the personnel hours worked in any calendar quarter in the previous 12 months, provided, however, that the safety committee shall meet at least twice in any calendar year.
2. The employer has ten or fewer employees and none of them have suffered injury or illness which is job related to the employer and which are reportable pursuant to law, and the employer has had no Worker's Compensation claims filed against it during the immediately preceding twelve month. If all of the terms of this paragraph have been met by the employer, then the safety committee shall meet at least one time during the twelve months next following the 12 month period during which these conditions have been met.

The safety committee shall meet during a work day at a time to be announced by the superintendent or board designee after consultation with the committee chairman, at least five days in advance, except that it shall be incumbent upon the safety committee to determine when it shall meet in the event of a death, injury, or complaint that is work related. In the event the regular safety committee meeting announced by the superintendent or board designee, will pose a hardship to one or more members of the safety committee, the safety committee by and through any of its members may communicate such fact to the superintendent or board designee, who shall reschedule such regular meeting with advice from the safety committee.

Once the safety committee membership is complete, the committee may at its first regularly convened meeting or other meeting, select a chairman whose duties shall consist of assisting in scheduling and coordinating meeting of the safety committee as needed or required. The chairman shall serve as a liaison between the safety committee and the superintendent or board designee for purposes of facilitating attendance by the membership of the safety committee. The chairman may have such other duties as the safety committee deems appropriate in the interest of developing effective safety plans and programs and in promoting a safe workplace.

Additionally, at the first meeting of the safety committee, a secretary shall be appointed who shall record the proceedings of the safety committee and produce minutes in readable form of such proceedings. Once the minutes of the meeting have been created, they shall be file with the superintendent or board designee. It shall thereafter be the duty of the superintendent or board designee to maintain such minutes on file for a period of at least three years of his/her receipt of such minutes.

It shall be the duty of the secretary of the safety committee to make known to the superintendent or board designee, the Board of Education, and to all employees of the school district the name, telephone number, and business address and with approval by a safety committee member, the home address of such safety committee member. The secretary shall make known to the superintendent or board designee and each employee of the district any changes which may occur in the membership of the safety committee. Nothing in this policy shall prohibit shall prohibit the administration from seeing that the distribution of names to the employees occurs if the superintendent or board designee has knowledge or reason to believe that the distribution of names of the committee as called for in this paragraph has not occurred or is not likely to occur.

It shall be the duty of the employer to prepare an injury prevention program with the goal of effectively assisting in preventing job related injuries or death. The program shall address all work sites of the employer and all classes of workers. Once the plan of the employer is prepared, it shall be presented to the safety committee in a manner the employer deems appropriate in meeting the goals set forth in this policy.

The program presented by the employer shall consist of at least the following as to each work site of the employer and for each class of employee at each work site:

1. It shall list each category of workplace danger ascertained by the employer.
2. It shall state the nature and anticipated causation of injuries or illnesses or possible death in the workplace that are anticipated by employer at the time the program is developed.
3. A declaration of methods and strategies proposed by the employer to avoid job related injuries or illnesses and death, including such things as safety rule development, describing safe work practices, administrative controls, and making a recommendation for the eventual provision, if necessary, or personal protective equipment to control exposures.

The program presented by the employer shall specifically address safety training as follows:

1. Initial safety orientation of rules, policies and jobs' specific procedures, for employees new to the work in a manner that is readily understood by each employee.
2. Job specific training for employees before they perform work that has been identified as potentially dangerous by the employer.
3. Periodic refresher training/dissemination of information on at least an annual basis for employees concerning the employer's injury prevention program as it may be modified by the safety committee, on safety rules, policies, and procedures identified by the employer.

It shall be the duty of the superintendent or board designee or such other individual or individuals as the board may identify, to, as soon as practicable, develop the employer's injury prevention program.

Nothing in this policy shall be constructed to place any greater duties on the employer than is provided by law pertaining to the employer/employee relationship. Additionally, nothing in this policy shall be construed to require duplication of training or disclosure of dangers that have already been done by the employer or are ongoing by the employer in such areas as but not limited to blood-borne pathogens, training, and policy development. All communications of the safety committee shall be advisory in nature and shall have no binding effect.

The safety committee may adopt, reject or modify the employer's safety plan. If the safety committee amends or rejects the employer's plan the safety committee shall communicate the amended plan, to the administration within five working days of such modification or rejection. If the committee rejects the employer's plan it shall have a duty to develop a plan of its own within thirty days of its receipt of the employer's safety program. Additionally, upon receipt of notice that the safety committee has accepted the employer's safety program or upon the receipt by the administration of the amended safety committee program or upon receipt of a program developed by the safety committee after the safety committee's rejection of the employer's plan, the superintendent or board designee shall communicate to all employees, including non-English speaking employees, the safety rules, policies, and procedures and any changes to such rules, policies, and procedures.

If the safety committee has rejected the employer's safety plan, or amended it in a manner unacceptable to the employer, the employer shall, develop safety rules and procedures which shall include both general workplace safety and job site specific safety rules. In any event, such rules and procedures of the employer shall be communicated to all employees as described in this paragraph.

The safety committee may review all deaths, injuries or illnesses which are job related. After review, and when appropriate, the committee may make written recommendations regarding prevention. This committee review shall not supersede federal enforcement or insurance investigations that may take place. Such recommendations shall be considered by the employer but are not binding. Nothing in this policy is construed to relieve the employer of duty to report any workplace deaths to OSHA or Nebraska Department of Labor's Division of Safety and Labor Standards.

An employee representative from the safety committee or such other person as the safety committee may designate, shall accompany the state representative during any Department of Labor inspection of the premises of the employer.

It shall be the policy of the district to in no manner retaliate or in any other manner unlawfully discriminate against any employee who has made any oral or written complain to the safety committee or to any governmental agency having regulatory responsibility pertaining to any occupational safety and health issue. Any employee making such a complaint shall not be financially or in any other manner punished for making such a complaint. Nothing in this policy

shall be construed to vest any complaining employee with any right greater than that which the employee has, based upon the employee's employment relationship with the employer at the time such complaint was made.

ADOPTED: March 13, 1996

REVISED: August, 2000

REVIEWED: 2003

REVIEWED: 2006

REVIEWED: 2014

**SCHOOL SECURITY AND SAFETY COMMITTEE  
SAFETY AND SECURITY PLAN**

It is the aim of the Lewiston School District #69, Pawnee County, to provide a safe, secure, drug free and welcoming environment for all students, staff and community members. The Superintendent of Schools or his/her designee shall appoint annually a School Safety and Security Committee, which shall include representatives of faculty, parents and the community with said committee to meet at least annually to prepare and/or review safety and security plans and procedures, including emergency plans and procedures. Upon the recommendation of the School Safety and Security Committee, the Board of Education shall adopt or amend and the administration shall implement a school safety and security plan designed to maintain safe, healthful, and sanitary conditions within the school buildings of the school district, and on school grounds, meeting applicable fire, safety, and health codes, and being supportive of quality learning for all students.

Such school safety and security plans may include, but not limited to:

1. Assignment of specific staff members to safety tasks and responsibilities.
2. Instructions relating to the use of alarm systems and signals.
3. Information concerning methods of fire containment and equipment use.
4. Systems for notification of appropriate authorities.
5. Specification of evacuation routes and procedures.
6. Posting of plans and procedures at suitable locations.
7. Procedures and frequency of emergency evacuation drills.
8. School security measures, such as use of metal detectors, surveillance, searches and seizures, and staff training and student educational programs.

One or more persons not on the committee and not an employee of the school district shall review the plan annually. This review shall include a visit to each school district building to analyze plans, policies, procedures, and practices. Recommendations shall be made to the Superintendent and to the Committee for use in revising the plan.

The district shall establish a safety and security committee consisting of at least one member from a collective bargaining unit and shall give due regard to including employees who are not being negotiated for by a collective bargaining agent in the process of selecting their safety and security committee. The safety and security committee shall consist of six certified staff members, at least two of which should have administrative training, with strong consideration given to those with crisis response training. There shall be at least one school board member, one non-certified staff representative, as well as at least one parent, one community leader, one representative from law enforcement. This committee shall develop a safety and security handbook for use in situations where it is merited. The school's Crisis Response Handbook will also be utilized by the committee and school in dealing with situations involving crisis, safety or security.



It shall additionally be the duty of the safety committee to meet as needed to respond to unresolved employee complaints concerning safety in the workplace.

The safety and security committee shall meet at a time to be announced by the superintendent or board designee after consultation with the committee chairman, at least five days in advance, except that it shall be incumbent upon the safety and security committee to determine when it shall be incumbent upon the safety and security committee to determine when it shall meet in the event of a death, injury, or safety/security complaint that is work related. In the event the regular safety and security committee to determine when it shall meet in the event of a death, injury, or safety/security complaint that is work related. In the event the regular safety and security committee meeting, announced by the superintendent or board designee, will pose a hardship to three or more members of the safety and security committee, it should be communicated to the superintendent or board designee, and the meeting should be re-scheduled.

Once the safety and security committee membership is complete, the committee should meet to discuss plans and procedures and select a chairman whose duties shall consist of assisting in scheduling and coordinating meetings of the safety and security committee as needed or required. The chairman shall also serve as the liaison between the safety and security committee and the superintendent or board designee. The chairman may have such other duties as the safety and security committee deems appropriate in the interest of developing effective safety and security plans and programs and in promoting a safe workplace.

Additionally, at the first meeting of the safety and security committee, a secretary shall be appointed who shall record the proceedings of the safety and security committee and produce minutes in readable form of such proceedings. Once the minutes of the meeting have been created, they shall be filed in the office of the superintendent. It shall thereafter be the duty of the superintendent to maintain such minutes on file for a period of at least three years of his/her receipt of such minutes.

It shall be the duty of the secretary of the safety and security committee to make known to the superintendent, the Board of Education, and to all employees of the school district the name, telephone number, and business address and with approval of each safety and security committee member, the phone number and home address of each safety and security committee member. The superintendent should make certain that the distribution of names of the committee as called for in this paragraph has occurred.

It shall be the duty of the employer to prepare an injury prevention program with the goal of effectively assisting in preventing job related injuries or death. The program shall address all work sites of the employer and all classes of workers. Once the plan of the employer is prepared, it shall be presented to the safety and security committee in a manner the employer deems proper in meeting the goals set forth in this policy.

The program presented by the employer shall consist of at least the following as to each work site of the employer and for each class of employee at each work site:

1. It shall list each category of workplace danger ascertained by the employer.

2. It shall state the nature and anticipated causation of injuries or illnesses or possible death in the workplace that are anticipated by employer at the time the program is developed.
3. A declaration of methods and strategies proposed by the employer to avoid job related injuries or illnesses and death, including such things as safety rule development, describing safe work practices, administrative controls and making a recommendation for the eventual provision, if necessary, of personal protective equipment to control exposures.

The program presented by the employer shall specifically address safety training as follows:

1. Initial safety orientation of rules, policies, and job specific procedures for new employees, in a manner that is readily understood by each employee.
2. Job specific training for employees before they perform work that has been identified as potentially dangerous by the employer.
3. Periodic refresher training/dissemination of information on at least an annual basis for employees concerning the employer's injury prevention program as it may be modified by the safety committee, on safety rules, policies, and procedures identified by the employer.

It shall be the duty of the superintendent to develop an employer's injury prevention program as needed. Nothing in this policy shall be constructed to place any greater duties on the employer than is provided by law pertaining to the employer/employee relationship. Additionally, nothing in this policy shall be constructed to required duplication of training or disclosure of dangers that have already been done by the employer or are ongoing by the employer in such areas as but not limited to blood-borne pathogens, training, and policy development. All communications of the safety and security committee in this respect shall be advisory in nature.

The safety and security committee may adopt, reject or modify the school's safety and security plan. If the safety and security committee amends or rejects the school's plan the safety committee shall communicate the amended plan, to the administration within five working days of such modification or rejection. If the committee rejects the employer's plan it shall have a duty to develop a plan of its own within thirty days of its receipt of the school's safety and security plan. Additionally, upon receipt of notice that the safety and security committee has accepted the school's safety program or upon the receipt by the administration of the amended safety and security committee plan the superintendent shall communicate to all employees, including non-English speaking employees, the safety and security rules, policies, and procedures and any changes to such rules, policies, and procedures. If the safety and security committee has rejected the school's safety plan, or amended it in a manner unacceptable to the employer, the employer shall, develop safety rules and procedures which shall include both general workplace safety and job site specific safety rules. In any event, such rules and procedures of the employer shall be communicated to all employees as described in this paragraph.

The safety and security committee will review all deaths and recordable injuries and illnesses which are job related to the employer. After such review, and when appropriate, the committee may make written recommendations regarding future prevention. Such safety committee review shall not supersede normal federal enforcement or insurance investigations that may take place.

Such recommendations shall be considered by the employer but shall not be binding on the employer. Nothing in this policy shall be construed to relieve the employer of its duty to report any workplace deaths to OSHA or the Nebraska Department of Labor's Division of Safety and Labor Standards.

An employee representative from the safety and security committee or such other person as the safety and security committee may designate, shall accompany the state representative during any Department of Labor inspection of the premises of the employer or during the annual school safety and security audit.

It shall be the policy of the district in no manner retaliate or in any other manner unlawfully discriminate against any employee who has made any oral or written complaint to the safety and security committee or to any governmental agency having regulatory responsibility pertaining to any occupational safety and health issue. Any employee making such a complaint shall not be financially or in any other manner punished for making such a complaint. Nothing in this policy shall be construed to vest any complaining employee with any right greater than that which the employee has, based upon the employee's employment relationship with the employer at the time such complaint was made.

ADOPTED: March 13, 1996  
REVIEWED: August, 2000  
AMENDED: January 17, 2001  
REVIEWED: 2006  
REVIEWED: 2014

## **HEALTH INFORMATION PRIVACY PRACTICES (HIPAA)**

This notice of Health Information Privacy Practices explains how the Lewiston School District will use and/or disclose your Protected Health Information (PHI) in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

The Federal Health Insurance Portability and Accountability Act (HIPAA) provides as one of its provisions that group health care plans sponsored by employers and all health care providers, including physicians, hospitals, labs, pharmacies, etc., must protect the confidentiality of what the law terms as “protected health information” (PHI).

Protected Health Information (PHI) is information communicated by a covered entity orally, on paper, or by electric means that individually identifies and relates to an individual employee, their dependents, or a retiree’s past, present, or future medical condition, provision of medical care, enrollment, premium, physical, or mental health status, or treatment and personal demographic information.

Covered entities must safeguard the PHI of individuals and may not release such information to any individual or agency, including the individual’s spouse or other family members, without the written authority of the individual. The provisions of this act became effective on April 14, 2003.

The Lewiston School District provides our teachers with health insurance. This has for several years been through the Educator’s Health Alliance (EHA), underwritten by Blue Cross Blue Shield of Nebraska. Because EHA is a fully insured program, EHA will not seek or maintain any PHI. The only information EHA will receive from Blue Cross Blue Shield of Nebraska or any other health provider will be summative information needed to manage the Plan, to determine appropriate levels of coverage and to set premium rates.

Employers are not directly covered by the provisions of the act. However, employers are indirectly covered because it may become necessary, from time to time, for the Lewiston School District to obtain health information related to the employment policies of the Lewiston School District and to comply with state and federal law.

For the Lewiston School District to obtain employment related, health information about you from a third party, you must provide written authorization for the Lewiston School District to do so. The appropriate authorization forms are available in the office of the Lewiston School District.

Under what circumstances would the Lewiston School District need your health information?

1. Enrollment of employees in the BCBH health plan, vision care, dental, or in any other health insurance plans.
2. Accounting for sick leave under the Lewiston School District’s sick leave policy.
3. Filing workmen’s compensation claims for employees injured on the job.

4. Seeking medical certification for eligibility for short-term or long-term disability insurance.
5. Seeking certification for fitness to return to work after a medical leave of absence or a disability leave.
6. Medical information necessary for the Lewiston School District to comply with the Americans with Disability Act (ADA).
7. Certification for eligibility leave as provided for in the Pregnancy Discrimination Act.
8. Medical information necessitated by compliance with OSHA.

All information acquired under the provisions of this policy will be maintained by the Lewiston School District as part of the employee's employment record, and a reasonable effort will be made to protect its confidentiality and security. Questions about this policy may be direct to the Lewiston Schools District's administrative offices.

Your Rights Provided by HIPAA: (you have the following rights regarding medical information the Lewiston School District may obtain or get from you)

1. You have a right to inspect and copy medical information the school maintains in the course of your employment related activities, except any information compiled in anticipation of or for use in any civil, criminal, or administrative proceeding.
2. If you think that medical information about you is incorrect or incomplete, you may ask to amend the information. The request to amend the information must be in writing. The request must identify the specific information you wish to amend and include information setting forth the reasons you believe the information is inaccurate. The request for amendment, along with the reasons provided, will be filed with your related employment documents.
3. You have a right to request restrictions and confidential communications concerning protected health information. Such restrictions or directives must be filed in writing and may not be retroactive in nature. Such restrictions may not be in conflict with necessary business practices or provisions of law.
4. The Lewiston School District has the right to disclose your PHI information acquired in the course of your employment with its management staff, legal counsel, insurance companies, etc., on a business need basis or in order to comply with law. The Lewiston School District will not disclose and PHI that is part of your employment record under any circumstances, including disclosure to other family members, unless the Lewiston School District receives a written request on a form signed by you identifying what information you wish disclosed and to whom. A copy of any request for disclosure will be maintained in your employment file and is subject to your inspection. The Lewiston School District is not required to maintain such records longer than six (6) years or to maintain any information about disclosures or disclosure requests prior to April 14, 2003.
5. If you authorize disclosure of any information, either to the Lewiston School District and or to any other party, you may revoke that authorization in writing at any time. Revocation of disclosure must be filed with the Lewiston School District and will be maintained as part of your employment file. However, if the PHI is essential to secure employment benefits, revocation may result in denial of benefits.

6. If you feel that your PHI has been used inappropriately or in violation of this policy, you may file a written complaint with the Lewiston School District or with the U.S. Department of health and Human Services.
7. The Lewiston School District has the right to amend this Notice at any time in the future consistent with law. Until such amendment is made, the Lewiston School District will abide by the terms of this Notice.

ADOPTED: July 14, 2003

REVIEWED: 2006

REVIEWED: 2014

**LEWISTON CONSOLIDATED SCHOOLS  
SPECIAL EDUCATION POLICY**

All children, regardless of their handicapping condition, are entitled to a free appropriate public education and an equal opportunity for education according to their needs. The district will follow the rules and protocols created by the Nebraska Department of Education and the United States Department of Education and the United States Department of Education in identifying, evaluating, verifying and serving students who may be entitled to rehabilitation or special education services.

The Lewiston school district shall provide special education and rehabilitative services only to children with verified disabilities and qualifying conditions.

ADOPTED: May 17, 2000  
REVISED: August, 2004  
REVIEWED: August, 2008  
REVISED: July, 2009  
REVIEWED: 2014

**LEWISTON CONSOLIDATED SCHOOLS  
SPECIAL EDUCATION  
POLICIES AND PROCEDURES**

**POLICY**

**FREE APPROPRIATE PUBLIC EDUCATION**

Lewiston Consolidated Schools ensures that a free appropriate public education is available to all children with disabilities from birth through the school year in which the student reaches 21 years of age, including children who have been suspended or expelled from school. “The school district” shall hereinafter refer to the Lewiston Consolidated Schools.

**PROCEDURE**

92 NAC 51-004.01

All providers of special education services shall be under the general supervision of the Department of Education for the purpose of meeting the standards of this Chapter. School districts shall insure that all children with verified disabilities, from date of diagnosis to age twenty-one, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs.

92 NAC 51-004.01A

A school district need not provide services during periods of removal under Subsection 016.021A1 to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

92 NAC 51-004.01B

In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the school district, for the remainder of the removals, must:

92 NAC 51-004.01B1

Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child’s IEP, if the removal is:

92 NAC 51.004.01B1a

**Under the school personnel’s authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement** under Subsection 016.01; or

92 NAC 51-004.01B1b

For behavior that is not a manifestation of the child’s disability, consistent with Subsection 016.06; and



92 NAC 51-004.01B2

Provide services consistent with Subsection 016.04 regarding determination of the appropriate interim alternative educational setting, if the removal is:

92 NAC 51-004.01B2a

For drug or weapons offenses under Subsection 016.02A2; or

92 NAC 51-004.01B2b

Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with Subsection 016.03.

92 NAC 51-004.01C

School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the child is removed under school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under Subsection 016.01.

92 NAC 51-004.01C1

The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with Subsection 016.06.

92 NAC 51-004.01C2

The school district shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.

92 NAC 51-004.02

The school district shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child is advancing from grade to grade.

92 NAC 51-004.02A

The determination that a child described in Subsection 004.02 is eligible under this part, must be made on an individual basis by the multidisciplinary evaluation team.

92 NAC 51-004.03

**Exceptions to the Requirement to Provide a Free Appropriate Public Education**

92 NAC 51-004.03A

Students with disabilities who have graduated from high school with a regular high school diploma are not eligible to receive a FAPE.

92 NAC 51-004.03A1

The exception in Subsection 004.03B does not apply to students who have graduated but have not been awarded a regular high school diploma.

92 NAC 51-004.03A2

Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with Subsection 009.03 of this Chapter.

92 NAC 51-004.04

Participation in or attendance at programs by children with verified disabilities from date of diagnosis to age five shall be voluntary as specified by the parent.

**PERSON(S) RESPONSIBLE:** Board of Education, Superintendent, Special Education Building Staff, Principal, Teachers

**TIMELINE:** Ongoing

**MATERIALS:** District policies and procedures, special education forms, Parent Rights Pamphlets, Parent training information

**METHODS:** Through the implementation of the district's special education policies and procedures, the district provides a free appropriate public education to all children with disabilities. It is anticipated that all students with disabilities will receive a regular high school diploma upon completion of their educational program. In those limited cases where it is determined that a student will receive other than a regular diploma the IEP Team, including the parents, will meet to discuss the student's educational programming until age 21.

**POLICY**

**FULL EDUCATIONAL OPPORTUNITY GOAL 34 CFR 300.123**

**Lewiston Consolidated Public School has a goal of providing full educational opportunity for all children with disabilities consistent with the state's Full Educational Opportunity Goal.**

**PROCEDURE**

92 NAC 51-004.01

All providers of special education services shall be under the general supervision of the Department of Education for the purpose of meeting the standards of this Chapter. School districts shall insure that all children with verified disabilities, from date of diagnosis to age twenty-one, including children who have been suspended or expelled from school, have available

to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs.

PERSON(S) RESPONSIBLE: Board of Education, Superintendent, Principal, Special Educational Staff, Teachers

TIMELINE: Ongoing

MATERIALS: Special education procedures and forms. Training and staff development for certified and non-certified staff in the methods of implementation and “best practices” for working with students with disabilities.

METHODS: Procedures and forms are implemented on an individual child basis. Staff development activities will be determined by staff needs, and provided on a yearly schedule.

## **POLICY**

### **CHILDFIND**

**All children with disabilities residing in the Lewiston Consolidated School District, including children with disabilities attending non Public Schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.**

## **PROCEDURE**

### **92 NAC 51-006.01A**

All children with disabilities, including children with disabilities attending Non Public Schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. For infants and toddlers, districts shall demonstrate targeted efforts to meet the needs of children from historically underserved populations, particularly minority, low-income, inner-city and rural populations.

#### **92 NAC 51-006.01A1**

The Childfind requirements apply to highly mobile children with disabilities (such as migrant and homeless children); and

#### **92 NAC 51-006.01A2**

A child who is suspected of being a child with a disability under Subsection 003.08 and in need of special education, even though they are advancing from grade to grade.

PERSON(S) RESPONSIBLE: Superintendent, Special Education Staff, Principal

\*\*\*TIMELINE: Print publications will occur each August, with ongoing activities occurring throughout the school year.

\*\*\*MATERIALS: Print publications will occur in local newspaper, school calendar and student handbook. Ongoing activities include distribution of pamphlets to doctors' offices, articles in school newspaper, etc.

\*\*\*METHODS: Efforts to locate and evaluate resident children and students with disabilities who will benefit from special education and related services will be conducted on an ongoing basis in the following ways:

- a. Health and general education screening will be conducted by the district as required by Nebraska state statutes and Nebraska Department of Education and Nebraska Department of Health and Human Services regulations.
- b. Childfind plans will be developed and records maintained to document all such activities of the district and to evaluate their effectiveness. Such records will include a copy of all public announcements. Persons making referrals will be asked where they acquired the information that led them to the school district.
- c. The district will accept referrals for evaluation directly from parents, other agencies or school personnel for children below age five who may benefit from the provision of special education services. The district will conduct periodic screening activities to locate children with disabilities.

## **POLICY**

### **IDENTIFICATION, EVALUATION AND VERIFICATION**

**Lewiston Consolidated Public Schools ensures that children with disabilities are evaluated in accordance with 92 NAC 51-006.**

**Procedures to ensure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.**

## **PROCEDURE**

92 NAC 51-006.01C

Student Assistance Team (SAT) or Comparable Problem Solving Team

92 NAC 51-006.01C1

For a school age student, a general education student assistance team or a comparable problem solving team shall be used prior to referral for multidisciplinary team evaluation.

92 NAC 51-006.01C2

The SAT or comparable problem solving team shall utilize and document problem solving and intervention strategies to assist the teacher in the provision of general education.

92 NAC 51-006.01C3

**If the student assistance team or comparable problem solving team feels that all viable alternatives have been explored,** a referral for multidisciplinary evaluation shall be completed. A referral shall include information from the SAT or comparable problem solving team, meeting the requirements of Subsection 006.01C and a listing of the members of the SAT or comparable problem solving team.

PERSON(S) RESPONSIBLE: Special Education Staff, Principals, SAT Chairperson, SAT members

TIMELINE: Strategies designed, implemented, and evaluated for approximately 60 school days, or as determined by the SAT. Specific number of days may vary depending on individual student needs, availability of data, number of strategies implemented and the success of the strategies.

MATERIALS: Student Assistance team Referral, Student Assistance Team Report, Referral for Initial Evaluation, Notice and Consent for Initial Evaluation

METHODS:

- a. The SAT shall coordinate and review the information from all staff members working with the referred student and the student's parent(s) and guardian(s);
- b. A building level SAT chairperson will be designated and shall be responsible for all communication with parents and school personnel regarding the operation of the team and information generated. The SAT chairperson shall insure that all information is properly documented.
- c. When appropriate, the SAT will plan, implement and assess the effectiveness of alternative intervention strategies developed to assist the teacher in the provision of general education including:
  1. Reviewing relevant background information;
  2. Observing/presenting educational problems/behavior;
  3. Conferring with teacher(s), parent(s), guardian(s);
  4. Planning alternative intervention strategies;
  5. Assisting teachers in implementing interventions;
  6. Monitoring and evaluating the effectiveness of the intervention;
  7. Providing written documentation of the above activities; and
  8. Making recommendations regarding referral distribution which may include referral for a MDT assessment, continuation of classroom interventions and/or utilization of school or community resources.
- d. If the SAT determines that appropriate options available in general education have been exhausted and there is a possible need of special education services, the student shall be referred to the multidisciplinary team for evaluation;

- e. The SAT report shall be completed within a reasonable time of accepting the referral;
- f. Referral information and written documentation of all SAT activities shall be incorporated into the student's record; and
- g. All referrals for a MDT evaluation shall be submitted on the appropriate district referral forms and must include information from the SAT including strategies/interventions attempted and a listing of team members.

## **PROCEDURE**

### 92 NAC 51-006.02

#### General Evaluation Procedure Requirements

##### 92 NAC 51-006.02A

Except for infants and toddlers, the resident school district shall conduct a full and individual initial evaluation for each child being considered for special education and related services before the initial provision of special education and related services to a child with a disability. The initial evaluation shall determine whether a child is a child with a disability, and the educational needs of the child. For infants and toddlers, early intervention services in accordance with Subsection 007.12, may begin prior to completion of a full and individual initial evaluation.

##### 92 NAC 51-006.02A1

In implementing the requirements of Subsection 006.02A the school district shall insure that:

##### 92 NAC 51-006.02A1a

The evaluation is conducted in accordance with the procedures described in Section 006; and

##### 92 NAC 51-006.02A1b

The results of the evaluation are used by the child's IEP team in meeting the requirements of Section 007.

##### 92 NAC 51-006.02B

School districts shall insure, at a minimum, that the following requirements are met:

##### 006.02B1

Tests and other evaluation materials used to assess a child under this Chapter;

##### 006.02B1a

Are selected and administered so as not to be discriminatory on a racial or cultural basis; and

##### 006.02B1b

Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

92 NAC 51-006.02B1b(i)

Tests and other evaluation materials and procedures are administered in the native language of the parent or other mode of communication, unless it is clearly not feasible to do so.

92 NAC 51-006.02B2

Materials and procedures used to assess a child with limited English proficiency are selected and administered to insure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

92 NAC 51-006.02B3

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in a progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining:

92 NAC 51.006.02B3a

Whether the child is a child with a disability under Subsection 003.08; and

92 NAC 51-006.02B3b

The content of the child's IEP.

92 NAC 51-006.02B4

**Any standardized tests that are given to a child:**

92 NAC 51-006.02B4a

**Have been validated for the specific purpose for which they are used; and**

92 NAC 51-006.02B4b

**Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.**

92 NAC 51-006.02B4b(i)

**If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of the test administration) must be included in the evaluation report.**

92 NAC 51-006.02B5

**Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.**

92 NAC 51-006.02B6

Tests are selected and administered so as best to insure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

92 NAC 51-006.02B7

No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

92 NAC 51-006.02B8

The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

92 NAC 51-006.02B9

In evaluating each child with a disability under Section 006, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

92 NAC 51-006.02B10

The school district uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

92 NAC 51-006.02B11

The school district, or its designated psychologist, uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

92 NAC 51-006.02C

**In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each school district shall:**



92 NAC 51-006.02C1

Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

92 NAC 51-006.02C2

Insure that information obtained from all of these sources is documented and carefully considered.

92 NAC 51-006.03

Multidisciplinary Evaluation Team (MDT) Requirements

92 NAC 51-006.03A

The multidisciplinary evaluation team (including the child's parents) shall be responsible for the analysis, assessment, and documentation of educational and developmental abilities and needs of each child referred for the purpose of individual evaluation. Using the documentation collected and the verification criteria found in Section 006 and the definition found in Subsection 003.08, the MDT shall make all verification decisions. Documented information shall be collected to facilitate the development of a statement of present level of developmental and educational performance on the IFSP or IEP.

92 NAC 51-006.03B

For students attending non Public schools, an administrator or a designed representative of the nonpublic school shall be a member of the MDT.

92 NAC 51-006.03C

In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determining factor is lack of instruction in reading or math or limited English proficiency.

92 NAC 51-006.03D

If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with Section 007.

92 NAC 51-006.03E

Multidisciplinary Evaluation Team Written Report (for all suspected disabilities except specific learning disabilities)

92 NAC 51-006.03E1

The team shall prepare a written report of the results of the evaluation.

92 NAC 51-006.03E2

The report shall include a statement of:

92 NAC 51-006.03E2a

Whether the child qualifies as a child with a disability based on the criteria contained in Subsection 006.04 and definition contained in Subsection 003.03 with reference to the specific disability;

92 NAC 51-006.03E2b

The basis for making the determination; and

92 NAC 51-006.03E2c

A listing of the team members.

92 NAC 51-006.03E3

Each team member shall certify in writing if the report reflects his or her conclusion. If it does not reflect his or her conclusions, the team member shall submit a separate statement presenting his or her conclusion.

92 NAC 51-006.03E4

A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

92 NAC 51-006.03F

Multidisciplinary Evaluation Team Written report for a Child with a Suspected Specific Learning Disability

92 NAC 51-006.03F1

The MDT shall prepare a written report of the results of the evaluation.

92 NAC 51-006.03F2

The report shall include a statement of:

92 NAC 51-006.03F2a

Whether the child has a specific learning disability based on the criteria contained in Subsection 006.04J and the definition found in Subsection 003.08I.

92NAC 51-006.03F2b

The basis for making the determination;

92 NAC 51-006.03F2c

The relevant behavior noted during the observation of the child;

92 NAC 51-006.03F2d

The relationship of that behavior to the child's academic functioning;

92 NAC 51-006.03F2e

The educationally relevant medical finding, if any;

92 NAC 51-006.03F2f

Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services;

92 NAC 51-006.03F2g

The determination of the team concerning the effects of environmental, cultural, or economic disadvantage; and

92 NAC 51-006.03F2h

A listing of the team members.

92 NAC 51-006.03F3

Each team member shall certify in writing if the report reflects his or her conclusion. If the report does not reflect his or her conclusions, the team member shall submit a separate statement presenting his or her conclusion.

92 NAC 51-006.03F4

A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

92 NAC 51-006.03G

For a school age student who after initial MDT evaluation does not qualify for special education services or for a student with a verified disability who upon reevaluation no longer qualifies for special education services, a problem solving team shall document a plan to assist the teacher(s) in the provision of regular education.

92 NAC 51-006.04

Eligibility for Special Education

92 NAC 51-006.04A

School districts or approved cooperatives shall provide special education services only to children with verified disabilities.

92 NAC 51-006.05

Reevaluation

92 NAC 51-006.05A

A reevaluation of each child with a previously verified disability, based on the verification procedures required in Section 006, shall be conducted at least every three years or more frequently if conditions warrant or if the child's parent(s) or teacher requests a reevaluation, and the results of any reevaluations must be addressed by the child's IEP team in reviewing and, as appropriate, revising the child's IEP.

PERSON(S) RESPONSIBLE: Special Education Staff, MDT Coordinator, MDT members

**TIMELINE:**

- a. Notice and Consent for Evaluation will be completed in a reasonable period of time from the date of referral;
- b. MDT Initial Evaluation will be completed within a reasonable number of days following receipt of Parental Consent;
- c. The MDT Report will be completed within a reasonable number of days of completion of the evaluation; and
- d. Consent for Reevaluation will be obtained within a reasonable number of days prior to the MDT three year expiration date.

**MATERIALS:** Notice and Consent for Initial Evaluation or Reevaluation, Parent Rights Pamphlets, Complaint Procedures and Rule 55 (for Initial Evaluation), MDT Written Report Form

**METHODS:** The district will identify children in the following disability categories:

- Autism
- Behavioral Disorder
- Deaf-Blindness
- Hearing Impairment
- Mental Handicap
- Multiple Impairments
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment
- Developmental Delay

92 NAC 51-006.06

**Review of Existing Evaluation Data**

92 NAC 51-006.06A

As part of an initial evaluation (if appropriate and as part of any reevaluation, the IEP team and other qualified professionals as appropriate, shall:

92 NAC 51-006.06A1

Review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers observation; and

92 NAC 51-005.05A2

On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine:

92 NAC 51-006.06A2a

Whether the child is a child with a disability, as described in Subsection 003.08, or, in case of a reevaluation of a child, whether the child continues to be such a child with a disability;

92 NAC 51-006.06A2b

The present levels of performance and educational needs of the child;

92 NAC 51-006.06A2c

Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

92 NAC 51-006.06A2d

Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate in the general curriculum.

92 NAC 51-006.06B

The school district shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP team under 006.06A2.

92 NAC 51-006.06C

The IEP team and other qualified professionals may conduct its review without a meeting.

92 NAC 51-006.06D

If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, the school district:

92 NAC 51-006.06D1

Shall notify the child's parents of:

92 NAC 51-006.06D1a

That determination and the reasons for it; and

92 NAC 51-006.06D1b

The right of such parents to request an assessment to determine whether the child continues to be a child with a disability for the purpose of services under this Chapter.

92 NAC 51-006.06D2

The school district shall not be required to conduct such an assessment unless request to by the child's parents.

92 NAC 51-006.06E

A school district shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

92 NAC 51-006.06E1

The evaluation described in 92 Subsection 006.06E is not required before the termination of a student's eligibility under this Chapter due to graduation with a regular high school diploma, or exceeding the age eligibility for a free appropriate public education under Neb. Rev. Stat. 79-1126.

**PERSON(S) RESPONSIBLE:** IEP members and other qualified professionals

**TIMELINE:** This process should begin well before the three year reevaluation date and be timed so that the review of existing evaluation data can be accomplished during the IEP meeting.

**MATERIALS:** Parent Notice and Consent for Reevaluation Form, Parent Rights Pamphlet, existing evaluation data, "Notice That No Additional Information Is Needed to Determine Continued Eligibility for Special Education" form

**METHODS:** This process shall be completed well before the three year reevaluation date and timed so that the review of existing data can be accomplished during the IEP meeting.

1. IEP Team meets to review information available and decides on the nature of the reevaluation. Parents are a part of the IEP Team, and therefore are part of the meeting.
2. If the IEP Team determines that no additional information is required to determine continued eligibility for special education, the IEP Team documents the decision on the "Notice That No Additional Information is needed to Determine Continued Eligibility for Special Education Services Form". Parents should receive a copy of the form within a reasonable number of school days of the meeting. Parents may request that a comprehensive reevaluation be conducted even if the members of the IEP Team disagree.
3. If the IEP Team determines that additional information is needed to determine continued eligibility in special education, a Referral for Individual Evaluation Form is completed at the IEP meeting. The parents will receive a Parents Rights Pamphlet, a request for Consent to Reevaluate a reasonable number of days prior to the reevaluation date. After the reevaluation is conducted, parents will be contacted to attend the MDT meeting to determine continued eligibility for special education and related services. After the reevaluation the MDT report is written by participating team members. Parents will receive a copy of the written report within a reasonable number of school days.

If reevaluation results in removing a disability verification, a MDT report is completed indicating that the child no longer qualifies. When the removal of a disability verification results in a dismissal from a special education program, the MDT report shall indicate the

same. A copy of the report shall be placed in the student's record and parents shall be afforded all rights under Rule 51.

## **PROCEDURE**

### **92 NAC 51-006.07**

#### **Independent Educational Evaluation**

##### **92 NAC 51-006.07A**

The parents of a child with a disability have the right to obtain an independent educational evaluation of the child, subject to the provisions of Subsection 006.07.

##### **92 NAC 51-006.07B**

Each school district shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the school district's criteria applicable for independent educational evaluations.

##### **92 NAC 51-006.07C**

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.

##### **92 NAC 51-006.07C1**

Public expense means that the school district either pays for the full cost of the evaluation or insures that the evaluation is otherwise provided at no cost to the parent.

##### **92 NAC 51-006.07D**

If a parent requests an independent educational evaluation at public expense, the school district must, without unnecessary delay, either:

##### **92 NAC 51-006.07D1**

Initiate a hearing under 92 NAC 55 to show that its evaluation is appropriate; or

##### **92 NAC 51-006.07D2**

Insure that an independent educational evaluation is provided at public expense, unless the school district demonstrates at a hearing under 92 NAC 55 that the evaluation obtained by the parent did not meet school district criteria.

##### **92 NAC 51-006.07E**

If the school district initiates a hearing and the final decision is that the school district's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

##### **92 NAC 51-006.07F**

If a parent requests an independent educational evaluation, the school district may ask for the parent's reason why he or she objects to the public evaluation. However, the

explanation by the parent may not be required and the school district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

92 NAC 51-006.07G

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

92 NAC 51-006.07G1

Must be considered by the school district, if it meets school district criteria, in any decision made with respect to the provision of a free appropriate public education to the child; and

92 NAC 51-006.07G2

May be presented as evidence at a hearing under 92 NAC 55 regarding that child.

92 NAC 51-006.07H

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

92 NAC 51-006.07I

If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. The examiner must be within a reasonable distance of the school (less than 100 miles), must provide the services at the approved state rate and be approved by the school.

92 NAC 51-006.07J

Except for the criteria described in Subsection 006.07I, a school district may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

**PERSON(S) RESPONSIBLE:** Special Education Staff, Special Education Teachers, Superintendent, Principal

**TIMELINE:** The district will respond to a request of an Independent Educational Evaluation within a reasonable number of days. In the case where the district approves the request for an Independent Educational Evaluation, they will provide parents with the list of the district's criteria for selecting an evaluator and a list of independent evaluators within a reasonable number of days.

**MATERIALS:** District criteria for selecting evaluator, list of independent evaluators, notice of approving request for an Independent Educational Evaluation or notice that district is not approving and filing for a hearing under 92 NAC 55



METHODS: The parent will be requested to document the request through a written statement to the Special Education Staff.

The written request should contain:

- a. Parental objections to the results of the district's educational evaluation;
- b. Reference to the specific type(s) of evaluation requested; and
- c. Consent of the parent(s)/guardian(s) to release the personally identifiable confidential results of the evaluation to the school district.

If the decision is that an independent educational evaluation is appropriate, the parent(s)/guardian(s) will receive written authorization for the Special Education Staff within a reasonable number of days of the written request. The parent's failure to provide a written request does not eliminate their right to an Independent Educational Evaluation.

The qualifications of examiners will be in accordance with 92 NAC 51. Locations of any evaluator shall be within a reasonable distance of the school district. The district will provide the parent(s)/guardian(s) with a list of qualified agencies/evaluators within the geographic area. The evaluators will be encouraged to have their rates approved by the Nebraska Department of Education to be authorized to conduct the evaluation(s).

The district will establish maximum allowable charges for each educational assessment. Maximum allowable charges for the assessment allows the parent(s)/guardian(s) to select from among qualified and approved professionals which will eliminate unreasonable and/or excessive fees for services. The district will provide for the parent(s)/guardian(s) the opportunity to demonstrate that unusual circumstances justify the need for an independent evaluation which is not designated by this procedure.

If the parent(s)/guardian(s) obtains an independent evaluation without notifying the district will not assume the financial responsibility for the evaluation if the district's evaluation is determined to be appropriate by the hearing officer appointed under 92 NAC 55.

## **POLICY**

### **INDIVIDUALIZED EDUCATION PROGRAM**

**Lewiston Consolidated Public Schools ensures that an individualized education program (IEP), or an individualized family service plan (IFSP) is developed, reviewed, and revised for each child with a disability in accordance with 92 NAC 51-007.**

## **PROCEDURE**

92 NAC 51-007.03

IEP Team Participants

92 NAC 51-007.03A

The school district shall insure and document that each IEP team includes the following participants:

92 NAC 51-007.03A1

The parents of a child with a disability or documentation of Subsection 007.04D;

92 NAC 51-007.03A2

At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

92 NAC 51-007.03A2a

The regular education teacher of the child, as a member of the IEP team, shall, to the extent appropriate, participate in the development, review and revision of the IEP of the child, including assisting in the determination of appropriate positive behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel.

92 NAC 51-007.03A3

At least one special education teacher, or where appropriate, at least one special education provider of the child;

92 NAC 51-007.03A4

A representative of the school district who:

92 NAC 51-007.03A4a

Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

92 NAC 51-007.03A4b

Is knowledgeable about the general curriculum; and

92 NAC 51-007.03A4c

Is knowledgeable about the availability of resources of the school district;

92 NAC 51-007.03A4c(i)

A school district may designate another member of the IEP team to also serve as the school district representative, if the criteria in Subsection 007.03A4 are satisfied.

92 NAC 51-007.03A5

An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in Subsections 007.03A2 through 007.03A6;

92 NAC 51-007.03A6

**At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;** and

92 NAC 51-007.03A6a

The determination of the knowledge or special expertise of any individual described in Subsection 007.03A6 shall be made by the party (parents or school district) who invited the individual to be a member of the IEP.

92 NAC 51-007.03A7

Whenever appropriate, the child with a disability.

92 NAC 51-007.03A8

For students attending non-Public Schools, a representative of the non-Public Schools. If the representative cannot attend, other methods shall be used to insure participation by the non-public school, including individual or conference telephone calls;

92 NAC 51-007.03A9

For children receiving services from an approved service agency, a representative of the service agency. If the representative is not in attendance, other methods shall be used to insure participation by the approved service agency, including written communication, or individual or conference telephone calls;

92 NAC 51-007.03A10

For students with disabilities age fourteen years and older, and for students below age fourteen whose need for transition services from school to post-school activities is being considered:

92 NAC 51-007.03A10a

The student;

92 NAC 51-007.03A10a(1)

If the student does not attend, the school district shall take other steps to insure that the student's preferences and interests are considered.

92 NAC 51-007.03A10b

A representative of any other agency that is likely to be responsible for providing or paying for the transition services included in the student's individualized education program.

92 NAC 51-007.03A10b(1)

If an agency invited to send a representative to the meeting does not do so, the school district shall take other steps to obtain the

participation of the other agency in the planning of any transition services.

92 NAC 51-007.04  
Parent Participation

92 NAC 51-007.04A

The school district shall take steps to insure that one or both of the parents of the child with a disability are present at the IEP conference or are afforded the opportunity to participate, including:

92 NAC 51-007.04A1

Notifying parents of the IEP conference early enough to insure that they will have an opportunity to attend; and

92 NAC 51-007.04A2

**Scheduling te meeting at a mutually agreed on time and place.**

92 NAC 51-007.04B

The notification under Subsection 007.04A1 must indicate the purpose, time and location of the meeting and who will be in attendance and inform the parents of the provisions of Subsections 007.03A6 and 007.03A6a.

92 NAC 51-007.04B1

If the purpose of the meeting is the consideration of transition services for a student (as required by Subsections 007.05B8) the notification must also:

92 NAC 51-007.04B1a

Indicate that the purpose of the meeting is:

92 NAC 51-007.04B1a(i)

For a student with a disability, beginning at age 14 or younger, if appropriate, the development of a statement of the transition services needs of the student required in Subsection 007.05B8a;

92 NAC 51-007.04B1a(ii)

Beginning at age 16 or younger, if appropriate, consideration of the needed transition services required in Subsection 007.05B8b.

92 NAC 51-007.04B1b

Indicate that the school district will invite the student o the meeting; and

92 NAC 51-007.04B1c

**Identify any other agency that will be invited to send a representative.**

92 NAC 51-007.04C

If neither parent can attend, the school district shall use other methods to insure parent participation, including individual or conference telephone calls.

92 NAC 51-007.04D

A meeting may be conducted without a parent in attendance if the school district is unable to convince the parents they should attend. In this case, the district must have a record of its attempts to arrange a mutually agreed on time and place such as:

92 NAC 51-007.04D1

Detailed records of telephone calls made or attempted and the results of the calls;

92 NAC 51-007.04D2

Copies of correspondence sent to the parents and any responses received; and

92 NAC 51-007.04D3

Detailed records of visits made the parent's home or place of employment and the results of those visits.

92 NAC 51-007.04E

The school district shall take whatever action is necessary to insure that the parent understands the proceedings of an IEP conference, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

92 NAC 51-007.04F

The school district shall provide a copy of the IEP to parents at no cost.

**PERSON(S) RESPONSIBLE:** IEP Case Manager, Special Education staff

**TIMELINE:** A reasonable number of days prior to the IEP meeting. Notification of IEP meeting should be made early enough to assure attendance by all participants.

**MATERIALS:** IEP Meeting Notification Form, documentation of phone contacts

**METHODS:** Parents will be notified of IEP meeting by one of the following methods:

1. Written notification will be sent by U.S. mail,
2. Notification will be made by telephone contact, documented on the phone log.

School district IEP Team members will be notified by the IEP Case Manager.

Other IEP Team members will be sent a written notification by U.S. mail or by phone, documented on the phone log.

## **PROCEDURE**

92 NAC 51-007.05

IEP Contents

92 NAC 51-007.05A

The Individual Education Program (IEP) is a written statement for a child with a verified disability which specifies the special education and related services necessary to assure that child a free, appropriate public education.

92 NAC 51-007.05B

The IEP shall include:

92 NAC 51-007.05B1

A statement of the child's present levels of educational performance, including:

92 NAC 51-007.05B1a

How the child's disability affects the child's involvement in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or

92 NAC 51-007.05B1b

For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

92 NAC 51-007.05B2

A statement of measurable annual goals, including benchmarks or short-term objectives, related to:

92 NAC 51-007.05B2a

Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities, and

92 NAC 51-007.05B2b

Meeting each of the child's other educational needs that result from the child's disability;

92 NAC 51-007.05B3

A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:

92 NAC 51-007.05B3a

To advance appropriately toward attaining the annual goals;

92 NAC 51-007.05B3b

TO be involved in and progress in the general curriculum in accordance with Subsection 007.05B1 and to participate in extracurricular and other nonacademic activities; and

92 NAC 51-007.05B3c

To be educated and participate with other children with disabilities and nondisabled children in the activities described in Subsection 007.05B;

92 NAC 51-007.05B4

**An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class** and in the activities described in Subsection 007.05B3;

92 NAC 51-007.05B5

A statement of any individual modifications in the administration of state and district-wide assessments of student achievement that are needed in order for the child to participate in such assessment; and if the IEP team determines that the child will not participate in a particular district-wide assessment of student achievement (or part of such an assessment), a statement of:

92 NAC 51-007.05B5a

Why that assessment is not appropriate for the child; and

92 NAC 51-007.05B5b

How the child will be assessed;

92 NAC 51-007.05B6

The projected date for the beginning of the services and modifications described in Subsection 007.05B3 and the anticipated frequency, location, and duration of those services and modifications;

92 NAC 51-007.05B7

A statement of how the child's progress toward the annual goals described in Subsection 007.05B2 will be measured; and

92 NAC 007.05B7a

How the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of:

92 NAC 51-007.05B7a(1)

Their child's progress toward the annual goals; and

92 NAC 51-007.05B7a(2)

The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

92 NAC 51-007.05B8

**A statement of transition services from school to post-school:**

92 NAC 51-007.05B8a

For children with disabilities beginning at age 14 (or younger if determined appropriate by the IEP team and updated annually), a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program); and

92 NAC 51-007.05B8b

For children with disabilities beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages;

92 NAC 51-007.05B8b(i)

In the case where a participating agency, other than the school district, fails to provide agreed upon services, the school district shall, as soon as possible, reconvene the IEP team to identify alternative strategies to meet the transition objectives, and, if necessary, revise the student's IEP.

92 NAC 51-007.05B8b(ii)

Nothing in this part relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency. As use in this Subsection 007.05B8b(ii), "participating agency" means a state or local agency, other than the school district responsible for the student's education, that is financially and legally responsible for providing transition services to the student.

92 NAC 51-007.05B9

The plan of transportation and any special conditions necessary for safe transport of the child with a verified disability shall be part of the IEP, when applicable.

92 NAC 51-007.05C

In developing, reviewing or revising each child's IEP:



92 NAC 51-007.05C1

The IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child.

92 NAC 51-007.05C2

The IEP team shall consider the results of the initial evaluation or most recent evaluation of the child.

92 NAC 51-007.05C3

As appropriate, the IEP team shall consider the results of the child's performance on any general state and district-wide assessment programs.

92 NAC 51-007.05C4

In the case of a child whose behavior impedes his or her learning or that of others, the IEP team shall consider when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.

92 NAC 51-007.05C5

In the case of a child with limited English proficiency, the IEP team shall consider the language needs of the child as these needs relate to the child's IEP.

92 NAC 51-007.05C6

In case of a child who is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.

92 NAC 51-007.05C7

The IEP team shall consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, shall consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

92 NAC 51-007.05C8

The IEP team shall consider whether the child requires assistive technology devices and services.

92 NAC 51-007.05D

If, in considering the special factors described in Subsection 007.05C, the IEP team determines that a child needs a particular device or service (including an intervention, accommodation, or other program modification) in order for the child to receive a free

appropriate public education (FAPE), the IEP team must include a statement to that effect in the child's IEP.

92 NAC 51-007.06

**IEP Meeting**

92 NAC 51-007.06A

The school district is responsible for initiating and conducting meetings for the purpose of developing, reviewing and revising an IEP for a child with a verified disability.

92 NAC 51-007.06A1

Before a school district places a child with a disability in, or refers a child to, a nonpublic school or facility, the school district shall initiate and conduct a meeting to develop an IEP for the child in accordance with Section 007.

92 NAC 51-007.06A2

After a child with a disability enters a nonpublic school or facility, any meetings to review and revise the child's IEP may be initiated and conducted by the nonpublic school or facility at the discretion of the school district.

92 NAC 51-007.07A3

If the nonpublic school or facility initiates and conducts these meetings, the school district shall insure that the parents and nonpublic representative:

92 NAC 51-007.06A3a

Are involved in any decision about the child's IEP; and

92 NAC 51-007.06A3b

Agree to any proposed changes in the IEP before those changes are implemented.

92 NAC 51-007.06B

An IEP meeting must be held within thirty (30) calendar days of the verification of the child's disability.

92 NAC 51-007.06C

After the initial IEP meeting, IEPs must be in effect at the beginning of each school year.

92 NAC 51-007.06D

The IEP team shall review the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved.

92 NAC 51-007.07

**The IEP team shall revise the IEP as appropriate to address:**

92 NAC 51-007.07A

Any lack of expected progress toward the annual goals described in Subsection 007.05 and in the general curriculum, where appropriate

92 NAC 51-007.07B

The results of any reevaluation conducted under Subsection 006.05A;

92 NAC 51-007.07C

The information about the child provided to, or by, the parents, as described in Subsection 006.06A1;

92 NAC 51-007.07D

The child's anticipated needs; or

92 NAC 51-007.07E

Other matters.

92 NAC 51-007.08

IEP Accountability

92 NAC 51-007.08A

School districts must provide special education and related services to a child with a disability in accordance with the child's IEP and make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.

92 NAC 51-007.08B

This Chapter does not require that any school district, teacher, or other person be held accountable if the child does not achieve the growth projected in the annual goals and benchmarks or objectives. However, this Chapter does not prohibit a school district from establishing its own accountability systems regarding teacher, school or school district performance.

92 NAC 51-007.08C

Nothing in Subsection 007.08 limits a parent's right to ask for revisions of the child's IEP or to invoke due process procedures if the parent feels that the efforts required in Subsection 007.08A are not being made.

92 NAC 51-007.09

Students with Disabilities in Adult Prisons

92 NAC 51-007.09A

The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

92 NAC 51-007.09A1

**The requirements of Subsection 007.05B5 relating to participation of students with disabilities in general assessments; and**

92 NAC 51-007.09A2

The requirements of Subsection 007.05B8 relating to transition and planning and transition services do not apply with respect to such students who will reach age 21 before they will be eligible to be released from prison, based on consideration of their sentence and eligibility of early release.

92 NAC 51-007.09B

Subject to Subsection 007.09B1, the IEP team of a student with a disability, who is convicted as an adult under state law and incarcerated in an adult prison, may modify the student's IEP or placement if the state has demonstrated a bona fide security or compelling interest that cannot otherwise be accommodated.

92 NAC 51-007.09B1

**The requirements of Subsections 003.26 and 007.05 relating to the IEPs, and Subsection 008.01A relating to LRE, do not apply with respect to the modifications described in Subsection 007.09B.**

PERSON(S) RESPONSIBLE:

1. Special Education Staff is responsible for all IEP procedures and forms.
2. IEP Case Manager is responsible for facilitating the IEP meeting, recording decisions made by the IEP Team and the IEP form and maintaining notes of the IEP meeting.
3. IEP Team is responsible for the development of the IEP.

TIMELINE: The IEP must be in effect at the beginning of each school year. The IEP meeting will be conducted within 30 calendar days of the MDT verification decision. A copy of the IEP will be provided to parents within a reasonable number of days of the IEP meeting.

MATERIALS: IEP form

METHODS: The district will follow the procedures described in 92 NAC 51-007 for the development of the IEPs and the conduct of the IEP meetings.

## **POLICY**

**TRANSITION FROM EARLY INTERVENTION SERVICES TO PRESCHOOL PROGRAMS**  
**Children participating in early intervention programs assisted under Part C of the Individuals with Disabilities Education Act, who will participate in preschool programs assisted under Part B of the Individuals with Disabilities Education Act will experience a smooth and effective transition to those preschool programs in a manner consistent with 92 NAC 51. By the third birthday of the child, an IEP will be developed and implemented for**

**the child. The Lewiston Consolidated Public Schools will participate in transition planning conferences arranged for the child.**

**PROCEDURE**

The IFSP shall include:

92 NAC 51-007.10B9

The steps to be taken to support the transition of the child to preschool services to the extent that those services are considered appropriate, or other services that may be available, if appropriate.

92 NAC 51-007.10B9a

The steps include:

92 NAC 51-007.10B9a(1)

Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

92 NAC 51-007.10B9a(2)

Procedures to prepare the child for changes in the service delivery, including steps to help the child adjust to, and function in, a new setting; and

92 NAC 51-007.10B9a(3)

With parental consent, the transmission of information about the child to ensure continuity of services, including evaluation and copies of IFSPs that have been developed and implemented.

92 NAC 51-007.14

Transition to Preschool Programs

92 NAC 51-007.14A

The agency contracting for services coordinating is responsible for convening, with the approval of the child's family, a conference including the family and school district at least 90 days (and at the discretion of all such parties, up to six months) before the child's third birthday or at least 90 days before completion of the early intervention program.

The purpose of the meeting is to:

92 NAC 51-007.14A1

Insure a smooth and effective transition to preschool programs assisted under Part B of the IDEA for toddlers receiving early intervention services;

92 NAC 51-007.14A2

Review the child's program options for the period from the child's third birthday through the remainder of the school year; and

92 NAC 51-007.14A3

**Establish a transition plan.**

92 NAC 51-007.14B

After August 31 of the child's third birthday the school district will have in effect for the child an individualized education program.

92 NAC 51-007.14B1

**If the child's third birthday occurs during the summer, the child's IEP team shall determine the date when services under the IEP will begin.**

PERSON(S) RESPONSIBLE: The Service Coordinator in conjunction with Early Childhood Teacher

TIMELINE: The district will convene a meeting, including the family and district, at least 90 days and at the discretion of all parties, up to six months before the child's third birthday or at least 90 days before completion of the early intervention program.

MATERIALS: IFSP form and the IEP form

METHODS: The district will follow the procedures described in 92 NAC 51-007.14 when transitioning children from early intervention to preschool programs.

**POLICY**

**PARTICIPATION IN ASSESSMENTS**

**The Lewiston Consolidated Public Schools ensures that children with disabilities are included in district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the school district develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in district-wide assessments and develops and, beginning no later than July 1, 2000, conducts those alternate assessments. Lewiston Consolidated Public Schools will make available to the Nebraska Department of Education the information necessary to carry out its duties relating to the reporting of children with disabilities participation in assessments.**

**PROCEDURE**

92 NAC 51-004.05

Participation in Assessments

92 NAC 51-004.05A

School districts shall include students with disabilities in state and district-wide assessment programs, with appropriate accommodations and modifications in administration, where necessary. As appropriate, the school district shall:

92 NAC 51-004.05A1

Develop guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in district-wide assessment programs; and

92 NAC 51-004.05A2

Develop and, beginning no later than July 1, 2000, conduct those alternate assessments.

92 NAC 51-007.05B5

A statement of any individual modifications in the administration of state and district-wide assessments of student achievement that are needed in order for the child to participate in such assessment; and if the IEP team determines that the child will not participate in a particular district-wide assessment of student achievement (or part of such an assessment), a statement of:

92 NAC 51-007.05B5a

Why that assessment is not appropriate for the child; and

92 NAC 51-007.05B5b

How the child will be assessed;

**PERSON(S) RESPONSIBLE:** Superintendent, Special Education Staff, Principal, and IEP Team

**TIMELINES:** Administration of student assessments will follow the timeline used for the assessment of all students in the district.

**MATERIALS:** Students IEP, District-wide Assessment Forms

**METHODS:** All students will have the opportunity to attempt any or all portions of the district-wide assessments. Students with disabilities will participate in one of the following ways:

1. District-wide and state assessment with no accommodations; or
2. District-wide and state assessment with accommodations.
3. Use of an alternate assessment.

Alternate assessment will be determined by the IEP Team but may include portfolio assessment, videotaping, parent interviews, employer interviews, functional assessment, and/or checklists relating to rubrics of the domains of personal management, recreation and motor development, functional academics, vocational development and independent living. Alternate assessments will be conducted to correspond with the timeline of state and district-wide assessment for each grade level.

The individual student's IEP Team will determine how the student will participate in district-wide assessment. If necessary, the IEP Team will list the appropriate

accommodations necessary for the student to participate. If the student cannot participate in the district-wide assessment the IEP Team will identify an alternate assessment.

## **PROCEDURE**

92 NAC 51-004.05B

School districts shall make available to the public, and report to the public with the same frequency and in the same detail as they report on the assessment of nondisabled children, the following:

92 NAC 51-004.05B1

The number of children with disabilities participating in regular assessments.

92 NAC 51-004.05B2

The number of children with disabilities participating in alternate assessments.

PERSON(S) RESPONSIBLE: Superintendent, Principal, Special Education Staff

TIMELINE: Reports will be completed and submitted to NDE on a timeline determined by NDE. Reports to the public will be made available on the same timeline as for reporting general education results.

MATERIALS: Reporting format developed by NDE be made annually. Reports of newspapers and school publications sent to parents.

METHODS: Assessment information for all students will be reported in two ways. First, data on the student with disabilities will be aggregated with all other student data. Second, data for students with disabilities and students without disabilities will be reported separately.

## **POLICY**

### **LEAST RESTRICTIVE ENVIRONMENT**

**To the maximum extent appropriate, children with disabilities, including children in public and nonpublic institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.**

## **PROCEDURE**

92 NAC 51-008

Placement of Children with Disabilities

92 NAC 51-008.01

Least Restrictive Environment (LRE) Requirements



92 NAC 51-008.01A

The school district shall establish policies and procedures to assure that, to the maximum extent appropriate, children with disabilities including children in Lewiston Consolidated Public Schools or non-public schools, and approved service agencies are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

92 NAC 51-008.01B

Before any action is taken with respect to the initial placement of a child with disabilities, the school district or approved cooperative shall be responsible for the provision of a comprehensive individual multidisciplinary evaluation of the child's development and educational needs. For infants and toddlers, early intervention services may begin prior to completion of a full and individual initial evaluation in accordance with Subsection 007.15.

92 NAC 51-008.01C

In interpreting the information on the child's individual education plan (IEP) or IFSP to make placement decisions, each school district shall:

92 NAC 51-008.01C1

Draw upon the information from the child's present level of development or educational performance, physical condition, social or cultural background and adaptive behavior.

92 NAC 51-008.01C2

Insure that information obtained from all of these sources is documented and carefully considered;

92 NAC 51-008.01C3

Insure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

92 NAC 51-008.01C4

Insure that the placement decision is made in conformity with the least restrictive environment requirements in Subsection 008.01 and based on the child's unique needs and not on the child's disability.

92 NAC 51-008.01D

Each school district or approved cooperative shall assure an array of special education placement options are available. Those options shall include: instruction in regular classes; supplemental services such as resource room; itinerant instruction or consultative services to be provided in conjunction with

regular class placement; special classes; special schools; home instruction and instruction in hospitals and institutions.

92 NAC 51-008.01E

The need for related services of an instructional nature shall be documented on the IEP or IFSP present level of performance, goals, and objectives, and shall be based on documented diagnostic evidence. Determination of the need for a related service for a child with a verified disability does not require the additional verification of a secondary disability.

92 NAC 51-008.01F

The school district shall insure that the parents of a child with a disability are members of any group that makes decisions on the educational placement of their child.

92 NAC 51-008.01F1

In implementing the requirements of Subsection 008.01F, the school district shall use procedures consistent with the procedures described in Subsection 007.04A, 007.04A1, 007.04A2 and 007.04B.

92 NAC 51-008.01F2

If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the school district shall use other methods to insure their participation, including individual or conference telephone calls, or video conferencing.

92 NAC 51-008.01F3

**A placement decisions may be made by a group without the involvement of the parents, if the school district is unable to obtain the parents' participation in the decision.** In this case, the school district must have a record of its attempt to insure their involvement, including information that is consistent with the requirements of Subsection 007.04D.

92 NAC 51-008.01F4

The school district shall make reasonable efforts to insure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

92 NAC 51-008.01G

The school district shall insure that the educational placement of a child with a verified disability:

92 NAC 51-008.01G1

Is determined at least annually;

92 NAC 51-008.01G2

Is based on his or her individual education program (IEP); and

92 NAC 51-008.01G3

Is as close as possible to the child's home.

92 NAC 51-008.01H

The various array of placement options included under Subsection 008.01D must be available to the extent necessary to implement the individual education program for each child with a verified disability;

92 NAC 51-008.01I

Unless a child's individual education program (IEP) or IFSP requires some other arrangement, the child must be educated in the school which he or she would attend if not disabled.

92 NAC 51-008.01J

In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the child or on the quality of services which he or she needs.

92 NAC 51-008.01J1

**A child with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.**

92 NAC 51-008.01K

The school district shall take steps to provide nonacademic and extracurricular services and activities including meals and recess periods, in the manner necessary to afford each school age student with a verified disability an equal opportunity for participation in those services and activities with students who are not disabled to the maximum extent appropriate to meet the needs of each child.

92 NAC 51-008.01K1

**Nonacademic and extra-curricular services and activities may include counseling services, athletics transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district or approved cooperative, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district or approved cooperative and assistance in making outside employment available.**

## 92 NAC 51-008.02

### Placement Requirements

#### 92 NAC 51-008.02A

School districts may place a child with verified disabilities in special education programs provided;

##### 92 NAC 51-008.02A1

Written consent to initially place the child in the proposed program is obtained from the parent; or

##### 92 NAC 51-008.02A2

An order to place the child in the proposed program is obtained from a Department of Education appointed hearing officer or court of competent jurisdiction.

#### 92 NAC 51-008.02B

For the purpose of observation, evaluation or providing continuity of programming; a child who has transferred into the district from another district with evidence of previous special education placements may be temporarily placed with written approval of the parent. An IEP or IFSP shall be developed which establishes the specific conditions and time lines for any temporary placement as part of the evaluation process. This temporary placement shall not exceed forty-five (45) school days.

**PERSON(S) RESPONSIBLE:** Special Education Staff and IEP Team

**TIMELINE:** Students will begin special education and related services within five days of receipt of Parental Consent for Placement based upon the IEP.

**MATERIALS:** IEP Form, Parental Notice and Consent for Initial Placement Form

**METHODS:** The IEP Team will consider all placement options prior to the placement of a student and will provide written justification for those placements.

The placements may range from regular classroom instruction for the entire school day with modifications to the regular instructional program to other settings dictated by student needs. The district may also develop additional placement alternatives within the overall school program that are tailored to the needs of the individual student with disabilities. This placement may be developed by adapting or modifying existing placement alternatives based on the needs of the individual student with disabilities.

When making the placement decision the team shall:

- a. Review and discuss past educational experiences;
- b. Review current levels of educational performance;

- c. Review current education needs as documented on the IEP; and
- d. Review and formulate a preliminary configuration of special education service options.
- e. Review and compare the options identified in (d) above with the need for LRE. To achieve this, the IEP Team will select the special education options which allow for the implementation of the IEP and educates the student to the maximum extent appropriate with non-disabled peers. The team shall prepare written justification for the appropriate option(s) selected and documented in writing why other options were not selected.

The district will provide written notice to parents and obtain written consent from parents prior to initial placement. If the district has made available an appropriate special education program in accordance with Rule 51 for a student with a disability, and the student's parents choose to unilaterally place the child in a different setting, the district is not required to pay for the child's education in the alternative setting.

## **POLICY**

### **CHILDREN IN NON PUBLIC SCHOOLS**

**To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in nonpublic elementary and secondary schools, provision is made for the participation of those children in special education and related services in accordance with the requirements contained in 92 NAC 51.**

Lewiston Consolidated Public School's policy relating to childfind activities applies with respect to children with disabilities who are enrolled in nonpublic, including parochial, elementary and secondary schools.

Children with disabilities in non Public Schools and facilities are provided special education and related services in accordance with an individualized education program, at no cost to their parents, if the child is placed in, or referred to non Public Schools or facilities by Lewiston Consolidated Public Schools as a means of carrying out the requirements of IDEA or any other applicable law requiring the provision of special education and related services to all children with disabilities. Children served by non Public Schools or facilities as a result of a referral by the Lewiston Consolidated Public Schools will have all the rights they would have if served by the Lewiston Consolidated Public Schools.

Lewiston Consolidated Public Schools is not required to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if Lewiston Consolidated Public Schools made a free appropriate public education available to the child and the parents elected to place the child in such nonpublic school or facility.

If the parents of a child with a disability, who previously received special education and related services under the authority of the Lewiston Consolidated Public Schools, enroll the child in a nonpublic elementary or secondary school without the consent of or referral by the Lewiston Consolidated Public Schools, a court or a hearing officer may require the Lewiston Consolidated

Public Schools to reimburse the parents for the cost of the enrollment if the court or hearing officer finds that the Lewiston Consolidated Public Schools had not made available a free appropriate public education to the child in a timely manner prior to that enrollment.

The cost of the reimbursement may be reduced or denied if at the most recent IEP meeting that the parents attend prior to the removal of the child from the Lewiston Consolidated Public Schools, the parents did not inform the IEP Team that they were rejecting the placement proposed by the district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the school district, the parents did not give written notice to the Lewiston Consolidated Public Schools of the information required above. The cost of reimbursement will not be reduced or denied for failure to provide the information required if the parent is illiterate and cannot write in English, if compliance with the requirement would likely result in physical or serious emotional harm to the child, if the school prevented the parent from providing the information or if the parents had not received notice required by 92 NAC 51-009 of the parents responsibility to provide notice to the Lewiston Consolidated Public Schools.

The reimbursement may also be reduced or denied if prior to the parents removal of the child from Lewiston Consolidated Public Schools, the school district informed the parents, through the notice requirements described in 92 NAC 51-009, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation.

The reimbursement may also be reduced or denied upon a judicial finding of unreasonableness with respect to actions taken by the parents.

## **PROCEDURE**

### 92 NAC 51-015.01

Children Placed In or Referred To a Nonpublic School or Facility by the School District As a Means of Providing Special Education and related Services

#### 92 NAC 51-015.01A

School districts shall insure that a child with a disability who is placed in or referred to a nonpublic school or facility by a school district:

##### 92 NAC 51-015.01A1

Is provided special education and related services in conformance with an IEP that meets the requirements of Section 007 at no cost to the parents;

##### 92 NAC 51-015.01A2

Is provided an education that meets the standards including the requirements of this Chapter, that apply to education provided by the school district; and

##### 92 NAC 51-015.01A3

Has all of the rights of a child with a disability who is served by a school district.

92 NAC 51-015.01B

School districts shall disseminate copies of applicable standards to each nonpublic school and facility to which the school district has referred or placed a child with a disability.

92 NAC 51-013.01

Special education programs and support services may be provided by contracting with another school district, approved cooperative, or with a Department of Education provisionally approved service provider. Responsibility for compliance with state and federal regulations for programs for children with disabilities remains with the school district.

92 NAC 51-0013.02

The school district of residence shall be responsible for the development and maintenance of the IEP, and the participation in all IEP meetings and shall assure that IEP meetings are arranged with the contracted program and the parents. Such arrangements may include meetings with the contracted program, the school district, and the parent. Meetings may occur within the district, at the contracted program site or another site if more appropriate. For infants and toddlers the school district of residence shall be responsible for meeting the requirements of Subsections 007.07 through 007.13.

PERSON(S) RESPONSIBLE: Special Education Staff, IEP Case Manager

TIMELINE: Ongoing

MATERIALS: Contract with the nonpublic school, district forms

METHODS: The district has adopted the state standards and will provide copies of L.E.A.R.N.S. to contracted agencies. Once a contract has been arranged, a case manager from the district is designated who will arrange meetings with parents, district representative and the contracting agency. All necessary paperwork and proper procedures are completed through the direction of the case manager, the IEP Team, and the contracted school representative.

**PROCEDURE**

92 NAC 51-015.02

Children Placed in a Nonpublic School by Parents If FAPE Is At Issue

92 NAC 51-015.02A

**This Chapter does not require a school district to pay for the cost of education, including special education and related services,** of a child with a disability at a nonpublic school or facility if that school district made FAPE available to the child and the parents elected to place the child in a nonpublic school or facility. However, the school district shall include that child in the population whose needs are addressed consistent with Subsection 015.03

92 NAC 51-015.02B

Disagreements between a parent and a school district regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to the due process procedures of 92 NAC 55.

92 NAC 51-015.02B1

If the parents of a child with a disability, who previously received special education and related services under the authority of the school district, enroll the child in a nonpublic preschool, elementary or secondary school without the consent or referral by the school district, a court or a hearing officer may require the school district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the school district had not made a free appropriate public education available to the child in a timely manner prior to that enrollment and that the private placement is appropriate.

92 NAC 51-015.02B1a

A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the school district.

92 NAC 51-015.02C

**The cost of reimbursement described in Subsection 015.02B1 may be reduced or denied if:**

92 NAC 51-015.02C1

At the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the school district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or

92 NAC 51-015.02C2

At least 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the public school, the parents did not give written notice to the school district of the information described in Subsection 015.02C1; or

92 NAC 51-015.02C3

Prior to the parents removal of the child from the public school, the school district informed the parents, through the notice requirements described in Subsection 009.03, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or



92 NAC 51-015.02C4

Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

92 NAC 51-015.02D

Notwithstanding the notice requirements of Subsections 015.02C1 and 015.02C2 the cost of reimbursement may not be reduced or denied for failure to provide the notice if: the parent is illiterate and cannot write in English; compliance with Subsections 015.02C1 and 015.02C2 would likely result in physical or serious emotional harm to the child; the school prevented the parent from providing such notice, or the parents had not received prior written notice, of the parents' responsibility to provide such notice to the school districts as required by Subsection 009.03.

PERSON(S) RESPONSIBLE: Special Education Staff, IEP Case Manger

TIMELINE: Ongoing

MATERIALS: Appropriate district forms

METHODS: Disagreements between parents and the school district whether or not the school district ha a program available, or regarding the question of responsibility, are subject to the appeal procedures established in Rule 55.

## **PROCEDURE**

92 NAC 51-015.03

Children Enrolled in a Nonpublic School by Parents If FAPE Is Not At Issue

92 NAC 51-015.03A

**As used in Subsection 015.03, nonpublic school children with disabilities means children with disabilities enrolled by their parents in nonpublic school or facilities other than children with disabilities covered under Subsection 015.01.**

92 NAC 51-015.03B

The school district shall locate, identify, and evaluate all nonpublic school children with disabilities, including religious-school children residing in the jurisdiction of the school district, in accordance with Subsection 006.01A and 004.08. The activities undertaken to carry out this responsibility for nonpublic school children with disabilities must be comparable to activities undertaken for children with disabilities in Lewiston Consolidated Schools.

92 NAC 51-015.03C

The school district shall consult with appropriate representatives of nonpublic school children with disabilities on how to carry out the activities described in Subsection 015.03B.

92 NAC 51-015.04

**Services provided to nonpublic school children with disabilities may be provided on-site at a child's nonpublic school, including a religious school, to the extent consistent with law.**

PERSON(S) RESPONSIBLE: Special Education Staff, IEP Case Manager, Nonpublic School Representative

TIMELINE: Ongoing

METHODS: A nonpublic school student may participate in the public school's special education programs provided the student has been verified by a MDT and the parent is a resident of the district. The IEP for nonpublic school students shall be developed according to the policies and procedures adopted by the district. Special education and related services to nonpublic school students with disabilities may be provided at the public school, the nonpublic school, or a neutral site.

**PROCEDURE**

92 NAC 51-015.05A

If necessary for the child to benefit from or participate in the services provided under this Chapter, a nonpublic school child with a disability must be provided transportation.

92 NAC 51-015.A1

From the child's school or the child's home to a site other than the nonpublic school; and

92 NAC 51-015.A2

From the service site to the nonpublic school, or to the child's home, depending on the timing of the services.

92 NAC 51-015.05B

School districts are not required to provide transportation from the child's home to the nonpublic school.

PERSON(S) RESPONSIBLE: Special Education, IEP Case Manager

TIMELINE: Ongoing

MATERIALS: IEP Form, Parent Procedures-Reimbursement Claim Form, Rules for Transportation of Students

METHODS: Students who attend non Public Schools, but received special education at the public school or a neutral site other than the public school, will be transported by district vehicles. If district vehicle service is not available, the school district will contract with a licensed common carrier for transportation services. If the parents select to transport eligible students, the district will reimburse parents at the rate approved by the Nebraska Department of Education for actual miles traveled from the nonpublic

school to the school district site or a neutral site, following the most direct route. The district will not provide transportation to a nonpublic school enrolled child from the child's home to the nonpublic school. Transportation eligibility will be determined by the student's IEP Team. The plan for transportation for the student shall be part of the IEP.

## **PROCEDURE**

### 92 NAC 51-015.06

A school district may lease a classroom in a nonpublic school building. If properly drafted, the lease transforms the classroom into a public school classroom during the times covered by the lease. The board of education of a public school district may offer the special education programs enumerated in Neb. Rev. Stat. 79-1127 in a leased classroom in a nonpublic school building. It does not, however, have an unqualified legal duty to do so.

### 92 NAC 51-015.07

A school district may not use special education funds for classes that are organized separately on the basis of school enrollment or religion of the children if:

#### 92 NAC 51-015.07A

The classes are at the same site; and

#### 92 NAC 51-015.07B

The classes include children enrolled in Lewiston Consolidated Public Schools and children enrolled in non Public Schools.

### 92 NAC 51-015.08

A school district may not use special education funds to finance the existing level of instruction in a nonpublic school or to otherwise benefit the nonpublic school.

#### 92 NAC 51-015.08A

A school district shall use the special education funds to meet the specific needs of children enrolled in non Public Schools, rather than:

##### 92 NAC 51-015.08A1

**The needs of a nonpublic school; or**

##### 92 NAC 51-015.08A2

**The general needs of the children enrolled in a nonpublic school.**

### 92 NAC 51-015.09

A school district may use special education funds to make public personnel available in other than public facilities:

#### 92 NAC 51-015.09A

To the extent necessary to provide services designed for students enrolled in a nonpublic school.

92 NAC 51-015.09B

If those benefits are not normally provided by the nonpublic school.

92 NAC 51-015.10

A school district may use special education funds to pay for the services of an employee of the nonpublic school if:

92 NAC 51-015.10A

The employee performs that services outside of his or her regular hours of duty; and

92 NAC 51-015.10B

The employee performs the services under public supervision and control.

92 NAC 51-015.11

A school district may place equipment and supplies in a nonpublic school for the period of time needed for the provision of special education and related services.

92 NAC 51-015.11A

The school district shall insure that the equipment or supplies placed in a nonpublic school;

92 NAC 51-015.11A1

Are used only for the purpose of providing special education and related services; and

92 NAC 51-015.11A2

Can be removed from the nonpublic school without remodeling the nonpublic school facilities.

92 NAC 51-015.11B

The school district shall remove equipment or supplies from a nonpublic school if:

92 NAC 51-015.11B1

The equipment or supplies are no longer needed for the purpose of providing special education and related services; or

92 NAC 51-015.11B2

Removal is necessary to avoid use of the equipment or supplies for other than special education purposes.

92 NAC 51-015.11C

A school district shall insure that special education funds are not used for repairs, minor remodeling or the construction of nonpublic school facilities.

92 NAC 51-015.11D

A school district must keep title to and exercise continuing administrative control of all property, equipment, and supplies that the school district acquires with special education funds for the benefit of nonpublic school children with disabilities.

PERSON(S) RESPONSIBLE: Superintendent, Special Education Staff

TIMELINE: Ongoing

MATERIALS: Lease form, list of equipment and supplies provided to nonpublic school

METHODS: The district will follow the procedure described in 92 NAC 51-015 when providing services to children attending nonpublic school.

## **POLICY**

### **PROCEDURAL SAFEGUARDS**

**Lewiston Consolidated Public Schools ensures that children with disabilities and their parents are afforded the procedural safeguards required in 92 NAC 51-009.**

## **CONFIDENTIALITY**

**Lewiston Consolidated Public Schools complies with the requirements contained in 92 NAC 51-009 relating to the confidentiality of records and information.**

## **PROCEDURE**

92 NAC 51-003.14

Destruction means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

92 NAC 51-003.16

Education records means those records that are directly related to a student which are maintained by an educational agency or institution or by a party acting for the agency or institution. This term parallels the definition contained in the regulations implementing the Family Educational Rights and Privacy Act.

92 NAC 51-009.01D1a

As used in this Subsection 009.01, participating agency means any agency or institution that collects, maintains or uses personally identifiable information or, from which, information is obtained under this Chapter.

92 NAC 51-009.01

Accessibility and Confidentiality of Records

92 NAC 51-009.01A

All school districts, approved cooperatives, and provisionally approved service providers with whom the school district shares personally identifiable data shall be bound by the accessibility and confidentiality requirements of this section.

92 NAC 51-009.01B

The parents of a child with a disability or the child with a disability, if the child has attained eighteen years of age, (type and severity of the child's disability shall be taken into consideration) shall be afforded an opportunity to inspect and review all education records with respect to the identification, evaluation, and educational placement of the child and the provision of a free appropriate public education to the child or the provision of early intervention services to infants and toddlers.

92 NAC 51-009.01C

School districts shall provide notice consistent with Subsection 007.04 to insure that parents of children with disabilities have the opportunity to participate in meetings for the purposes of identification, evaluation, educational placement and FAPE.

92 NAC 51-009.01C1

A meeting does not include informal or unscheduled conversations involving school district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that school district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

92 NAC 51-009.01D

Access Rights

92 NAC 51-009.01D1

Each participating agency shall permit parents to inspect and review any education records relating to their children which are collected, maintained or used by the participating agency. The participating agency shall comply with such a request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.

92 NAC 51-009.01D2

**The right to inspect and review education records includes:**

92 NAC 51-009.01D2a

The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records; and

92 NAC 51-009.01D2b

The right to request that the participating agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

92 NAC 51-009.01D2c

The right to have a representative of the parent inspect and review the records.

92 NAC 51-009.01D3

A service agency may presume that the parent has authority to inspect and review records relating to his or her child unless the service agency has been advised that the parent does not have the authority under applicable Nebraska law governing such matters as guardianship, separation and divorce.

92 NAC 51-009.01E

**Record of Access**

92 NAC 51-009.01E1

Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used (except access by parents and authorized employees of the participating service agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

92 NAC 51-009.01F

Records On More Than One Child

92 NAC 51-009.01F1

If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

92 NAC 51-009.01G

List of Types and Locations of Information

92 NAC 51-009.01G1

Each participating agency shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the participating agency.

92 NAC 51-009.01H

Fees

92 NAC 51-009.01H1

A participating agency may charge a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

92 NAC 51-009.01H2

A participating agency may not charge a fee to search for or to retrieve information.

92 NAC 51-009.01I

Amendment of Records at Parent's Request

92 NAC 51-009.01I1

A parent who believes that information in education records collected, maintained, or used is inaccurate, or misleading, or violates the privacy or other rights of the child, may request the participating agency which maintains the information to amend the information.

92 NAC 51-009.01I2

The participating agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

92 NAC 51-009.01I3

If the participating agency decides to refuse to amend the information in accordance with the request, it shall inform the parents of the refusal, and advise the parent of the right to a local administrative review to be conducted in accordance with 94 CFR 99.22.

92 NAC 51-009.01J

Opportunity for a Local Administrative Review

92 NAC 51-009.01J1

The participating agency shall, on request, provide an opportunity for a local administrative review to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

92 NAC 51-009.01K

Result of Local Administrative Review



92 NAC 51-009.01K1

If, as a result of the local administrative review, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

92 NAC 51-009.01K2

If, as a result of the local administrative review, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the participating agency shall inform the parent of the right to place in the records the participating agency maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the participating agency.

92 NAC 51-009.01K3

Any explanation placed in the records of the child must:

92 NAC 51-009.01K3a

Be maintained by the participating agency as part of the records of the child as long as the record or contested portion is maintained by the participating agency; and

92 NAC 51-009.01K3b

If the records of the child or the contested portion is disclosed by the participating agency to any party, the explanation must also be disclosed to the party.

92 NAC 51-009.01L

Consent for Release of Records

92 NAC 51-009.01L1

Parental consent must be obtained before personally identifiable information is disclosed to anyone other than officials of the service agency collecting or using the information unless specifically not required in the Family Education Rights and Privacy Act and its implementing regulations, 34 CFR Part 99.

92 NAC 51-009.01M

Safeguards

92 NAC 51-009.01M1

Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

92 NAC 51-009.01M2

One official at each participating agency shall assume responsibility for insuring the confidentiality of any personally identifiable information.

92 NAC 51-009.01M3

All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures.

92 NAC 51-009.01M4

Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the participating agency who may have access to personally identifiable information.

92 NAC 51-009.01N

Retention and Destruction of Information and Records

92 NAC 51-009.01N1

The participating agency shall retain special education records for five (5) years after the completion of the activities for which special education funds were used.

92 NAC 51-009.01N2

The participating agency shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.

92 NAC 51-009.01N3

The information which is no longer necessary to provide educational services to the child, must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

PERSON(S) RESPONSIBLE: Special Education Staff, Teaching Staff, Principal

TIMELINE: Ongoing

MATERIALS: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), School Handbook, List of staff with access to personally identifiable student information

METHODS: The district will maintain all personally identifiable student information in conformance with FERPA and 92 NAC 51. If a parent requests a hearing to challenge the content of a student record, the Superintendent will identify a hearing officer and arrange for a hearing. All staff will receive annual training regarding the confidentiality requirements contained in FERPA, 92 NAC 51 and the district's policies and procedures.

**PROCEDURE**

92 NAC 51-009.02

Procedural Timelines

92 NAC 51-009.02A

For all students except for infants and toddlers, each of the procedural steps necessary to provide a free appropriate public education shall be carried out within the specified time periods.

92 NAC 51-009.02A1

The steps in the process which include referral, notice to parents (See Subsection 009.03), parental consent, and multidisciplinary team evaluation, shall be completed within a reasonable period of time. Prior to or at the time notice pursuant to Subsection 009.03 is given to the parent for conducts the MDT evaluation, the district shall inform the parent of the estimated amount of time necessary to complete the activity. If the activity takes longer than the amount of time estimated by the district, the district must communicate to the parent the progress being made at that stage of the educational planning process.

92 NAC 51-009.02A2

Upon completion of a multidisciplinary team verification decision, school districts shall provide a reasonable notification and conduct an individual education program conference within 30 calendar days. Parental consent for initial placement shall be requested within five school days of the IEP conference.

92 NAC 51-009.02A3

Special education placement shall be completed within five (5) school days of receipt of parental consent.

92 NAC 51-009.02B

**For infants and toddlers each of the procedural steps necessary to provide early intervention services shall be carried out within the specific time periods.**

92 NAC 51-009.02B1

A referral must be made by the school district to the agency responsible for providing services coordination in the Planning region within two working days of the district becoming aware of an infant or toddler who may be eligible for services.

92 NAC 51-009.02B2

Notice to parents (See Subsection 009.03) and parental consent shall be completed within a reasonable period of time.

92 NAC 51-009.02B3

A multidisciplinary team evaluation must be completed within 45 calendar days from the date of referral. In the event of exceptional circumstances that make it impossible to complete the evaluation within the 45 days, the school district will document those circumstances, inform the parent of the time estimated by the district to complete the evaluation, and develop and implement an interim IFSP as necessary.

92 NAC 51-009.02B4

Upon completion of a multidisciplinary team verification decision, and within 45 days of the referral, school districts shall participate in an individual family service plan conference.

92 NAC 51-009.02B5

Special education placement shall be completed within five school days of receipt of parental consent.

PERSON(S) RESPONSIBLE: Special Education Staff, Principal, IEP Case Manager

TIMELINE: As specified in 92 NAC 51-009

MATERIALS: District forms

METHODS: The district will follow the procedures specified in 92 NAC 51-009.02 when determining appropriate timelines.

## **PROCEDURE**

92 NAC 51-009.03

Prior Written Notice

92 NAC 51-009.03A

School districts shall provide a copy of the procedures specified in this Chapter for complaints and 92 NAC 55 for hearings to the parent of each child who is evaluated by the multidisciplinary evaluation team for possible initial verification.

92 NAC 51-009.03B

Prior written notice shall be given to the parents of a child with a disability a reasonable time before a school district:

92 NAC 51-009.03B1

Proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education; or

92 NAC 51-009.03B1a

If the notice described in Subsection 009.03B relates to an action proposed by the school district that also requires parental consent under Subsection 009.05, the school district may give notice at the same time it requests parent consent.

92 NAC 51-009.03B2

**Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.**

92 NAC 51-009.03C

Such prior written notice shall include:

92 NAC 51-009.03C1

A description of the action proposed or refused by the school district;

92 NAC 51-009.03C2

An explanation of why the district proposes or refuses to take the action;

92 NAC 51-009.03C3

A description of any options the district considered and the reasons why those options were rejected;

92 NAC 51-009.03C4

A description of each evaluation procedure, test, record, or report the school district uses as a basis for the proposal or refusal;

92 NAC 51-009.03C5

A description of any other factors which are relevant to the school district's proposal or refusal;

92 NAC 51-009.03C6

A statement that the parents of a child with a disability have protection under the procedural safeguards of this Chapter and, if this notice is not an initial referral for evaluation, the means by which a copy or description of the procedural safeguards can be obtained; and

92 NAC 51-009.03C7

Sources for parents to contract to obtain assistance in understanding the provisions of this part.

92 NAC 51-009.03D

The notice must be written in language understandable to the general public, and provided in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.

92 NAC 51-009.03E

If the native language or other mode of communication of the parents is not a written language, the school district shall take steps to insure:

92 NAC 51-009.03E1

That the notice is translated orally or by other means to the parents in his or her native language or other mode of communication;

92 NAC 51-009.03E2

**That the parents understand the content of the notice; and**

92 NAC 51-009.03E3

That there is written evidence that the requirements of this section have been met.

PERSON(S) RESPONSIBLE: Special Education Staff, Principal, IEP Case Manager

TIMELINE: A reasonable number of days prior to the action.

MATERIALS: Written Notice forms for Evaluation, Placement, Reevaluation, Termination.

METHODS: The IEP Case Manager is responsible for collecting information and drafting the Prior Written Notice to be sent to parents. Prior Written Notice will be sent prior to proposing or refusing any action with regard to special education.

## **PROCEDURE**

92 NAC 51-009.04

Procedural Safeguards Notice

92 NAC 51-009.04A

A copy of the procedural safeguards available to the parents of a child with disability shall be given by the school district to the parents, at a minimum:

92 NAC 51-009.04A1

Upon initial referral for evaluation;

92 NAC 51-009.04A2

Upon each notification of an individualized education program meeting;

92 NAC 51-009.04A3

Upon reevaluation; and

92 NAC 51-009.04A4

Upon receipt by the school district of a petition in a special education due process case under 92 NAC 55.

92 NAC 51-009.04B

The procedural safeguards notice shall include a full explanation of all of the procedural safeguards, relating to:

92 NAC 51-009.04B1

**Independent educational evaluation;**

92 NAC 51-009.04B2

Prior written notice;

92 NAC 51-009.04B3

Parental consent;

92 NAC 51-009.04B4

Access to educational records;

92 NAC 51-009.04B5

Opportunity to file due process hearings;

92 NAC 51-009.04B6

The child's placement during pendency of due process proceedings;

92 NAC 51-009.04B7

Procedures for students subject to placement in an interim alternative educational setting;

92 NAC 51-009.04B8

Requirements for unilateral placement by parents of children in non Public Schools at public expense;

92 NAC 51-009.04B9

**Mediation;**

92 NAC 51-009.04B10

Due process hearings, including requirements for disclosure of evaluation results and recommendations;

92 NAC 51-009.04B11

Civil actions;

92 NAC 51-009.04B12

Attorney's fees; and

92 NAC 51-009.04B13

The State complaint procedures including a description of how to file a complaint under Subsection 009.08 and the timelines under those procedures.

92 NAC 51-009.04C

The notice of the procedural safeguards provided to the parent must be in writing in language understandable to the general public and provided in the native language of the parent as required by Subsections 009.03D and 009.03E.

PERSON(S) RESPONSIBLE: Special Education Staff, IEP Case Manager

TIMELINE: A reasonable number of days prior to initial referral for evaluation, notification of an IEP meeting, reevaluation or filing a due process appeal

MATERIALS: Parent Rights Pamphlet

METHODS: A copy of the Parent Rights Pamphlet will be provided with the prior written notice before an evaluation or reevaluation, IEP meeting, or filing a due process hearing

## **PROCEDURE**

92 NAC 51-009.05

Informed Parental Consent

92 NAC 51-009.05A

Informed parental consent must be obtained by a school district before:

92 NAC 51-009.05A1

**Conducting an initial multidisciplinary evaluation;**

92 NAC 51-009.05A2

Conducting a reevaluation; and

92 NAC 51-009.05A3

Initial placement of a child with disabilities in a program providing special education and related services or early intervention services to infants and toddlers.

92 NAC 51-009.05B

Parental consent for evaluation shall not be construed as consent for initial placement described in Subsection 009.05A3.

92 NAC 51-009.05C

Parental consent is not required before:

92 NAC 51-009.05C1

Reviewing existing data as part of an evaluation or reevaluation; or



92 NAC 51-009.05C2

Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

92 NAC 51-009.05D

If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the school district may continue to pursue those evaluations by using the due process procedures under 92 NAC 55, or the mediation procedures under Subsection 009.09.

92 NAC 51-009.05E

Informed parental consent need not be obtained for reevaluation if the school district can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.

92 NAC 51-009.05E1

To meet the reasonable measures requirement in Subsection 009.05E, the school district must use procedures consistent with those in Subsection 007.04D.

92 NAC 51-009.05F

A school district may not use a parent's refusal to consent to one service or activity under Subsection 009.05 to deny the parent or child any other service, benefit, or activity of the school district, except as required by this Chapter.

92 NAC 51-009.06

Parental Refusal to Consent

92 NAC 51-009.06A

**If parents of a child refuse to consent to an initial multidisciplinary evaluation or, except for infants and toddlers,** initial placement in a program providing special education and related services, the school district may initiate the mediation procedures or a hearing authorized under the provisions of Neb. Rev. Stat. 79-1162 through 79-1167 and 92 NAC 55.

92 NAC 51-009.06B

For infants and toddlers, if consent is not given, the school district shall make reasonable efforts to ensure that the parents:

92 NAC 51-009.06B1

Are fully aware of the nature of the valuation or the services that will be available; and

92 NAC 51-009.06B2

Understand that the child will not be able to receive the evaluation or services unless consent is given.

92 NAC 51-009.06C

The parents of an infant or toddler may determine that they, their child, or other family members will accept or decline any early intervention service, and may decline such a service after first accepting it, without jeopardizing other early intervention services.

92 NAC 51-009.06D

If the hearing officer or any court hearing an appeal therefrom, upholds the school district and if the time for further appeal has expired, the school district may evaluate or initially place a child with a disability in a special education program and related services without parental consent and the school district may refuse to provide or pay for any further inappropriate educational program.

PERSON(S) RESPONSIBLE: IEP Case Manager, Special Education Staff

TIMELINE: A reasonable number of days prior to conducting an evaluation or reevaluation or placement of a child in special education.

MATERIALS: Parent Consent forms

METHODS: The school district will provide parents with a notice explaining the action to be taken and a request for written parent consent. If the parent does not give consent, the district may pursue mediation or file a due process hearing.

**PROCEDURE**

92 NAC 51-009.07

Appointment of Surrogates

92 NAC 51-009.07A

Each school district shall insure that the rights of a child with a disability are protected if:

92 NAC 51-009.07A1

No parent can be identified;

92 NAC 51-009.07A2

The school district, after reasonable efforts, cannot discover the whereabouts of the parents; or

92 NAC 51-009.07A3

The child is a ward of the state or court.

92 NAC 51-009.07A3a

In those instances when the parents of a ward of the state or court continue to exercise the educational rights listed in Subsection 009.07C, the appointment of a surrogate is not required.

92 NAC 51-009.07B

The duty of the school district under Subsection 009.07A includes the assignment of an individual to act as a surrogate for the parents. This must include a method:

92 NAC 51-009.07B1

For determining whether a child needs a surrogate parent and,

92 NAC 51-009.07B2

For assigning a surrogate parent to the child.

92 NAC 51-009.07C

The school district may select a surrogate parent in any way permitted under State law.

92 NAC 51-009.07D

In order to qualify, a surrogate must be a person who:

92 NAC 51-009.07D1

Has no interest that conflicts with the interest of the child he or she represents;

92 NAC 51-009.07D2

Has knowledge and skills that insure adequate representation of the child; and

92 NAC 51-009.07D3

Is not an employee of any public agency which is involved in the education or care of the child. A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

92 NAC 51-009.07D3a

For infants and toddlers, a person assigned as a surrogate parent may be an employee of any State agency; or a person, or an employee of a person, providing early intervention services to the child or to a family member of the child. A person who otherwise qualifies to be a surrogate parent under this subsection is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent.

92 NAC 51-009.07E

The surrogate may represent the child in all matters relating to:

92 NAC 51-009.07E1

The identification, evaluation, and educational placement of a child; and

92 NAC 51-009.07E2

The provision of a free appropriate public education to the child.

92 NAC 51-009.07E3

For infants and toddlers, a surrogate parent may represent a child in all matters related to:

92 NAC 51-009.07E3a

The evaluation and assessment of the child;

92 NAC 51-009.07E3b

Development and implementation of the child's IFSP including annual evaluations and periodic review;

92 NAC 51-009.07E3c

The ongoing provision or early intervention services to the child; and

92 NAC 51-009.07E3d

Any other rights established under this Chapter.

92 NAC 51-009.07F

The services of the surrogate parent shall be terminated when:

92 NAC 51-009.07F1

The child is no longer eligible for a surrogate parent under Subsection 009.07A;

92 NAC 51-009.07F2

A conflict of interest develops between the interest of the child and the interest of the surrogate parent; or

92 NAC 51-009.07F3

The surrogate parent fails to fulfill his or her duties as a surrogate parent.

92 NAC 51-009.07G

Issues arising from the selection, appointment, or removal of a surrogate parent shall be resolved through hearings established under 92 NAC 55.

92 NAC 51-009.07H

The surrogate parent and the school district which appointed the surrogate parent shall not be liable in civil actions for damages for acts of the surrogate parent unless such acts constitute willful and wanton misconduct.

**PERSON(S) RESPONSIBLE:** Special Education Staff, Principal, IEP Case Manager, Surrogate Parent(s) (NOTE: Personnel from the Department of Health and Human Services may not serve as surrogate parent(s) under the Special Education Act.)

**TIMELINE:** Immediately upon identification of need to appoint a surrogate/Surrogate Agreements and Training Materials (Rule 51 and 55/Policies and Procedures/other material as required)

**METHODS:** If the district identifies students who may be in need of a surrogate parent, the district will:

1. Attempt to identify and locate the parent;
2. Investigate the legal status of those students(s); and
3. If after a reasonable effort, the parents cannot be located, the school district shall insure that the rights of students with disabilities are protected by appointing a surrogate.
4. Surrogates will be provided sufficient training to assure they are knowledgeable as to the legal rights and educational needs of the student they are to represent. Training will be conducted as needed.
5. Surrogates will be appointed by the Special Education Staff following documentation that no conflict of interest exists and completion of appropriate training or assurance that the surrogate is knowledgeable in order to represent the student.
6. Surrogates will be monitored on a regular basis to ensure effective performance. Should a surrogate be unable or unwilling to discharge his or her duties, a new surrogate will be appointed by the director.
7. The surrogate parent shall continue to represent the student until one of the following occurs:
  - a. The student is determined to no longer be eligible for, or in the need of, special education or related services except when termination from such programs is being contested;
  - b. The parent, who was previously unknown, or whose whereabouts were previously unknown or a guardian or person acting as the student's parents becomes known; and/or,
  - c. It is determined that the appointed surrogate parent no longer adequately represents the student.

## **PROCEDURE**

92 NAC 51-009.08

Complaint Procedures

92 NAC 51-009.08A

An organization or individual may file a complaint regarding alleged violation of requirements set forth in Special Education Rules. The complaint shall be submitted to the Department of Education, Special Education Office, in writing. The written, signed complaint must contain a statement that a school district has violated a requirement of this Chapter and the facts on which the statement is based. If the complaint can be determined to be related to a violation of Special Education Rule(s), the following procedures will be carried out:

92 NAC 51-009.08A1

**Within fourteen (14) calendar days of receipt of the written, signed complaint, an assigned Special Education Office official** shall notify in writing each complainant and the service agency against which the violation has been

alleged, that the complaint has been received. This written notification shall include a copy of the complaint and the substance of the alleged violation. The service agency shall have fourteen (14) calendar days to submit a written response.

92 NAC 51-009.08A2

Special Education Office officials will investigate each complaint received from an individual or organization (including an individual or organization from another state) to determine whether there has been a failure to comply with these rules and may require further written or oral submission of information by all parties and may conduct an independent on-site investigation if necessary. The complainant will have the opportunity to submit additional information either orally or in writing, about the allegation.

92 NAC 51-009.08A3

**Within sixty (60) calendar days of receipt of a signed written complaint, the Department of Education Special Education Office** will review all relevant information and provide written notification of findings of facts and conclusions and the basis for such findings to all parties involved.

92 NAC 51-009.08A4

If, as a result of extenuating circumstances, the Department of Education Special Education Office is not able to complete the investigation within the sixty (60) calendar days, an extension period of forty-five (45) calendar days will be implemented. The Department of Education Special Education Office will notify the person filing the complaint and the services agency of the 45 days extension.

92 NAC 51-009.08A5

If it is determined there has been a failure to comply, there will be included in the notification of findings the specific steps which must be taken by the service agency to bring the service agency into compliance, including technical assistance, negotiations and corrective actions. The notification shall also set forth a reasonable period of time to voluntarily comply.

92 NAC 51-009.08A6

If the service agency does not demonstrate compliance within the period of time set forth in the notice of findings, the matter will be subject to the procedures outlined in Subsection 004.10.

92 NAC 51-009.08A7

If a written complaint is received that is also the subject of a due process hearing under 92 NAC 55, or containing multiple issues of which one or more are part of that hearing, the Special Education Office officials shall set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due

process action must be resolved using the time limit and procedures described in Subsection 009.08.

92 NAC 51-009.08A8

If an issue is raised in a complaint filed under this Subsection 009.08 that has previously been decided in a due process hearing involving the same parties:

92 NAC 51-009.08A8(i)

The hearing decision is binding; and

92 NAC 51-009.08A8(ii)

The Nebraska Department of Education must inform the complainant to that effect.

92 NAC 51-009.08A9

A complaint alleging a school district's failure to implement a due process decision must be resolved by the Nebraska Department of Education.

92 NAC 51-009.08A10

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received.

**PERSON(S) RESPONSIBLE:** Special Education Staff, Superintendent

**TIMELINE:** The district will observe all timelines in 92 NAC 51-009.08

**MATERIALS:** Copy of letter of complaint, support documentation, district policies and procedures and letter of response to NDE

**METHODS:** The Special Education Staff will serve as the liaison between the school district and the NDE representative throughout the complaint process. The Special Education Staff will approve site and file reviews. The Special Education Staff will be responsible for the implementation of any corrective action plan designed to bring the district into compliance.

**PROCEDURE**

92 NAC 51-009.09

Mediation

92 NAC 51-009.09A

School districts shall implement the procedures established in Section 009 to allow parties to resolve disputes involving any matter described in Subsections 009.03B1 and

009.03B2 through a mediation process which, at a minimum, shall be available whenever a hearing is requested under 92 NAC 55.

92 NAC 51-009.09A1

The procedures for seeking mediation initiated by either the parent(s) or school district include:

92 NAC 51-009A1a

Contacting the Nebraska Office of Dispute Resolution who will

92 NAC 51-009A1b

Arrange a meeting, invite both parties and conduct the mediation in an attempt to resolve the dispute.

92 NAC 51-009.09B

The procedures shall insure that the mediation process:

92 NAC 51-009.09B1

**is voluntary on the part of the parties;**

92 NAC 51-009.09B2

Is not used to deny or delay a parent's right to a due process hearing under 92 NAC 55, or to deny any other rights afforded under this Chapter; and

92 NAC 51-009.09B3

Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

92 NAC 51-009.09C

The school district may implement the procedures in Section 009 to require parents who choose not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with:

92 NAC 51-009.09C1

A parent training and information center or community parent resource center in this State established under Section 682 of the IDEA, or

92 NAC 51-009.09C2

An appropriate alternative dispute resolution entity to encourage the use, and explain the benefits of the mediation process to the parents.

92 NAC 51-009.09D

The Nebraska Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services for use by school districts and parents.



92 NAC 51-009.09D1

If a mediator is not selected on a random (e.g., a rotation basis from the list described in Subsection 009.09D, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

92 NAC 51-009.09E

**The Nebraska Department of Education shall bear the cost of the mediation process, including the cost of meetings** described in Subsection 009.09C.

92 NAC 51-009.09F

Each session in a mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

92 NAC 51-009.09G

An agreement reached by the parties to the dispute in the mediation process shall be set forth in a written mediation agreement.

92 NAC 51-009.09H

Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of such process.

PERSON(S) RESPONSIBLE: Special Education Staff, Superintendent, Staff

TIMELINE: Ongoing

MATERIALS: Parent Rights Pamphlet, Mediation Brochure

METHODS: Either the parent or the school district may initiate mediation to resolve special education disputes by making contact with the Nebraska Office of Dispute Resolution. The Office of Dispute Resolution will arrange for all meetings related to the mediation process. Mediation is voluntary on the parts of the parent and the school district.

## **PROCEDURE**

92 NAC 51-009.10

Special Education Due Process Hearings

92 NAC 51-009.10A

**A parent or a school district may initiate a hearing on any of the matters described in Subsection 009.03B,** relating to the identification, evaluation or educational placement of the child with a disability, or the provision of FAPE to the child by filing a petition pursuant to 92 NAC 55.

92 NAC 51-009.10B

When a hearing is initiated under 92 NAC 55, the school district shall inform the parents of the availability of mediation described in Subsection 009.09.

92 NAC 51-009.10C

The school district shall inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or if the parent or the school district initiates a hearing under 92 NAC 55.

92 NAC 51-009.10D

Any party to a due process hearing has the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.

PERSON(S) RESPONSIBLE: Special Education Staff, Superintendent, School District Attorney

TIMELINE: Follow timelines specified in 92 NAC 55

MATERIALS: 92 NAC 55, all documentation regarding dispute and district's action

METHODS: A due process appeal is initiated by the school district by filing a petition with the Nebraska Department of Education. The content of the petition and the procedures to be followed are specified in 92 NAC 55.

## **POLICY**

### **TRANSPORTATION**

**Lewiston Consolidated School District ensures that transportation will be provided to any special education student who qualifies for special education transportation under Neb. {Rev. Stat. 79-1129.}**

## **PROCEDURE**

### 92 NAC 51-014.01

The board of education shall furnish one of the following types of services to children with disabilities who are residents of the school district:

#### 92 NAC 51-014.01A

Provide transportation for any child with a disability who is forced to leave the school district temporarily because of lack of educational services; and

#### 92 NAC 51-0014.01B

Provide transportation within the school district for any child with a disability who is enrolled in a special education program of the district when either:

92 NAC 51-014.01B1

**The child is required to attend a facility other than what would be the normal school of attendance of the child to receive appropriate special education services;** or

92 NAC 51-014.01B2

The nature of the child's disability is such that special education transportation is required.

92 NAC 51-014.01C

Except when a parent is transporting only his or her child, the board of education shall require that the driver and vehicle meet the standards required by 92 NAC 91, 92, 93, and 94.

92 NAC 51-014.01D

**The board of education shall provide transportation for all children with disabilities birth to age five including children birth to age five who are wards of the court.**

92 NAC 51-014.02

Responsibility for Transportation

92 NAC 51-014.02A

**The board of education shall be responsible to provide for the transportation expenses of children with disabilities who are residents of the school district under Neb. Rev. Stat. 79-1129 by:**

92 NAC 51-014.02A1

Paying a parent for transporting his or her child for actual miles traveled and claimed; or

92 NAC 51-014.02A2

Operating vehicles for the purpose of transporting children with disabilities; or

92 NAC 51-014.02A3

Contracting for transportation services for children with disabilities; or

92 NAC 51-014.02A4

Purchasing services from a common carrier; or

92 NAC 51-014.02A5

Arranging for such other transportation as is proper and necessary to transport children with disabilities.

92 NAC 51-014.02B

The board of education shall select an efficient and effective means of transportation for the child with a disability at a reasonable cost.

92 NAC 51-014.02C

**The board of education shall not provide for the transportation expense of children with a disability who are residents of the school districts** under Neb. Rev. Stat. 79-1129, if such children are able to use regular transportation services provided by the district unless:

92 NAC 51-014.02C1

Alteration of the routes of such regular transportation is required to transport children with a disability; or

92 NAC 51-014.02C2

Alteration is required of the equipment or vehicles used in such regular transportation in order to accommodate children with a disability.

92 NAC 51-014.02D

The board of education shall provide for expenses equal to the statutory amount for each mile or fraction thereof traveled between the place of residence and the program of attendance when a parent transports his or her child(ren) with a disability. (Refer to Neb. Rev. Stat. 79-1129 and 81-1176.)

92 NAC 51-014.03

Allowable Expenses

92 NAC 51-014.03A

The school district or approved cooperative shall provide for the transportation expenses of children with a disability transported by the parents of such children, upon receipt of claims submitted to the board of education by such parents. Such claims shall be documented and subject to audit. The claims shall:

92 NAC 51-014.03A1

State the names of the children transported, the dates they were transported, the mileage incurred in such transportation; and

92 NAC 51-014.03A2

Contain a statement that the claim is a true and correct report of mileage; and

92 NAC 51-014.03A3

Bear the signature of the parent.

92 NAC 51-014.03B

The school district or approved cooperative shall not be relieved of the obligation to provide transportation for an eligible child with a disability because of the inability or unwillingness of the child's parents to provide transportation. No eligible child with a disability may be denied or have limitations placed on the child's receipt of special

education services required by an IEP or IFSP as a result of the inability or unwillingness of parents to provide transportation.

92 NAC 51-014.03C

The school district or approved cooperative shall provide for the expenses or the equivalent costs for transportation from the child's legal residence (the residence of the parent(s)) or Department of Education approved residential placement, to the child's program.

PERSON(S) RESPONSIBLE: Special Education Staff, IEP Case Manager

TIMELINE: Ongoing

MATERIALS: IEP Form, route schedules, Parent Procedures-Reimbursement Claim Form/Rules for Safe Transportation of Students

METHODS: The student will be transported by district vehicle. If district vehicle service is not available, the school district will contract with a licensed common carrier for transportation services. The district will reimburse parents at the rate approved by the Nebraska Department of Education for actual miles traveled from place of residence to school of attendance and returned by the most direct route, or cost of contracted transportation not to exceed the approved rate if the parents select to transport eligible students. Transportation eligibility will be determined by the student's IEP Team. The plan for transportation for the student shall be part of the IEP.

## **POLICY**

### **COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT**

**Lewiston Consolidated Public Schools ensures that all personnel necessary to carry out the requirements of the Individuals with Disabilities Act are appropriately and adequately prepared and to the extent that Lewiston Consolidated Public schools determines appropriate the district will contribute to and use the Comprehensive System of Personnel Development of the state.**

## **PROCEDURE**

92 NAC 51-010.06

Comprehensive System of Personnel Development

92 NAC 51-010.06A

School districts shall have on file with the Nebraska Department of Education information to demonstrate that all personnel necessary to carry out the provisions of this Chapter are appropriately and adequately prepared. This documentation shall include at a minimum, the number of personnel providing special education and related services and information on current and anticipated personnel vacancies and shortages.

92 NAC 51-010.06B

To the extent that a school district determines appropriate, it shall contribute to and use the Comprehensive System of Personnel Development of the Nebraska Department of Education.

PERSON(S) RESPONSIBLE: Special Education Staff, Principal, Superintendent, all general education staff

TIMELINE: Annually

MATERIALS: Formal needs assessment instruments, teacher/staff appraisal instruments, informal methods as determined by the individual staff members, Professional Development Plans

METHODS: The Superintendent will implement a comprehensive system of personnel development which shall include:

1. In-service training of general and special education instructional and support personnel;
2. Procedures to assure that all personnel necessary to discharge the purposes of this policy are properly endorsed and adequately trained;
3. Special and general educators, parents and other education personnel shall have input into the district and individual building plans which assess the inservice and professional development needs of staff in the provision of educational services for students with disabilities. The Special Education Staff and building principals shall be responsible for acquiring and disseminating to personnel significant "best and promising practices" information derived from district strategic planning, study groups, educational research and demonstration projects; and
4. Best educational practices and materials developed through such CSPD planning.

Professional development and in-service activities will be planned based on needs assessment and anticipated costs will be included in the district budget. Staff with endorsement deficiencies will be reported to the superintendent of schools and a plan shall be developed to correct deficiencies.

The district will maintain all in-service program agendas, program evaluations, professional development activities of staff and needs assessments for review and long-range planning for a period of five years.

The appropriate utilization of paraprofessionals in special education programs is essential to the mission and goals of special education. Procedures for the supervision of paraprofessionals are developed to clearly define roles and responsibilities of all staff.

Paraprofessionals employed by the school district shall:

- a. Have a description of the duties they are expected to perform;
- b. Perform only non-teaching duties;
- c. Work under the direction, supervision and control of a certified staff member;

- d. Be evaluated on a regular basis; and
- e. Receive initial and ongoing training to assist the paraprofessional in performing their duties in working with students with disabilities. A clear line of communication shall be established between paraprofessionals and certified staff members to ensure proper supervision.

## **POLICY**

### **PERSONNEL STANDARDS**

**Lewiston Consolidated Public Schools will make an ongoing good-faith effort to recruit and hire appropriately and adequately trained personnel to provide special education and related services to children with disabilities, including, where there is a shortage of personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable coursework necessary to meet the standards of the state.**

## **PROCEDURE**

### **92 NAC 51-010.01**

#### **Qualifications for Instructional Personnel in Programs for Children with Disabilities**

##### **92 NAC 51-010.01A**

Instructional personnel shall hold valid Nebraska Department of Education certification and be endorsed in the assigned area. Instructional personnel may serve children with visual impairments and children with hearing impairments in a multicategorical program if the instructional personnel have attended training approved by the Department of Education. This section does not apply to individuals providing in-service.

##### **92 NAC 51-010.01B**

When fully endorsed personnel are not available the individuals who fill the positions shall:

##### **92 NAC 51-010.01B1**

**Hold valid Nebraska Department of Education certification;**

##### **92 NAC 51-010.01B2**

Be approved for as long as a provisional endorsement is held, or for one year if not provisionally endorsed; and

##### **92 NAC 51-010.01B3**

School districts employing non endorsed persons shall maintain documentation of the efforts made to obtain personnel and the results.

**PERSON(S) RESPONSIBLE:** The Superintendent will advertise, interview, hire and retain appropriate professional staff that have the highest entry-level academic degree needed for any approved or recognized certification, licensing, registration or other comparable requirements that apply that that specific occupational category that provides special education and related services to children with disabilities.

**TIMELINE:** As soon as a position requiring special education and/or related services endorsement is approved by the Board of Education, advertisements in local and regional papers, college publications and other avenues will be completed.

**MATERIALS:** Ads listing the positions and requirements, interview questions, applicant files requiring completed application form, transcripts, credentials, required state background checks

**METHODS:** After a position is posted and advertised, candidates for interviews are selected by the Superintendent. Candidates are selected on the basis of having a completed applicant file, appropriate qualifications for the position and good credentials.

## **POLICY**

### **PERFORMANCE GOALS AND INDICATORS**

**Lewiston Consolidated Public Schools will use performance indicators established by the state to assess progress toward achieving those goals that, at a minimum, address the performance of children with disabilities on assessments, drop-out rates and graduation rates.**

**Lewiston Consolidated Public Schools will provide the Nebraska Department of Education with information necessary to enable the state to carry out its duties, including those duties relating to the performance of children with disabilities participating in special education programs under the Individuals with Disabilities Education Act.**

## **PROCEDURE**

The school district will use performance indicators established by the state:

1. To assess progress of children with disabilities in Nebraska in achieving goals;
2. That ensure free appropriate public education (FAPE) designed to meet their unique needs and prepare them for employment and adult living;
3. That ensure that the rights of children with disabilities and their parents are protected; and
4. That ensure educators and parents have the necessary tools to improve educational results for children with disabilities and to ensure the effectiveness of efforts to educate children with disabilities.

The district ensures that the goals are consistent, to the maximum extent appropriate, with other goals and standards for children established by the state.

The state assesses progress toward achieving those goals that address the performance of children with disabilities on assessment, and on drop-out rates and graduation rates. The district will report to the Nebraska Department of Education on the progress of children with disabilities toward these goals, and on assessment, drop-out rates and graduation rates.

**PERSON(S) RESPONSIBLE:** Superintendent, special Education Staff

**TIMELINE:** Annually as requested by NDE

**MATERIALS:** Performance Goals and Indicators, Measurement Data



METHODS: The district will follow the procedures outlined above in carrying out the provisions of Performance Goals and Indicators.

## **POLICY**

### **SUSPENSION AND EXPULSION REPORTING**

**Lewiston Consolidated Public Schools will report data to the Nebraska Department of Education to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities.**

## **PROCEDURE**

92 NAC 51-004.06A

Individual child information shall be reported to NDE on forms prescribed by the Department of Education or on a magnetic tape or diskette. Each school district shall maintain and report the following information for children with verified disabilities receiving services according to an individual education program:

92 NAC 51-004.06A1

Placement in an alternate setting resulting from disciplinary action(s) (i.e., suspension/expulsion), dates and reason(s) for disciplinary actions.

PERSON(S) RESPONSIBLE: Superintendent and Special Education Staff

TIMELINE: Annually as requested by NDE

MATERIALS: NDE Suspension and Expulsion Rate forms

METHODS: The district will submit to the state the number of suspensions and expulsions of children with disabilities. This information will be compared to the rates for non-disabled children within the district. If the discrepancies are occurring, the district will review its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures, and practices comply with IDEA.

The district will maintain the data regarding suspensions and expulsions of children with disabilities as required by the state report. Data will include number of children listed by disability and race/ethnicity, subject to unilateral removal by school personnel following a drug or weapon offense, number of children subject to removal based on a hearing officer determination regarding likely injury, number of children subject to suspension/expulsion greater than 10 days or multiple short-term suspensions adding up to greater than 10 days.

ADOPTED: May 17, 2000

REVIEWED: May 17, 2000

REVIEWED: August, 2004

REVIEWED: 2014

1600

## **POLICIES RELATING TO STUDENTS**

1600.00

### **ADMISSIONS, CLASSIFICATION, ATTENDANCE & RECORDS**

Title IX of the Education Amendments of 1972 declares that “No person in the United states shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.” The Lewiston District will comply with Title IX and the regulations promulgated therewith. The Board of Education is of the general view that discrimination on the basis of sex in any education program or activity of the district is not to be permitted except when necessary to accomplish a specific purpose that does not impinge upon essential equality or fundamental fairness in the treatment of students or employees. Accordingly, employees of the district are required to comply with provisions of this policy as in the case of any rule or regulation adopted by the Board. As nearly as possible, boys and girls will be allowed equal facilities, equipment, coaching, scheduling, publicity, in all curricular and extra-curricular offerings.

To ensure compliance with the policy, the Superintendent of Schools shall:

- a. Coordinate efforts of the district to comply with this policy
- b. Develop and ensure that maintenance of a filing system to keep all records required under this policy
- c. Investigate any complaints of violations
- d. Administer the grievance procedure established
- e. Develop affirmative action programs as deemed appropriate
- f. Provide for the publication of this policy on an on-going basis to students, parents, employees, prospective employees. The compliance administration has been designated as:

Superintendent of Schools, Lewiston Consolidated Schools, 306 Tiger Avenue,  
Lewiston, Nebraska 68380

Any student or employee of this district who believes he or she has been discriminated against, denied a benefit, or excluded from participation in the Lewiston District Education Program may file a written complaint with the Compliance Administrator designated above.

REVIEWED: 1998

REVIEWED: 2002

REVIEWED: 2006

REVIEWED: 2014

1600.1

### **SCHOOL ENTRANCE AGE**

The Board of Education, in all classes school districts, shall not admit any child to the first grade of any school of such district unless such child has reached the age of six years or will reach such age on or before October 15 of the current year; provided, that in the event any child has successfully completed the kindergarten or beginner grade, such child may enter the first grade of any school, regardless of age.

The Board of Education, under normal circumstances, shall not admit any child into the kindergarten or beginner grade of any school of such school district unless (1) such child has reached the age of five years or will reach such age on or before July 31 of the current year. (2) Special circumstances where readiness testing indicates a strong possibility of success and when the teacher and administration make a recommendation of early matriculation readiness, might result in the board of education giving a special exception for a child to begin school at an earlier age than specified above.

REVIEWED: 1998

REVIEWED: 2002

REVIEWED: 2006

REVISED: 2012

REVIEWED: 2014

1600.2

### **OPTION ENROLLMENT**

Any pupil in grades K-12 who lives in any other district will be admitted to the Lewiston Consolidated School when the completed Option Enrollment papers are approved by the Superintendent of Schools.

Refusal of admission for option enrollment may occur when the grade level or program being applied for in the option enrollment is full.

In regard to requests to Option out of the school district, the Lewiston School Board will allow the student to option out, even after the deadline, if the school district has a reciprocal type agreement with the other school district involved in the option request. Any other option requests made after the deadline and requesting an option to a school district with which we have no reciprocal agreement, will be denied. Extenuating circumstances will always be considered in any option enrollment request.

REVIEWED: 1998

REVISED: 2002

REVISED: 2004

REVISED: 2006

REVIEWED: 2014

1600.3

### **TRANSCRIPTS AND RECORDS**

Students who are received from other districts or states will be admitted on a temporary basis until such time as the necessary recommendations and transcripts are received by the Lewiston Schools.

Pupils shall check out at the Superintendent's Office when transferring from the Lewiston Schools. Teachers are required to turn in all grades and other records of pupils transferring. The Superintendent shall be notified of any new pupils entering school.

All pupils received from other districts will be subjected to the same rules of conduct as are the pupils of the Lewiston District.

REVIEWED: 1998

REVIEWED: 2002

REVIEWED: 2006

REVIEWED: 2014

## ATTENDANCE

Students are expected to be in attendance every day that school is in session unless excused. When a student returns from any absence he/she must present a written note from a parent. On the day of the absence, the parent should call the school indicating the reason for the absence.

The principal will write a make-up slip giving the amount of time for the student to make up work missed. Generally, this will be twice the length of time that the student missed. Full credit will be given for makeup work as long as the policy is followed.

Students who are absent from school or any one class for more than ten days a semester will have credit denied.

Student attendance during school breaks or in the summer time will be required for a student to regain full credit status.

Excused absences are those in which the student or parent has no control. Examples are illness, family emergency or bereavement, medical appointments, driver's test, and others approved by the administration. A written parental excuse must be present.

Unexcused absences are those such as truancy, shopping, leaving school without permission, or any situation where the administration does not recognize the validity of the excuse. The failure of a parent to write an excuse can turn an excused absence into an unexcused absence.

The administration will accept reasonable requests when students have prolonged illnesses, etc. \*After the fourth absence (excused or unexcused) in each quarter, the administration will notify the parent and review the situation, and compel attendance of the student.

**Students who do not turn in make-up slips on time, who have unexcused absences or who fail to immediately get make-up slips upon return to school will be assigned detention. For any detentions assigned after school, students will need to arrange for their own transportation to get home.**

**\*Students who attain over ten (10) days of absence (excused or unexcused) during a school year will be referred to the county attorney.**

ADOPTED: 1995  
REVISED: 1998  
REVISED: 1999  
REVISED: 2002  
REVISED: 2006  
REVISED: 2014

## PUPIL CLASSIFICATION

Any student in grades K-6, having successfully completed the course of study prescribed will be, at the close of school, advanced to the next grade upon the recommendation of the teacher and the approval of the Superintendent. Pupils shall be promoted once a year, provided teacher's marks, examinations and standardized tests are satisfactory.

In grades 7-8, students must take classes equal to 160 hours of credit. Of these 160 hours, he/she must pass 140 hours in order to be advanced into 9<sup>th</sup> grade. This must include passing at least 70 hours of math, science, social studies and language arts. Any failures in excess of this limitation will need to be successfully completed during the summer for this student to be eligible to move up. Students in grades 7-8 shall also show the required proficiency level established by the school on the state standards for 8<sup>th</sup> graders. A faculty committee shall review the records of 8<sup>th</sup> grade students during the second semester and shall be able to recommend waiving any or all requirements for students who: (1) are in special education programs or (2) have justifiable reasons for not completing the requirements.

In the high school a pupil must have earned 60 hours of credit to be classified as a sophomore, 120 hours to be classified as a junior, and 180 hours to be classified as a senior.

The board of Education, Dist. #69, hereby approves as instructional time, all activities and related program requirements as listed below:

- a. All curricular and extra-curricular activities related to athletics if school remains in session, including fall, winter and spring season sports.
- b. All vocal/instrumental music activities including Conference and State.
- c. Activities related to Speech and Drama, including Conference and State.
- d. Activities related to Student Council events and County Government Day.
- e. All activities related to Future Farmers of America (FFA), Family, Community and Career Leaders of America (FCCLA) and Future Business Leaders of America (FBLA), including participation at the state and national level.
- f. Those activities, including music, athletics, and field trips offered at the Junior High (7-8 grade) level.

The Board of Education will require that every effort possible be made to minimize loss of classroom time due to the above activities. It is the intent and purpose of this policy to establish compliance with the provision of LB994.

ADOPTED: March 11, 1985

REVISED: July, 1997

REVIEWED: January, 1998

REVISED: March, 1999

REVISED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

### GRADUATION REQUIREMENTS

To achieve a high school diploma from Lewiston Consolidated Schools, a student must gain credit from the following areas, including specific classes, in a minimum of four years (eight semesters) of high school. The student shall participate in and pass with a minimum average of 70% (60% on the modified scale), the following program:

Language Arts .....	40 Semester Hours
Social Science .....	35 Semester Hours
Mathematics .....	30 Semester Hours
Science .....	30 Semester Hours
Fine Arts.....	20 Semester Hours
P.E./Health/Drivers Education.....	10 Semester Hours
Computers .....	10 Semester Hours
Speech.....	10 Semester Hours
Foreign Language is strongly recommended	

One hour of credit is given for a 50 minute period of class attendance for one day a week for one semester. Five hours of credit are given for each 50 minutes class attendance for five (5) days a week for one semester. Classes that meet on a different weekly format are computed mathematically. Some specific classes are required. Refer to the student handbook for further information.

If, after eight semesters of high school, the student is deficient in their completion of the necessary requirements for graduation, a “Certificate of Attendance” may be issued in lieu of the diploma. If a student wishes to return as a fifth-year senior to complete those deficiencies, he/she may do so.

- ADOPTED: May, 1995
- AMENDED: May, 1997
- REVISED: July, 2002
- REVIEWED: 2006
- REVISED: 2014



1600.6b

### **EARLY GRADUATION**

A student who wishes to graduate from high school in seven semesters rather than the ordinary eight (8) semesters of the grade 9-12 sequence, must request permission to complete graduation requirements of an alternate schedule basis.

The Lewiston School district does not conduct a mid-year graduation ceremony. Those students who elect to graduate early may participate in the graduation exercise held in the spring of the current school year if they choose to do so, or will receive their diploma in the main school office. The student who chooses early graduation will be treated like any other graduate, in that they will not be allowed to take part in any other school activities after they conclude their regular school attendance.

The superintendent shall develop the administrative procedure for the implementation of this policy.

Cross Reference to Graduation Requirements: Policy 1600.6 Administrative Procedure for 1600.6b follows this policy page.

1<sup>st</sup> READ: May 12, 2008  
ADOPTED: June 16, 2008  
REVIEWED: 2014

1600.6b (continued)

### **EARLY GRADUATION ADMINISTRATIVE PROCEDURE**

A student who wishes to graduate from high school in less time than the ordinary eight (8) semesters, grade 9-12 sequence, must request permission to complete graduation requirements on an alternative schedule.

The Lewiston school district does not conduct a mid-year graduation ceremony. However, students who have completed the graduation requirements set by the Board of Education by the end of the seventh semester of their grades 9-12 sequence may still participate in the graduation ceremony held in the spring, normally in May.

Students who elect to graduate early are not allowed to participate as a student in any other school activities once the second semester begins.

Should a student opt to not participate in the graduation exercises, the student will receive his/her diploma in the main office at the school, once notified that the diploma has arrived at the school. The diploma will normally be ordered at the same time as all the other senior diplomas, or after all first semester requirements are completed, whichever occurs first.

In order to graduate after seven semesters, a student must follow these guidelines:

- a. The student and/or his parent or guardian must submit a letter of request, addressed to the Lewiston Board of Education, signed by both the student and his/her parents, before November 1 of the semester after which they are requesting early graduation. This could be done as early as April 1 of the preceding year, but no earlier.
- b. The student and his/her parent or guardian must request to appear and actually appear at a Board of Education meeting prior to December 1 of the semester during which the early graduation is requested. At this board of education meeting, they will make a verbal request for permission to graduate early. Also at this meeting, the student must relate to the board his/her intention concerning participation in the spring graduation exercises.
- c. The student must complete all graduation requirements no later than one week following the conclusion of the first semester, and no later than the start of the second semester which will start right after Christmas break.
- d. Once all graduation requirements are completed, the student must have turned in all books and other equipment and paid all fines and fees owed. This must all be completed no later than one week after the start of school following the Christmas break. In no case will a diploma be presented prior to these obligations being fulfilled.

1600.7

## **HEALTH/IMMUNIZATION/PHYSICAL EXAMINATION REGULATIONS**

All pupils, elementary and secondary, are required to undergo a yearly physical examination provided by E.S.U. #4. A report of each child's examination is sent to the parents. Parents, if they so desire, may take their children to the family physician. Any examination, other than by the school physician or nurse, will not be financed by the school district.

All school district pupils must have all immunization records up to date and on file at the school office, in accordance with the immunization requirements of the state of Nebraska. Failure to comply with these regulations, without presenting an official waiver of the requirements, will result in mandatory exclusion of the child from school until evidence is shown that the requirements are being fulfilled.

All students in grades 6-12 who plan to participate in any school athletic events during the school year, must have a completed athletic physical examination form on file in the school office before they will be allowed to participate. The physical examinations may not be taken before May 1 for the ensuing school year, by NSAA regulation.

ADOPTED: May, 1995

REVIEWED: May, 1998

REVISED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

### **PROCEDURE IN CASE OF ACCIDENT OR ILLNESS/MEDICATION PROCEDURE**

All accidents shall be reported to the office at once. If the accident is minor, the teacher or designated school medication aides, or other superintendent designees will care for it, but if it is a major accident, an administrator or the safety committee chairman shall be called and they will have the authority to send the student to the doctor. Teachers may send students that require immediate medical attention to the doctor without permission of the administration providing an administrator is not available at the time, for consultation. All steps will be taken to inform parents of any serious situation.

In case of sickness, the teacher or the school administrative office will have the authority of sending students home. After sending a student home for sickness, the same shall be report to the attendance office and the appropriate classroom at once.

It is the policy of the Lewiston School that all students' medication be administered by a parent at home. If under exceptional circumstances a student is required to take medication during school hours, only a school nurse or medication aide will provide the medication in compliance with the regulations that follow:

1. Under no circumstances will prescription medications be administered that are not brought to school in the prescription container, properly labeled, including the student's name, physician's name and directions for administrating.
2. The school district retains the discretion to reject requests for administration of medicine and/or medical attention.
3. We suggest you consult your licensed medical physician on the timing of prescriptions. Some can be written to eliminate the need to give medication during school hours. Please do not request medications to be given before or after school hours as staff is not available.
4. Over the counter medication (i.e. aspirin, cold tablets, etc.) will not be administered without a prior written consent order from a parent.
5. All medications not picked up will be properly disposed of at the end of the school year or when the student is no longer enrolled at the school.
6. All medicines administered at school must be stored in a secure container and/or refrigerator.
7. Please send only a one month supply of medication to school in order to facilitate storage and administration.
8. All nutritional or dietary supplements will be administered by the above guidelines if ordered by a licensed physician for that student.

ADOPTED: May, 1995

REVIEWED: May, 1998

REVISED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

## **HOMELESS STUDENTS POLICY**

**General Policy:** The school district, in so far as is possible, will provide tuition free education for homeless children and youth who are in the district. The district will also accord homeless students with the educational rights and legal protections provided by state and federal law.

A “homeless child” for purposes of this Policy is a child who lacks a fixed, regular, and adequate night time residence, as defined by applicable federal and state law related to homeless students. An “unaccompanied youth” is a child who is not in the physical custody of a parent or guardian.

**Homeless Liaison:** Students in homeless situations who require assistance should contact the administration or counselor.

**Responsibilities:** The responsibilities of the Homeless Liaison:

- i. To assist with identification, enrollment, and placement of homeless children
- ii. To provide staff development activities to all school personnel regarding the educational rights and needs of homeless children
- iii. To aid homeless children in a full and equal opportunity to succeed in school
- iv. Aid homeless children and families to receive eligible educational service for and referrals to health, dental, and mental health services as appropriate
- v. Inform parents/guardians of homeless children with educational opportunities available and provide meaningful opportunities to participate in school
- vi. To disseminate public notice of the educational rights of homeless children where services are received (churches, family shelters, and soup kitchens)
- vii. Aid with enrollment disputes, and such disputes are mediated according to law
- viii. Inform parents/guardians of homeless children, and any unaccompanied youth, of transportation services available under the law

**Coordination:** The Counselors shall coordinate with the State, local community, and school personnel responsible for the provisions of education and related services to homeless children.

**Finances:** The Counselors shall ensure that financial records are maintained to show expenditures are for authorized activities. Title I, Part A Homeless Set-Aside Funds may also be used for services for homeless children. Materials and equipment purchased with grant funds are to be properly identified and inventoried.

**Program Activities:** The Counselors shall design program activities to meet the greatest need as determined by the District and homeless service providers.

**Documentation:** The Counselors shall document the number of homeless children and youth receiving services. The Counselors shall ensure that any record ordinarily kept related to

students, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, are to be maintained so that the records of a homeless child are available, in a timely fashion, when the child enters a new school or district and in a manner consistent with the Federal Education Rights and Privacy Act.

**Enrollment:** The enrollment and placement of homeless children shall be in compliance with federal and state law. A homeless child shall be immediately enrolled even if the child is unable to produce records normally required for enrollment. Lack of previous school records, immunization and medical records, birth certificate, or other documentation from the previous school will not delay enrollment. The District shall immediately contact the school last attended by the homeless child to obtain relevant academic and other records. If the homeless child needs to obtain immunizations or medical records, the District shall immediately refer the parent or guardian of the homeless child to the appropriate Counselor, who shall assist in obtaining necessary immunizations or medical records. Guardianship issues, dress code requirements, and residency requirements will not be obstacles to delay enrollment. The District may nonetheless require the parent or guardian of the homeless child to submit contact information.

**Placement:** Placement decisions for a homeless child shall be made according to the District's determination of the child's best interests.

- i. The placement shall be at either:
  1. The child's "school of origin," which is the school that the child attended when permanently housed or last enrolled; or
  2. The school of the attendance area in which the child is actually living.
- ii. If placed in the school of origin, the placement shall continue for the duration of the child's homelessness. If the child becomes permanently housed (no longer homeless) during the school year the placement in the school of origin will be continued for the remainder of that school year.
- iii. To the extent feasible the placement shall be in the school of origin except when such is contrary to the wishes of the homeless child's parent/guardian. If the placement is not in the school of origin or a school requested by the parent/guardian, the District shall provide a written explanation of the placement decision and a statement of appeal rights to the parent/guardian.
- iv. If the homeless child is an unaccompanied youth, the Counselor shall assist in the placement decision, consider the views of the unaccompanied youth, and provide the unaccompanied youth with notice of the right to appeal.
- v. The grade placement for the homeless child will be the appropriate grade level as determined by the District using the same procedures that are used for placing non-homeless children attending that school.

**Stigmatization:** It is the District's policy that homeless children not be stigmatized or segregated on the basis of their home status. Homeless children will be provided the same free, appropriate public education as other students.

**Services:** Homeless students will be provided services comparable to services offered to other students in school, including the following: transportation services, educational services for which the student is eligible, such as services provided under Title I, educational programs for children with disabilities, and educational programs for students with limited English proficiency, programs in vocational and technical education, programs for gifted and talented students, and school nutrition programs. Transportation will be provided to homeless students to the extent required by law. It will be provided to a homeless student comparable to that provided to students who are not homeless. Transportation will be provided when necessary to eliminate barriers to school enrollment and the retention of students experiencing homelessness.

**School of Origin:** When the homeless student attends the school of origin, transportation will be provided to and from the school of origin upon request of the parent/guardian or upon request of the Counselor. If the homeless child relocates out of the district but continues to be enrolled in the District based on it being the school of origin, the District will negotiate with the district in which the child is residing to develop a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If agreement is not reached, the responsibility and cost for transportation shall be shared equally.

**Dispute Resolution:** The process to resolve disputes concerning the enrollment or placement of a homeless child is as follows:

- a. The homeless child and the parent, guardian or other person having legal or actual charge or control of the homeless child shall be referred to the appropriate Counselor. The Counselor shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. The dispute resolution process is as follows:
  - i. The homeless child and parent/guardian will submit a written dispute statement to the Counselor.
  - ii. When it is determined that additional information would be helpful, the Counselor will schedule a meeting within 10 days, at which the homeless child and parent/guardian will be given the opportunity to provide information in support of their position.
  - iii. The Counselor will contact school officials and others as determined appropriate to obtain information to corroborate the information provided in support of the positions of the homeless child and parent/guardian and the District.
  - iv. The Counselor will provide a written response and explanation of the decision regarding the dispute within 30 calendar days after receiving the dispute statement.

- v. The written response and explanation of the decision will include a notice of the right to appeal using the appeal process provided in Nebraska Department of Education Rule 19.
- b. In the event of an enrollment dispute, the homeless child's placement shall be at the school in which enrollment is sought pending resolution of the dispute in accordance with the dispute resolution process. In the case of an unaccompanied youth, the appropriate Counselor shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

ADOPTED: 2012

REVIEWED: 2014



1600.10

### **ACCIDENT INSURANCE**

If they so desire, students and athletes may secure low-cost school-time accident insurance from a company approved by the Board of Education and/or Superintendent. All insurance premiums shall be paid by the insured.

In case of injury, the school is not responsible for any hospitalization, dental work or doctor bills.

ADOPTED: May, 1995

REVIEWED: May, 1998

REVIEWED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

## **CONDUCT OF PUPILS/ABSENCES/RESTRICTIONS**

Students in the Lewiston Schools will be expected to abide by all school rules and procedures and to behave in a manner consistent with the beliefs and ideals of the Lewiston School Board. The Board of Education and administration believe that student discipline is a process designed to teach, model, use appropriate strategies and reinforce the responsible behaviors necessary to ensure a safe and productive learning environment. To achieve this goal, the board of education and school administration urge all students to follow the tenets of the “Six Pillars of Character” in all their dealings with other people. These six tenets are: fairness, responsibility, citizenship, trustworthiness, caring and respectfulness.

Behaviors showing disrespect or disregard for the rights feelings of others will not be tolerated. Examples of these unacceptable behaviors are bullying, taunting, teasing, harassing, make disrespectful comments to any teacher or other staff member, intimidation, making threats, defiance, arson, theft, possession of weapons or any explosive devices, being grossly unkind, and intentionally trying to harm or inflict pain or suffering on another person, either through fighting, assault, extortion or verbal harassment or intimidation. Violations involving these behaviors will be dealt with seriously and sometimes severely and will result in at least a verbal or written admonishment, and perhaps detention or suspension from school.

- a. Excuses: All excuses for absence from school grounds during school hours shall be governed by the regulations published by the administration.
- b. No students shall leave the buildings during school hours, for any purpose, unless cleared through an administrator’s office. Exception: direct route from main building to the agriculture building.

ADOPTED: May, 1995

REVIEWED: May, 1998

REVISED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

## **HARASSMENT BY STUDENTS**

This policy is designed to more closely define elements of harassment that are mentioned in Policy #1600.11. Harassment of students, staff or visitors by other students will not be tolerated in the school district. This policy is in effect while students are on school grounds, school district property, or on property within the jurisdiction of the school district; while on school-owned and/or school-operated transportation; while attending or engaged in school activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school district.

Harassment prohibited by the school district includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, suspension and expulsion.

Sexual harassment means unwelcome sexual advances; requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs or activities;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, offensive or hostile learning or work environment.

Sexual harassment as set out above, may include, but is not limited to:

- Verbal or written harassment or abuse, or unwelcome communication implying sexual motives or intentions;
- Pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications;
- Unwelcome touching;
- Unwelcome and offensive public sexual display of affection;
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, achievements, etc.

Harassment on the basis of race, creed, color, religion, national origin, marital status or disability means conduct of a verbal or physical nature designed to embarrass, distress, agitate, disturb or trouble individuals when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of an individual's participation in school programs or activities;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or
- Creating an intimidating, offensive or hostile learning or work environment.

Harassment as set forth above may include, but is not limited to:

- Verbal, physical or written harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades or achievements;
- Demeaning jokes, stories, or activities directed at an individual.

The district will promptly and reasonably investigate allegations of harassment. The principal or superintendent will be responsible for handling all complaints by students alleging harassment.

Retaliation against an individual because the individual has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited. A student who is found to have retaliated against an individual in violation of this policy will be subject to discipline, up to and including suspension or expulsion.

It shall also be the responsibility of the superintendent, in conjunction with the investigator and principal, to develop administrative regulations regarding this policy. These rules will be printed and distributed to students and parents in the student handbook. The administration shall also organize training programs for students and employees as needed. This training will include how to recognize harassment and what to do in case an individual is harassed. The employee orientation and training will be documented in personnel files to ensure a record of notification for each employee.

ADOPTED: March, 2004

REVIEWED: 2006

REVIEWED: 2014

## **HARASSMENT BY STUDENTS INVESTIGATION PROCEDURES**

### Administrative Regulation

Harassment of students by other students will not be tolerated. This is a violation of school district policies and in some cases, may also be a violation of criminal or other laws. The school district has the authority to report students violating this policy or procedure to law enforcement officials. Students who feel they have been harassed by other students should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable in doing this. If the individual needs assistance in communicating with the harasser, he/she should ask a teacher, counselor or administrator to help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, he/she should: (1) tell a teacher, counselor or administrator; and (2) write down exactly what happened, keep a copy and give another copy to the teacher, counselor or administrator – including what, when and where it happened; who was involved; exactly what was said or what the harasser did; witnesses to the harassment; what the individual said or did, either at the time or later; how the individual felt; and how the harasser responded.

### Complaint Procedure

An individual who believes he/she has been harassed shall notify the principal, who is the designated investigator. The alternate investigator is the superintendent. The investigator may request that the individual complete the Harassment Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes or pictures. Information received during the investigation shall be kept confidential to the extent possible. The investigator, with the approval of the superintendent, or the superintendent has the authority to initiate a harassment investigation in the absence of a written complaint.

### Investigation Procedure

The investigator shall reasonably and promptly commence the investigation upon receipt of the complaint. The investigator shall interview the complainant and the alleged harasser. The alleged harasser may file a written statement refuting or explaining the behavior outlined in the complaint. The investigator may also interview other witnesses as deemed appropriate. Upon conclusion of the investigation, the investigator shall make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the superintendent, and will also outline the findings of the investigation to the superintendent.

### Resolution of the Complaint

Following receipt of the investigator's report, the superintendent may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline, up to and including suspension or expulsion.

Prior to the determination of the appropriate remedial action, the superintendent may also interview the complainant and the alleged harasser. The superintendent shall file a written report

closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complaint, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation.

#### Points to Remember in the Investigation

- Evidence uncovered during the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be discipline up to and including suspension and expulsion.

#### Conflicts

If the investigator is a witness to the incident, the alternate investigator, or another investigator appointed by the superintendent, shall become the investigator for this incident.

#### Administrative Regulation

REVIEWED: February, 2004

APPROVED: March, 2004

REVIEWED: 2006

REVIEWED: 2014

**HARASSMENT COMPLAINT FORM**

Name of Complainant: \_\_\_\_\_

Position of Complainant: \_\_\_\_\_

Date of Complaint: \_\_\_\_\_

Name of Alleged Harasser: \_\_\_\_\_

Date and Place of Incident or Incidents: \_\_\_\_\_

Description of Misconduct: \_\_\_\_\_

Name of Witnesses (if any): \_\_\_\_\_

Evidence of harassment, i.e. letters, photos, etc. (attach evidence) \_\_\_\_\_

Any other information: \_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **LEWISTON WELLNESS POLICY**

### School Wellness Policy

A mission of Lewiston Consolidated Schools is to provide curriculum, instruction, and experiences in a health-promoting school environment to instill habits of lifelong learning and health. Therefore, the Board adopts the following School Wellness Policy.

#### **1. School Wellness Committee**

##### **Committee Role and Membership**

The District will convene a representative District Wellness Committee (“DWC”) or work within an existing school health committee that meets at least four times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation and periodic review and update of this District wellness policy.

The DWC membership will represent all school levels and include (to the extent possible), but not be limited to: parents and caregivers; students; representatives of the school nutrition program; physical education teachers; health education teachers; school health professionals or staff; mental health and social services staff; school administrators; school board members; and the general public. When possible, membership will also include Supplemental Nutrition Assistance Program Education coordinators. To the extent possible, the DWC will include representatives from each school building and reflect the diversity of the community.

##### ***Leadership***

The Superintendent or designee(s) will convene the DWC and facilitate development of and updates to the wellness policy, and will ensure each school’s compliance with the policy.

The school district will designate a school wellness policy coordinator, who will ensure compliance with the policy.

#### **2. Wellness Policy Implementation, Monitoring, Accountability and Community Engagement**

##### ***Implementation Plan***

The District will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions and timelines specific to each school; and includes information about who will be responsible to make what change, by how much, where and when; as well as specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education and other school-based activities that promote student wellness. It is recommended that the school use the Healthy Schools Program online tools to complete a school-level assessment based on the



Centers for Disease Control and Prevention's School Health Index, create an action plan that fosters implementation and generate an annual progress report.

This wellness policy can be found at the District's website.

### ***Recordkeeping***

The District will retain records to document compliance with the requirements of the wellness policy at the Superintendent's office and/or on the District's computer network. Documentation maintained in this location will include but will not be limited to:

- The written wellness policy;
- Documentation demonstrating that the policy has been made available to the public;
- Documentation of efforts to review and update the Local Schools Wellness Policy; including an indication of who is involved in the update and methods the district uses to make stakeholders aware of their ability to participate on the DWC;
- Documentation to demonstrate compliance with the annual public notification requirements;
- The most recent assessment on the implementation of the local school wellness policy;
- Documentation demonstrating the most recent assessment on the implementation of the Local School Wellness Policy has been made available to the public.

### ***Annual Notification of Policy***

The District will actively inform families and the public each year of basic information about this policy, including its content, any updates to the policy and implementation status. The District will make this information available via the District website and/or district-wide communications. The District will provide as much information as possible about the school nutrition environment. This will include a summary of the District's events or activities related to wellness policy implementation. Annually, the District will also publicize the name and contact information of the District officials leading and coordinating the committee, as well as information on how the public can get involved with the school wellness committee.

### ***Triennial Progress Assessments***

At least once every three years, the District will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

- The extent to which the District's schools are in compliance with the wellness policy;
- The extent to which the District's wellness policy compares to the Alliance for a Healthier Generation's model wellness policy; and
- A description of the progress made in attaining the goals of the District's wellness policy.

The position/person responsible for managing the triennial assessment and contact information is the Superintendent or the Superintendent's designee.

The DWC, in collaboration with individual schools, will monitor schools' compliance with this wellness policy.

The District will actively notify households/families of the availability of the triennial progress report.

### ***Revisions and Updating the Policy***

The DWC will update or modify the wellness policy based on the results of the annual School Health Index and triennial assessments and/or as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

### ***Community Involvement, Outreach and Communications***

The District is committed to being responsive to community input, which begins with awareness of the wellness policy. The District will actively communicate ways in which representatives of DWC and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means appropriate for that district. The District will also inform parents of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards. The District will use electronic mechanisms, such as email or displaying notices on the district's website, as well as non-electronic mechanisms, such as newsletters, presentations to parents, or sending information home to parents, to ensure that all families are actively notified of the content of, implementation of, and updates to the wellness policy, as well as how to get involved and support the policy. The District will ensure that communications are culturally and linguistically appropriate to the community, and accomplished through means similar to other ways that the district and individual schools are communicating important school information with parents.

The District will actively notify the public about the content of or any updates to the wellness policy annually, at a minimum. The District will also use these mechanisms to inform the community about the availability of the annual and triennial reports.

## **3. Nutrition**

### ***School Meals***

The District is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; that are moderate in sodium, low in saturated fat, and have zero grams *trans* fat per serving (nutrition label or manufacturer's specification); and to meeting the nutrition needs of school children within their calorie requirements. The school meal programs aim to improve the diet and health of school children, help mitigate childhood obesity, model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

All schools within the District participate in USDA child nutrition programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and any additional Federal child nutrition programs in which the District participates. The District may also operate additional nutrition-related programs and activities. All schools within the District are committed to offering school meals through the NSLP and SBP programs, and other applicable Federal child nutrition programs, that:

- Are accessible to all students;
- Are appealing and attractive to children;
- Are served in clean and pleasant settings;
- Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. (The District offers reimbursable school meals that meet USDA nutrition standards.)
- Promote healthy food and beverage choices using at least ten of the following Smarter Lunchroom techniques:
  - Whole fruit options are displayed in attractive bowls or baskets (instead of chaffing dishes or hotel pans).
  - Sliced or cut fruit is available daily.
  - Daily fruit options are displayed in a location in the line of sight and reach of students.
  - All available vegetable options have been given creative or descriptive names.
  - Daily vegetable options are bundled into all grab-and-go meals available to students.
  - All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
  - White milk is placed in front of other beverages in all coolers.
  - Alternative entrée options (e.g., salad bar, yogurt parfaits, etc.) are highlighted on posters or signs within all service and dining areas.
  - A reimbursable meal can be created in any service area available to students (e.g., salad bars, snack rooms, etc.).
  - Student surveys and taste testing opportunities are used to inform menu development, dining space decor and promotional ideas.
  - Student artwork is displayed in the service and/or dining areas.
  - Daily announcements are used to promote and market menu options.

### ***Staff Qualifications and Professional Development***

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals. These school nutrition personnel will refer to USDA's Professional Standards for School Nutrition Standards website to search for training that meets their learning needs.

### ***Water***

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day and throughout every school campus ("school campus" and "school day" are defined in the glossary). The District will make drinking water available where school meals are served during mealtimes.

### ***Competitive Foods and Beverages***

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages sold and served outside of the school meal programs (e.g., "competitive" foods and beverages) will meet the USDA Smart Snacks in School nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the

school day and create an environment that reinforces the development of healthy eating habits. A summary of the standards and information, as well as a Guide to Smart Snacks in Schools are available at: <http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks>. The Alliance for a Healthier Generation provides a set of tools to assist with implementation of Smart Snacks available at [www.foodplanner.healthiergeneration.org](http://www.foodplanner.healthiergeneration.org).

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet or exceed the USDA Smart Snacks nutrition standards or, if the state policy is stronger, will meet or exceed state nutrition standards. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

### ***Celebrations and Rewards***

All foods offered on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards or, if the state policy is stronger, will meet or exceed state nutrition standards, including through:

1. Celebrations and parties. The district will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.
2. Classroom snacks brought by parents. The District will provide or make available to parents a [list of foods and beverages that meet Smart Snacks](#) nutrition standards.
3. Rewards and incentives. The District will provide teachers and other relevant school staff a [list of alternative ways to reward children or other comparable resources](#). Foods and beverages will not be used as a reward, or withheld as punishment for any reason, such as for performance or behavior.

### ***Fundraising***

Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day. The District will make available to parents and teachers a list of healthy fundraising ideas or comparable resources.

### ***Nutrition Promotion***

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. This promotion will occur through at least:

- Implementing at least ten or more evidence-based healthy food promotion techniques through the school meal programs using Smarter Lunchroom techniques; and
- Ensuring 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards.

### ***Nutrition Education***

The District will teach, model, encourage and support healthy eating by all students. Schools will provide nutrition education and engage in nutrition promotion that:

- Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
- Is part of not only health education classes, but also integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
- Includes enjoyable, developmentally-appropriate, culturally-relevant and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits and school gardens;
- Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
- Emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise);
- Links with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm to School programs, other school foods and nutrition-related community services;
- Teaches media literacy with an emphasis on food and beverage marketing; and
- Includes nutrition education training for teachers and other staff.

### ***Essential Healthy Eating Topics in Health Education***

The District will include in the health education curriculum a minimum of 12 of the following essential topics on healthy eating:

- Relationship between healthy eating and personal health and disease prevention
- Food guidance from MyPlate
- Reading and using FDA's nutrition fact labels
- Eating a variety of foods every day
- Balancing food intake and physical activity
- Eating more fruits, vegetables and whole grain products
- Choosing foods that are low in fat, saturated fat, and cholesterol and do not contain *trans* fat
- Choosing foods and beverages with little added sugars
- Eating more calcium-rich foods
- Preparing healthy meals and snacks
- Risks of unhealthy weight control practices
- Accepting body size differences

- Food safety
- Importance of water consumption
- Importance of eating breakfast
- Making healthy choices when eating at restaurants
- Eating disorders
- The Dietary Guidelines for Americans
- Reducing sodium intake
- Social influences on healthy eating, including media, family, peers and culture
- How to find valid information or services related to nutrition and dietary behavior
- How to develop a plan and track progress toward achieving a personal goal to eat healthfully
- Resisting peer pressure related to unhealthy dietary behavior
- Influencing, supporting, or advocating for others' healthy dietary behavior

### ***Food and Beverage Marketing in Schools***

The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health and physical activity. These efforts will be weakened if students are subjected to advertising on District property that contains messages inconsistent with the health information the District is imparting through nutrition education and health promotion efforts. It is the intent of the District to protect and promote student's health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus, consistent with the District's wellness policy.

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards or, if stronger, state nutrition standards, such that only those foods that comply with or exceed those nutrition standards are permitted to be marketed or promoted to students.

Food and beverage marketing is defined as advertising and other promotions in schools. Food and beverage marketing often includes an oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller or any other entity with a commercial interest in the product. This term includes, but is not limited to the following:

- Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
- Displays, such as on vending machine exteriors
- Corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: immediate replacement of these items are not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that is financially possible over time so that items are in compliance with the marketing policy.)
- Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book

covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the District.

- Advertisements in school publications or school mailings.
- Free product samples, taste tests or coupons of a product, or free samples displaying advertising of a product.

As the District/school nutrition services/Athletics Department/PTA/PTO reviews existing contracts and considers new contracts, equipment and product purchasing (and replacement) decisions should reflect the applicable marketing guidelines established by the District wellness policy.

#### **4. Physical Activity**

Children and adolescents should participate in at least 60 minutes of physical activity every day. A substantial percentage of students' physical activity can be provided through a comprehensive school physical activity program (CSPAP). A CSPAP reflects strong coordination and synergy across all of the components: quality physical education as the foundation; physical activity before, during and after school; staff involvement and family and community engagement and the District is committed to providing these opportunities. Schools will ensure that these varied physical activity opportunities are in addition to, and not as a substitute for, physical education (addressed in "Physical Education" subsection). All schools in the District will be encouraged to participate in *Let's Move! Active Schools* ([www.letsmoveschools.org](http://www.letsmoveschools.org)), or comparable program, in order to successfully address all CSPAP areas.

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) will not be withheld as punishment. The District will provide teachers and other school staff with a list of ideas or resources for alternative ways to discipline students.

To the extent practicable, the District will ensure that its grounds and facilities are safe and that equipment is available to students to be active. The District will conduct necessary inspections and repairs.

#### ***Physical Education***

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts (discussed in the "*Essential Physical Activity Topics in Health Education*" subsection). The curriculum will support the essential components of physical education.

All students will be provided equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

All elementary students in each grade will receive physical education for at least 60-89 minutes per week throughout the school year.

All secondary students (middle and high school) are required to take the equivalent of one academic year of physical education.

The District's physical education program will promote student physical fitness through individualized fitness and activity assessments (via the Presidential Youth Fitness Program or other appropriate assessment tool) and will use criterion-based reporting for each student.

### ***Essential Physical Activity Topics in Health Education***

Health education will be required in all elementary grades and the District will require middle and high school students to take and pass at least one health education course. The District will include in the health education curriculum a minimum of 12 the following essential topics on physical activity:

- The physical, psychological, or social benefits of physical activity
- How physical activity can contribute to a healthy weight
- How physical activity can contribute to the academic learning process
- How an inactive lifestyle contributes to chronic disease
- Health-related fitness, that is, cardiovascular endurance, muscular endurance, muscular strength, flexibility, and body composition
- Differences between physical activity, exercise and fitness
- Phases of an exercise session, that is, warm up, workout and cool down
- Overcoming barriers to physical activity
- Decreasing sedentary activities, such as TV watching
- Opportunities for physical activity in the community
- Preventing injury during physical activity
- Weather-related safety, for example, avoiding heat stroke, hypothermia and sunburn while being physically active
- How much physical activity is enough, that is, determining frequency, intensity, time and type of physical activity
- Developing an individualized physical activity and fitness plan
- Monitoring progress toward reaching goals in an individualized physical activity plan
- Dangers of using performance-enhancing drugs, such as steroids
- Social influences on physical activity, including media, family, peers and culture
- How to find valid information or services related to physical activity and fitness
- How to influence, support, or advocate for others to engage in physical activity
- How to resist peer pressure that discourages physical activity.

### ***Recess (Elementary)***

All elementary schools will offer at least 20 minutes of recess on all days during the school year. Exceptions may be made as appropriate, such as on early dismissal or late arrival days. If recess is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as



well as time to put away coats/hats/gloves, will be built in to the recess transition period/timeframe before students enter the cafeteria.

Outdoor recess will be offered when weather and other conditions make it feasible for outdoor play.

In the event that recess must be held indoors, teachers and staff will follow the indoor recess guidelines that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

### ***Classroom Physical Activity Breaks (Elementary and Secondary)***

Students will be offered periodic opportunities to be active or to stretch throughout the day on all or most days during a typical school week. The District recommends teachers provide short (3-5-minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.

The District will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through USDA and the Alliance for a Healthier Generation.

### ***Active Academics***

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible (e.g., science, math, language arts, social studies and others) and do their part to limit sedentary behavior during the school day.

The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

### ***Before and After School Activities***

The District offers opportunities for students to participate in physical activity either before and/or after the school day through a variety of methods. The District will encourage students to be physically active before and after school by sponsoring or permitting: physical activity clubs and physical activity in aftercare, intramurals or interscholastic sports.

## **5. Other Activities that Promote Student Wellness**

The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues and physical activity facilities. The District will coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

Schools in the District are encouraged to coordinate content across curricular areas that promote student health, such as teaching nutrition concepts in mathematics, with consultation provided by either the school or the District's curriculum experts.

All efforts related to obtaining federal, state or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complementary of the wellness policy, including but not limited to ensuring the involvement of the DWC.

All school-sponsored events will adhere to the wellness policy guidelines. All school-sponsored wellness events will include physical activity and healthy eating opportunities when appropriate.

### ***Community Partnerships***

The District will develop, enhance, or continue relationships with community partners (e.g., hospitals, universities/colleges, local businesses, SNAP-Ed providers and coordinators, etc.) in support of this wellness policy's implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

### ***Community Health Promotion and Family Engagement***

The District will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.

As described in the "Community Involvement, Outreach, and Communications" subsection, the District will use electronic mechanisms (e.g., email or displaying notices on the District's website), as well as non-electronic mechanisms, (e.g., newsletters, presentations to parents or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

### ***Staff Wellness and Health Promotion***

The DWC will have a staff wellness subcommittee that focuses on staff wellness issues, identifies and disseminates wellness resources and performs other functions that support staff wellness in coordination with human resources staff.

Schools in the District will implement strategies to support staff in actively promoting and modeling healthy eating and physical activity behaviors. The District promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management that are accessible and free or low-cost.

### ***Professional Learning***

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

### ***Glossary***

**Extended School Day** – the time during, before and after school that includes activities such as clubs, intramural sports, band and choir practice, drama rehearsals and more.

**School Campus** - areas that are owned or leased by the school and used at any time for school-related activities, including on the outside of the school building, school buses or other vehicles used to transport students, athletic fields and stadiums (e.g., on scoreboards, coolers, cups, and water bottles), or parking lots.

**School Day** – the time between midnight the night before to 30 minutes after the end of the instructional day.

**Triennial** – recurring every three years.

Legal Reference: Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. section 1758b; 7 CFR sections 210.11 and 210.30; National School Lunch Program, 42 U.S.C sections 1751-1760, 1770; Regulations and Procedures for Accreditation of Schools, NDE Rule 10

Date of Adoption: September 14, 2017

## STUDENT ALCOHOL AND DRUG USAGE

Students bringing alcoholic beverages or illegal drugs on the school premises, or anyone under the influence of alcoholic beverages or illegal drugs shall consider themselves subject to suspension from school. Explanation: Any student, boy or girl, on school property for any reason, found to be in possession of, partaking of, or under the influence of alcoholic beverages or illegal drugs, **WILL** be automatically suspended. This action is to be taken within three days. This also applies to students attending activities involving the school, but held elsewhere. Additionally, those persons participating in extracurricular activities who are suspended or expelled, may be suspended from activities for a period of twenty school days. Extracurricular activities include Athletics, Spirit Squads, FFA, FCCLA, FBLA, Quiz Bowl, Student Council, Speech and Music Contests.

- a. First offense will constitute a short term suspension along with a twenty school day suspension from all extra-curricular activities. During the first five days of out of school suspension, the student may not be on school grounds or at any school activities. During the remaining 15 days of the suspension from extra-curricular activities, the student will be required to practice with the team, and at the discretion of the coach or sponsor, may also be required to attend contests with the team. If in attendance, the student will sit with the team, but will not be allowed to participate in the contests or extra-curricular activities during this time period.  
Exception: If the student is in an activity that has a contest held during the school day, the student will remain in school during that school day and may not then attend the event after school hours are concluded.
- b. Second offense will constitute a long-term suspension or expulsion. If a student is willing to seek professional help and complete an alcohol or drug program approved by the school then the penalty may revert back to the previous penalty of the first offense. A second offense will result in forfeiture of any letter or recognition from the school for that sport or activity.

APPROVED: 1995

AMENDED: May 15, 1997

AMENDED: 1999

AMENDED: July, 2000

AMENDED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

## **STUDENT TOBACCO USAGE**

Use of tobacco in any form (smoking, chewing, vapor, etc.) is not permitted in the school building or on any other area of school property. Students observed or caught by any staff member (secondary or elementary teachers, support staff, administrators or coaches) or law enforcement officials in the act of possessing, selling or using of a tobacco substance will be subject to suspension from regular classes. Additionally, those persons participating in extracurricular activities, who are suspended for tobacco related offenses, will be suspended from contests or activities for a period of time as specified in the training rules for extra-curricular activities. Extracurricular activities include athletics, spirit squads, FFA, FCCLA, FBLA, Quiz Bowl, student council, speech and music contests, or other activities that might be started in the future.

### **Disciplinary Action:**

First offense: One day in-school suspension, plus one week suspension from extra-curricular contests

Second offense: Two days out of school suspension, plus two weeks suspension from extra-curricular activities.

Third offense: Three days out-of-school suspension, plus suspension from activities the remainder of that season, along with forfeiture of any letter or other school award for that season.

ADOPTED: 1994

REVIEWED: 1998

REVISED: 1999

REVIEWED: July, 2000

REVIEWED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

## HONORS AND SCHOLARSHIPS

- a. Awards – The following awards will be given on the day of the Commencement ceremony to honored seniors:
  - Valedictory – Shall rank first in class
  - Salutatory – Shall rank second in class
- b. Rules Governing Presentation of Awards
  - 1. The valedictorian and salutatorian must have the highest averages respectively for a full four year course of study.
  - 2. Students to be eligible for these awards must be seniors who have attended high school at Lewiston during their junior and senior years prior to graduation.
  - 3. No student who has been expelled from school during the four year high school period will be eligible for these awards.
  - 4. All graduates will wear caps and gowns at Commencement Exercises.
  - 5. Diplomas will be furnished by the School District.

REVIEWED: 1998

REVIEWED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

1600.17

### **COMMENCEMENT SERVICES**

Commencement Services will be held in the new gymnasium on the second Sunday in May, at 2:00 p.m., unless otherwise decided by the administration and the school board.

A Commencement speaker is not mandatory for the service. Such service shall have the approval of the Board of Education. If a speaker is part of the Commencement program his/her remuneration will be paid by the Board of Education.

A senior slide show may be presented as part of the commencement ceremony, with the approval of the school superintendent, principal and senior class sponsor. The request for this slide show must be made to the administration by March 1.

- a. Presentation of diplomas – All diplomas shall be presented by a designated member of the Board of Education.

REVIEWED: 1998

REVISED: July, 2002

REVIEWED: 2006.

REVIEWED: 2014

## STUDENT ACTIVITIES

1. Activities in School Buildings – Students will not be allowed in the building unless their activities are supervised by an instructor at all times.
2. Control of Student Activity Funds – The Superintendent or Principal or faculty members designated by them will have custody of all funds of classes, organizations and activities. The person so designated by the superintendent will keep records of individual accounts under separate headings. Funds will be deposited in one general account at the bank. A complete record of all receipts and expenditures shall be maintained at all times. These records and the fund shall be audited once a year by a Certified Public Accountant approved by the Board of Education.
 

At least once a year and at other times, on the request of the Board, the Superintendent will submit to the Board of Education, a report of receipts, disbursements and balance of the activity fund and of the accounts comprising the fund.
3. Eligibility – The Principal will check the eligibility of all contestants at the beginning of each semester and thereafter each week. All eligibility sheets will be forwarded from the Office of the Superintendent. The regulations of the Nebraska School Activities Association govern all contests or activities between schools. The faculty will determine the requirements for awarding school letters.
4. Class Parties and Social Activities – All class parties and social activities, including athletic and other extracurricular activities will be permitted only with the approval of the class sponsor and Superintendent or Principal. Work missed or to be missed shall be made up as the teachers may direct. Each class, nine through twelve, will be limited to one class party during the school year.
 

All school activities scheduled at night during the week, with the exception of basketball and volleyball, must be concluded by 9:30 p.m. Activities on Friday night may extend for two hours after an activity, but no later than 11:30 p.m. Weekend activities must have administrative approval ahead of time.
5. Athletic Program – The school shall sponsor the following interschool athletic activities: football, basketball, track, volleyball and golf. Any new athletic activities will need to be approved by the Board of Education.
 

The school is authorized to become a member of the Pioneer and Mudecas Conferences.

The Superintendent and Principal shall decide the scheduled tournaments and contests in which the school participates. Athletic contests may be held during school time, however, night games are preferred. In contests away from home played during school time, no one will be allowed to attend if not properly excused.
6. Finances – Admission charges for all athletic contests shall be set at the July meeting of the Board of Education. Proceeds from the athletic contests shall be used to finance the



athletic program. All athletics shall be handled through the activity fund. The activity fund shall be audited by a Certified Public Accountant as approved by the Board of Education. The Board of Education shall transfer general funds to make up any deficits in the individual activity funds at the end of July, if there are any.

7. Transportation for Activities – Transportation will be provided to school activities under the sponsorship of a faculty member and a bus driver. The faculty member will be in charge and the students and driver will be responsible to that teacher. It is a school policy that students will be admitted onto buses at the school grounds and released at the same place. Those students attending an activity by school transportation except that (1) a student may go home with parents, (2) a neighbor may take a student providing the parent of the student gives his/her written consent, (3) permission or consent is arranged beforehand by contacting the sponsor of the bus. Buses will not stop for refreshments when returning from any activities except with prior approval by the group sponsor and the Administration.
8. Supervision – School Functions – All faculty members are encouraged to attend school functions or activities and help project a positive school image for patrons and students by their demeanor and by their involvement in the supervision of students.

REVIEWED: 1998

REVISED: July, 2000

REVISED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

### **STUDENT ATTIRE/CLOSED CAMPUS**

1. Closed Campus – All students must remain at school during the lunch period. Students living in Lewiston will be permitted to go home for lunch by parental request.
2. Student Attire – Students are expected to wear school clothing which is appropriate in appearance and does not contain any inappropriate wording. Parents are urged to use discretion and good judgment in helping their students make selections of school clothing. Extremes in style are undesirable. Clothing bearing patches or insignia of alcoholic beverages, drugs, or tobacco are not permitted. Shorts appropriate in fit and appearance may be worn by all students. No short shorts, gym shorts, or ragged shorts are allowed. Loose fitting jeans should have belts and the shirts tucked in. Bare midriffs, halter tops, tank tops, and muscle shirts are not permitted to be worn by students in any grades. We encourage good judgment so that disciplinary measures do not need to be taken.

REVIEWED: 1998

REVISED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

1600.20

## **STUDENT RECORDS – FAMILY EDUCATION AND PRIVACY ACT**

Purpose – Since a public school must necessarily maintain extensive information about students and their families for legitimate educational purposes, it is recognized that the potential is present for invasion of personal rights should such information be revealed to unauthorized persons or should access to the information be restricted from the student or their parents/guardians.

The Board of Education, therefore, directs the Superintendent of Schools to establish administrative regulations which will insure against invasion of privacy to the student or his family, and which will provide for access to the student's records by the student, his/her family, and by school officials as needed in performance of their assigned duties.

REVIEWED: 1998

REVIEWED: July, 20002

REVIEWED: 2006

REVIEWED: 2014

1600.21

## **BULLYING POLICY**

### Students Anti-bullying Policy

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

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

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including anti-bullying education for all students. Inappropriate behaviors include bullying, intimidation and harassment and it also includes dating violence as set out in 1600.21c. Bullying means any ongoing pattern of physical, verbal or electronic abuse on school grounds, in a vehicle owned, leased or contracted by the school being used for a school purpose by a school employee or designee, or at school sponsored activities or school sponsored athletic events.

The school district shall review the anti-bullying policy on a regular basis, during its rotation of policy review, or more often if needed or desired by the board.

Administrative Regulation 1600.21b follows this policy.

1<sup>st</sup> READ: May 12, 2008  
ADOPTED: June 16, 2008  
REVISED: July 12, 2010  
REVIEWED: 2014

**BULLYING ADMINISTRATIVE REGULATION  
For Board Policy 1600.21b**

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

The Lewiston Schools administration will take a pro-active role against any type of bullying activities by discussing our expectations and the policy and procedure on the first day of school. As a minimum, we will inform the students that bullying can be physical, emotional, or electronic. Students will also be told about the roles involved in bullying – the bully, the victim and the bystander. They will also be told how to handle the situation if they feel they are being bullied. They should:

1. Let the person know that what they are doing or saying is bothering you and you want it to stop or you will report it;
2. If it continues, then report it to the administration and the bully will be brought into the office, questioned about his behavior, and asked to stop this kind of behavior. The consequences of this type of bullying behavior is as follows:
  - a. The bullying will be talked to and further consequences will be discussed if the behavior continues;
  - b. If the bullying continues, they would receive three days of in-school suspension and they would be talked to again;
  - c. If the behavior still continues after step 2, the student would be removed from school for a period of time not to exceed ten school days;
  - d. If the student then returns to school and continues this type of behavior then the person's case and behavior would be taken in front of the entire school board for consideration of expulsion from school.

REVIEWED: 2014

1600.21c

### **DATING VIOLENCE POLICY AMENDMENT TO POLICY 1600.21**

The Lewiston Consolidated Schools provides a physically safe and emotionally secure environment for all students and staff. Positive behaviors are encouraged in the educational programs of the District and are required of all students and staff. Inappropriate behaviors, including but not limited to dating violence, will not be tolerated and must be avoided by all students and staff.

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

Strategies and practices are implemented to reinforce positive behaviors and to discourage and protect others from inappropriate behaviors. The Lewiston Consolidated Schools shall provide dating violence training to staff deemed appropriate by the superintendent of schools or his/her designee. The dating violence training shall include, but not be limited to, basic awareness of dating violence, warning signs of dating violence, and the Lewiston Consolidated Schools dating violence policy.

The student, the student's parents or legal guardian, and the school staff shall be informed of the Lewiston Consolidated Schools dating violence policy through the school newsletter and also through the student handbook.

APPROVED: July 12, 2010

REVIEWED: 2014

**DATING VIOLENCE ADMINISTRATIVE REGULATION**  
**For Board Policy 1600.21c**

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including dating violence education for all students. Inappropriate behaviors include bullying, intimidation, harassment and physical violence. Dating violence means any pattern of behavior where one person uses threats, or actually uses physical, sexual, verbal or emotional abuse to control his or her dating partner. Dating partner is defined in Policy 1600.21c.

The Lewiston School administration will take a pro-active role against any type of dating violence activities by discussing our expectations and the policy and procedure on the first day of school. As a minimum, we will inform the students that dating violence can be physical, sexual, emotional or verbal, which might include electronic intimidation. Students should:

1. Let the person know that what they are doing or saying is bothering you and you want it to stop or you will report it;
2. If it continues, then report it to the administration and the alleged perpetrator will be brought into the office, questioned about this behavior, and asked to stop this kind of behavior. The consequences of this type of inappropriate dating behavior is as follows:
  - a. The alleged dating violence perpetrator will be talked to and further consequences will be discussed if the behavior continues;
  - b. If the dating violence allegations continue, law enforcement authorities will be contacted. Perpetrators of dating violence are also subject to punitive actions such as in-school suspension, out of school suspension, and possible expulsion if the situation seems to warrant it. This type of behavior could be taken in front of the entire school board for consideration or upholding of expulsion from school.

REVIEWED: 2014

## **FOREIGN EXCHANGE STUDENTS PLACEMENT POLICY**

The Lewiston Consolidated Schools welcome the added cultural experience that foreign exchange students bring to our school district. Not only are they provided with an opportunity to learn about United States culture, schools, subjects and students but our students and staff learn from them as well. It is a very positive multi-cultural opportunity for all parties involved.

Foreign exchange students who attend school and live with a host family would normally be enrolled in our junior class on all local school documentation but enrolled as a senior for state reporting purposes to avoid mandatory state testing. This is because exchange students are required to have a full year of American History or American Government. We only require one semester of American Government during the senior year and American History is offered in the junior year and is a full year course.

If a foreign exchange student would want to graduate from the Lewiston Consolidated Schools with all the rights and privileges of a U.S. citizen from the state of Nebraska, they would be required to be enrolled for two full years in the Lewiston Consolidated Schools. This means that an exchange student could return after their junior year and complete their senior year and have the same considerations as a regular student from the Lewiston Consolidated School District. This would include class rank and scholarship and National Honor Society opportunities. This would also include the right to earn a graduation diploma from the Lewiston Consolidated schools and any benefits it may offer towards post-secondary education.

If a student would choose to be here for one year and be of an age to make them eligible for assignment to the senior class, then the student would not receive a regular diploma but would only receive a certificate of attendance. They could also request that the school board allow them to participate in the graduation ceremony, but with a certificate of attendance being awarded to them rather than a diploma.

Foreign exchange students are limited to a total of five (5) students per school year.

REVIEWED: September 15, 2008  
ADOPTED: October 13, 2008  
REVISED: January 2012  
REVIEWED: 2014



### **Title I Parent Involvement**

The Lewiston Consolidated Schools commits to meet all requirements of the No Child Left Behind Act of 2001 as they apply to all Title I programs conducted within the District. This policy and all procedural steps included in the implementation of this policy have been developed jointly with parents and will be reviewed, evaluated regarding its effectiveness, and updated annually at a scheduled meeting for this purpose, held at a convenient time for staff and parents. Parents are encouraged to provide input into such review, evaluation and possible revisions. This policy will be distributed to all parents annually, and/or interpreted to parents, whenever possible, in their native language.

The District recognizes the unique needs of students who are being served through the Title I Program and stress the importance of parental involvement in the academic success of their children. Opportunities will be provided for parent involvement in their child's education in the following manner:

- 1) Parents will be involved in the planning, review, and improvement of the Parent Involvement Policy through at least one meeting annually, as well as a variety of other activities designated to reinforce the requirements of this policy.
- 2) Parents will be provided timely information regarding the District's curriculum, academic assessments used, and proficiency levels expected of all students through a variety of communication methods utilized by the District to inform and involve parents as a partner in their child's academic success.
- 3) Parents will be provided opportunities to participate, as appropriate, in decisions relating to the education of their children regarding such matters as curriculum, assessments and student performance standards. This will include development of the District's School Improvement Plan, Title I Targeted Assistance or School wide Self-Review documents and/or Title I School wide plan, as well as the planning of effective parental involvement activities.
- 4) Parents will jointly develop a School-Parent Compact during the annual Title I meeting that outlines shared responsibility for improved student academic achievement.
- 5) Parents will be provided assistance, opportunities, and/or materials to help them understand the topics related to their child's academic achievement in a format, and when feasible, in a language they can understand. These opportunities will be provided by the school staff through a variety of means of communication such as parent-teacher conferences, handbooks, progress reports, newsletters and other school publications.
- 6) The District will provide opportunities, to the extent practical, for parents of limited English proficiency, parents with disabilities, and parents of minority children to participate in their child's education, including the communication of school reports and student performance reports in a language parents can understand.

- 7) The District will strive to increase opportunities that will help build the capacity for strong parental involvement in all aspects of the District's programs.
- 8) The District will coordinate and integrate parental involvement strategies within a variety of school programs through on-going discussions among staff and parents.

ADOPTED: May 16, 2014

REVIEWED: 2014

### **Admission of Out of State Students**

Students who reside in a state other than Nebraska must submit an application to enroll in the district.

The administration will review each application and will admit out-of-state students whose academic history, disciplinary records, and prior school community involvement indicate they will be successful in this district. Those who have verified disabilities pursuant to the Individuals in Education Act or Section 504 of the Rehabilitation Act will not be excluded solely on their disability. However, those who need specialized programming or whose enrollment would require hiring of additional staff or specific training of existing staff will not be admitted. The administration's approval or dismissal of an out-of-state student's application is final.

Out-of-state students who are admitted pursuant to this policy must meet the requirements of board of education policy, state statute, and regulations that apply to their situation. Once admitted, they will be subject to the same disciplinary rules and procedures as resident students. Students must reapply for admission prior to each semester. Re-admission may be denied for students who are not academically and/or behaviorally successful. Once admitted, out-of-state students' grade level placement will be determined in accordance with district policy.

Out-of-state students are not entitled to transportation or reimbursement for transportation.

Out-of state students will not be charged tuition by the district. A tuition fee may be adopted by the board of education prior to any semester with or without notice to the out-of-state student's family or resident school district.

ADOPTED: May, 2015

## **APPROPRIATE ELECTRONIC NETWORK USE POLICY**

The school district provides electronic access to local, national and international networks. These networks provide students and staff access to information, collaboration and activities that support learning and teaching.

The Internet is an uncensored world-wide communications network. It is possible for any user of the Internet to access information that may not be considered to be of educational value in the context of the school setting and/or be inappropriate for a minor. The school district cannot prevent the availability of inappropriate material on the Internet, nor explicitly define what is "inappropriate."

Every school district user has the responsibility to respect and protect the right of every network user. The school district account holders are expected to act in a responsible, ethical, and legal manner in accordance with the mission, purposes and regulations of the school district, local area networks, the networks they use on the Internet and the laws of the State of Nebraska and the United States.

Inappropriate use, including any violation of these rules, regulations and laws may result in cancellation of privilege. The administration or its designees have the authority to determine appropriate use and may deny, revoke, or suspend the use of computers by students who violate this policy. In addition, the administration has the authority to impose additional disciplinary actions as it deems necessary. The school district believes that the valuable information and interaction available on local and world-wide networks outweighs the possibility that users may procure material that is inconsistent with the educational goals of the district. Ultimately, parents and guardians are responsible for setting and conveying the standards that their children or wards should follow. To that end, the school district supports and respects each family's right to decide whether or not to apply for Internet access and make use of the availability.

The following two pages will comprise the Lewiston Schools Acceptable Use Agreement for the Internet and for E-mail, and without signed agreement of such by both the student and their parent/guardian, the student will be denied usage of the Internet system and the attendant benefits that it could bring. These agreements must be returned to the building principal and be on file at the school before such usage will be allowed. These agreements will remain in effect for as long as the student attends the Lewiston Schools or until such time as the agreement is rendered null and void because of improper usage of the network by the student in question.

The school district reserves the right to "block" items on the Internet or use "filtering" devices which will attempt to prevent students or staff members from accessing information which is considered educationally unsuitable or do not meet the school district's educational goals. Any attempt to "override" district installed "blocks" or "filtering devices" will be considered a violation of school board policies. Students or staff attempting to override school installed "blocks" or "filtering devices" may be temporarily or permanently refuse access to the use of the

school district's computers and associated equipment which are capable of accessing school district networking or the Internet.

ADOPTED: June 11, 1997  
REVISED: August 15, 2001  
REVIEWED: 2006  
REVIEWED: 2014

**LEWISTON CONSOLIDATED SCHOOLS  
ACCEPTABLE ELECTRONIC NETWORK USE AGREEMENT  
FOR INTERNET AND E-MAIL**

The internet provides access to another computer systems around the world; parents of student users should understand that the school district has no control over the content of information residing on other such systems. Users and parents are advised that some systems may contain defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or illegal material. The school district does not condone such material and will not permit the use of such materials in the school environment. Any student using such material in the school environment will face disciplinary action. Therefore, the following rules apply to all students who wish to utilize the electronic network of the Lewiston Schools:

1. All use of the electronic network must be in support of education and research consistent with the purposes of the school district.
2. Any use of the network for commercial or for-profit purposes is prohibited; and is extensive use of the network for private and personal business.
3. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to others.
4. No use of the network shall serve to disrupt the use of the network by others; hardware and software shall not be destroyed, modified, or abused in any way.
5. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system or damage the software components of a computer/computing system is prohibited.
6. Hate mail, harassment, discriminatory remarks and other antisocial behaviors are prohibited on the network.
7. Use of the network to access or process pornographic material, inappropriate text files, or files dangerous to the integrity of the local area network is prohibited.
8. Do not reveal your own address or phone number or any other person's name, address, or phone number.
9. The transmittal of chain letters over the network is prohibited.
10. All E-mail messages stored on, received on, or transmitted from the school district's computers are the property of the school district and may be retrieved and reviewed by school officials when deemed necessary.
11. Messages relating to or in support of illegal activities may be reported to the proper authorities.
12. Knowingly transmitting or receiving any material in violation of any United States or State of Nebraska regulation is prohibited.

#### INDEMNIFICATION

The user shall indemnify and hold the school district harmless from any claim, expense, liability or damages arising out of or in connection with the user's use of the system, including but not limited to telephone toll charges, data base access fees, and software charges. No agency relationship exists between the user and the school district. Any liabilities, illegal actions, purchases or charges are the responsibility of the user.

DISCLAIMER OR WARRANTIES

The school district makes no warranties of any kind, whether express or implied, for the services it is providing. The school district will not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by the network or your errors or omissions. Use of any information obtained via the Internet is at your own risk. The school district specifically denies any responsibility for the accuracy, quality or appropriateness of the information obtained through the service.

SIGNATURES BELOW VERIFY ACCEPTANCE

STUDENT: I understand the rules set forth for the use of the Internet. I further understand that any violation of these rules is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked, school disciplinary action may be taken and/or appropriate legal action may be taken.

\_\_\_\_\_  
Student's Signature                      Grade                      Date

PARENT/GUARDIAN: As the parent or guardian of this student, I have read the terms and conditions for use of the Internet. I understand that this access is designed for educational purposes only. I also recognize it is impossible for the school district to restrict access to all controversial materials, and I will not hold the school district responsible for materials acquired on the Internet.

\_\_\_\_\_  
Parent/Guardian                      Date

REVIEWED: 2014

## **FIREARM/WEAPONS POLICY**

It shall be the policy of Pawnee County School District #69 to prohibit the unlawful possession of a firearm and/or weapon at school, on school property, in a school owned vehicle, or at a school sponsored activity or event. Weapon shall mean all weapons as defined by LB 1250 – Student discipline bill, not apply to the issuance of firearms to or possession by members of the Armed Services, National Guard, reserved officer training corps, peace officers or other duly authorized law enforcement officers when on duty. School owned “starter pistols” shall be allowed only for necessary school activities. Weapons may be allowed on school grounds for instructional purposes and for authorized instruction only.

Firearms contained within a private vehicle operated by a non-student adult must be: (1) completely encased, or (2) locked in a firearm rack.

Nebraska Criminal Code provides that any person in possession of a firearm shall be guilty of the offense of unlawful possession of a firearm on school grounds, which is a Class IV misdemeanor. The law provides that firearms unlawfully on school grounds or at school sponsored activities are to be confiscated without a warrant by law enforcement officers. School administrators are also authorized to confiscate firearms that are unlawfully on school grounds, without a warrant by law enforcement officers. School administrators are also authorized to confiscate firearms that are unlawfully on school grounds, without a warrant, and deliver them to a law enforcement officer. Confiscated firearms are required to be destroyed by order of the proceedings for unlawful possession of a firearm on school grounds.

The Federal Gun Free Schools Act requires student expulsion for a period of not less than one year for any student who has knowingly and intentionally possessed, used, or transmitted a firearm on school grounds, in a school owned vehicle being used for a school purpose, or at a school sponsored activity or athletic event. The superintendent or school board may modify the expulsion requirement on an individual basis. Students found in violation of this policy shall be referred to the Pawnee County Sheriff’s office or appropriate county sheriff (if violation occurs outside of Pawnee County).

ADOPTED: January, 1996  
REVIEWED: 1998  
REVIEWED: July, 2002  
REVIEWED: 2006  
REVIEWED: 2014



## **IDENTIFICATION OF HIGH ABILITY LEARNERS**

The Lewiston Consolidated Schools is dedicated to meeting the needs of every student. The school district shall identify learners with high ability and contingent upon available local, state, or federal funding, provide programs or services to address the educational needs of students identified, at levels appropriate for the abilities of those students.

A high ability learner shall mean a student who gives evidence of high performance capability in such areas of intellectual, creative, or artistic capacity or in specific academic fields and who require services or activities not ordinarily provide by the school in order to develop those capabilities fully.

## **MISSION AND BELIEF STATEMENTS**

The mission of the Lewiston Consolidated Schools is to provide a quality educational experience for ALL learners.

In order to support and maintain the mission, the district should provide for individual student needs and the development of extraordinary ability and potential, contingent upon available funding.

Therefore, the Lewiston Consolidated Schools believe educational programs for high ability learners are based on the following beliefs:

1. High ability learner capabilities are evidenced in all races, creeds, national origins, genders, physical abilities and economic strata.
2. All learners with high ability should have an education free from economic and cultural bias.
3. Individuals with high abilities have unique learning needs.
4. Learners with high ability come from diverse economic and cultural settings and must be identified. Services should be provided to address their educational needs.

## **IDENTIFICATION PROCESS**

We will begin the identification process in grades 3-6, using standardized test scores and NWEA scores which including the cognitive skill sections. Scores at or above the 90<sup>th</sup> percentile will be utilized as initial indicators. In addition, in the future, we will utilize teacher referrals, intellectual test scores and outstanding examples of creativity.

ADOPTED: June, 1998

REVIEWED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

## STUDENT FEES POLICY

The Board of Education of the Lewiston Consolidated Schools adopts the following student fees policy, in accordance with the Nebraska Public Elementary and Secondary Student Fee Authorization Act.

The District's general policy is to provide for free instruction in accordance with the Nebraska State Constitution. The District also provides activities, programs and services that extend beyond the minimum level of constitutionally required free instruction. Under the Public Elementary and Secondary Student Fee Authorization Act, the District is permitted to charge students fees for these activities or to require students to provide specialized equipment and attire for certain purposes. This policy is subject to further interpretation or guidance by administrative or Board regulations. Students are encouraged to contact their building administration, their teachers or their coaches and sponsors for further specifics.

### A. DEFINITIONS

1. "Students" shall include students, their parents, guardians or other legal representatives.
2. "Extracurricular activities" shall mean student activities or organizations that (a) are supervised or administered by the District; (b) do not count toward graduation or advancement between grades; and (c) are not otherwise required by the District.
3. "Post secondary education costs" shall mean tuition and other fees associated with obtaining credit from a post secondary educational institution.

### B. LISTING OF FEES CHARGED BY THIS DISTRICT

1. Guidelines for Clothing Required for Specific Courses and Activities.  
Students are responsible for complying with the District's grooming and attire guidelines. They are also responsible for furnishing all clothing required for any special programs, courses or activities in which they participate. The teacher, coach, or sponsor of the activity will provide students with written guidelines that will detail any special clothing requirements and explain why the special clothing is required for the specific program, course or activity.
2. Safety Equipment and Attire.  
The District will provide students with all safety equipment and attire that is required by law. Building administrators will assure that (a) such equipment is available in the appropriate classes and areas of the school building; (b) teachers are directed to instruct students in the use of such devices; and (c) students are responsible for using the devices as required, safely and as instructed.
3. Personal or Consumable Items.  
Students are responsible for furnishing personal or consumable items for participation in course and activities including, but not limited to, pencils, paper, pens, erasers and notebooks. The District will provide students with facilities, equipment, materials and supplies, including books, and the students are then

responsible for the careful and appropriate use of such property. Students will be charged for damage to school property caused by the student and will be held responsible for the reasonable replacement cost of any school property that was lost by the student.

4. Materials Required for Course Projects

Students in some courses produce a project that becomes their property at the end of the course. In those circumstances, students must either furnish or pay for the reasonable cost of any materials required for the course project.

5. Extracurricular Activities

The District may charge students a fee to participate in extracurricular activities to cover the District's reasonable costs in offering such activities. The District may require students to furnish specialized equipment and clothing that is required for participation in extracurricular activities, or may charge a reasonable fee for the use of District-owned equipment or attire. The coach or sponsor will provide students with written guidelines detailing the fees charged, the equipment and/or clothing required, or the usage fee charged. The guidelines will explain the reasons that the fees, equipment and/or clothing are required for the activity. The District, by activity, may maintain an inventory of used and/or new equipment to fulfill fee waiver requests.

6. Musical Instruments and Activities

Students shall be required to furnish musical instruments for participation in optional music courses except that a musical instrument shall be provided without charge for accepted fee waivers. The District is not obligated to provide a particular instrument to fulfill a student's request.

7. Post Secondary Education Costs

Some students enroll in post secondary courses while still enrolled in the District's high school. As a general rule, students must pay all costs associated with such post secondary courses. However, for a course in which students receive both high school and post secondary education credit, or a course being taken as part of an approved accelerated or differentiated curriculum program, the District shall offer the course without charge for tuition, transportation, books, or other fees, except tuition and without charge for tuition, transportation, books, or other fees, except tuition and other fees associated with obtaining credits from the post secondary institution.

8. Transportation Costs

The District will charge students reasonable fees for transportation services provided by the District to the extent permitted by federal and state statutes and regulations.

9. Copies of Student Files or Records

The District is authorized to charge a reasonable fee for making copies of a student's files or records for the student, or the parent or guardian of such student. The fee for making copies of these files/records will be set by the superintendent's office. Parents of students have the right to inspect and review the student's files or records without the payment of a fee, and no fee shall be charged to search for or retrieve any student's files or records.

10. Participation in Before-and-After School or Pre-Kindergarten Services

If the District offers any before and after school or pre-kindergarten services at any time in the future, pursuant to statute, it may charge reasonable fees for participation in these programs.

11. Participation in Summer School or Night School

The District will charge reasonable fees for participation in summer school or night school, and may charge reasonable fees for correspondence courses.

12. Charges for Food Consumed by Students

The District will charge for items that student's purchase from the District's breakfast and lunch programs. The fees charged for these items will be set according to applicable federal and state statutes and regulations. The District will charge students for the cost of food, beverages, and other personal or consumable items that students purchase from a school store, a vending machine, a booster club, a concession stand or other similar sources, as none of these will meet the criteria for or be subject to a fee waiver. Students may also be required to bring money or food for field trip lunches and similar activities.

13. Any Other Fee Authorized by Law

The District may, from time to time, also be able to assess certain charges and fees for other items or articles which are authorized by law.

C. WAIVER POLICY

Students who qualify for free/reduced price lunches under United States Department of Agriculture child nutrition programs shall be provided a fee waiver or be provided the necessary materials or equipment without charge for (1) participation in extracurricular activities; (2) "home" admissions or fees and transportation charges for student spectators attending extracurricular activities, if transportation is offered; (3) materials for course projects; and (4) the use of a musical instrument in optional music courses that are not extracurricular activities. Actual participation in the free or reduced price lunch program is not required to qualify for the waivers provided in this section, but the paperwork does need to be completed. The District is not obligated to provide a particular type/quality of equipment or other material to eligible students.

D. DISTRIBUTION OF POLICY

This policy will be included in the Parent/Student Handbook and/or the Student Activity Handbook, and will be provided to students and parents at no cost.

E. STUDENT FEE FUND

The School Board hereby authorizes and establishes a Student Fee Fund. The Student Fee Fund shall be a separate School District fund that will not be funded by tax revenue, and that will serve as a depository for all monies collect from students for (1) participation in extracurricular activities; (2) post secondary education costs; and (3) summer school or night school courses. Monies in the Student Fee Fund shall be expended only for the purposes for which they are collect from students. Students in an activity that depend upon fundraising to offset costs of the activity are required to participate in such fundraising as determined necessary and approved.

F. FUNDS TO STUDENTS

In no case will the District provide funds directly to students to satisfy a fee waiver. Fee waivers must be applied for and approved before an activity begins.

ADOPTED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

STUDENT FEE WAIVER APPLICATION

The school district will waive certain fees for students who qualify for free or reduced lunches under the income guidelines of the United States Department of Agriculture. If you would like the School District to waive specific student fees for your child, you must fill out this form in it's entirety down to "for office use" and submit it, along with any required documentation, to the office of the Superintendent of Schools.

PART 1: Name(s) of the child(ren) for whom you are requesting a fee waiver:  
\_\_\_\_\_

PART 2: Specific fee(s)/activity(ies) for which you are requesting a waiver:  
\_\_\_\_\_

PART 3: Submit this form with your free/reduce application form. If your free/reduced Lunch application form is already on file at the school, please indicate so here:  
\_\_\_\_\_already on file at school

PART 4: Signature and Verification:  
An adult household member must sign this application below.

PLEASE READ THIS CERTIFICATION BEFORE SIGNING

I certify that all information on this application is true and that all income is reported here or on the free/reduced lunch application form. I understand that U.S. Department of Agriculture Free and Reduced Lunch Program qualification guidelines are the only criteria used for a free waiver. I understand that to qualify for a fee waiver, the Free and Reduced Lunch Program forms must be completed and submitted to the District, even if I do not wish to apply for the lunch program. I may apply for a fee waiver whenever conditions warrant to make me qualify. You must apply before an activity begins in order to receive the fee waiver approved.

By my signature on this document, I give school authorities permission to disclose my child's eligibility for fee waivers to school personnel as necessary in order to carry out the fee waiver. I understand that any clothing, equipment, or other materials used by my child during his or her participation in the activity for which student fees have been waived are and will remain the property of the school district.

Sign Here: \_\_\_\_\_ Date: \_\_\_\_\_

-----  
For Office Use Only

Does the student's family meet the financial eligibility criteria for free or reduced price meals offered under the Child Nutrition Program?     Yes     No

Application accepted:     Application denied:     Date: \_\_\_\_\_

APPROVED: July, 2002

REVIEWED: 2006

REVIEWED: 2014

## CERTIFICATION

In July each year, the Board of Education of the Lewiston Consolidated Schools holds a public hearing on the proposed student fee policy. The hearing is followed by a review of the amount of money collected from students pursuant to, and the use of waivers provided in, the student fee policy for the ensuing school year. The student fee policy is then adopted by a majority vote of the school board at an open public meeting conducted in compliance with the Public Meetings Law.

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Superintendent of Other Authorized Person

ADOPTED: July 10, 2002

REVIEWED: 2006

REVIEWED: 2014

## STUDENT FEES

### Administrative Regulation

The following list details the fees charged of students, and the kinds of supplies and materials students are expected to provide for participation in various programs and activities.

Students who wish to have particular fees waived must submit a fee waiver application to the office of the Superintendent of schools.

#### *Fees Charged Within the District:*

- Prior to the beginning of the school year, the school district publishes a listing of personal and consumable supplies that elementary students in each grade must provide for his/her use.
- Students in junior high and high school must provide their own personal and consumable supplies including paper, pens, pencils, and erasers.
- Student Participation Fee \$ \_\_\_\_\_  
(for all who participate in athletics or other extra-curricular activities)
- Fees for Industrial Technology Classes \$ \_\_\_\_\_
- Fees for Art Classes \$ \_\_\_\_\_
- Fees for Family & Consumer Science Classes \$ \_\_\_\_\_
- Fees for FCS \$ \_\_\_\_\_
- Fees for FFA \$ \_\_\_\_\_  
(students must buy their own jackets)
- Fees for National Honors Society \$ \_\_\_\_\_
- Band \$ \_\_\_\_\_  
Students must provide their own instruments. Performance uniforms will be provided.
- Special Music groups \$ \_\_\_\_\_  
If special outfits and shoes, students must buy their own.
- Cheerleading, Drill Team \$ \_\_\_\_\_  
Students must purchase their own uniforms and shoes.
- Football \$ \_\_\_\_\_  
Students must provide their own football shoes and undergarments.
- Golf \$ \_\_\_\_\_  
Students must provide their own golf shoes, clubs, undergarments.
- Track, Volleyball, Basketball \$ \_\_\_\_\_  
Students must provide their own shoes and undergarments.
- Summer School \$ \_\_\_\_\_  
Students must pay their summer school tuition set annually.
- Dual Credit Courses \$ \_\_\_\_\_  
Students must pay the tuition fee set by the post-secondary intuition.
- Breakfast Program: Grades K-12 (regular) \$ \_\_\_\_\_
- Breakfast Program: Grades K-12 (reduced) \$ \_\_\_\_\_
- Lunch Program: Grades K-6 (regular) \$ \_\_\_\_\_
- Lunch Program: Grades 7-12 (regular) \$ \_\_\_\_\_
- Lunch Program: Grades K-12 (reduced) \$ \_\_\_\_\_



1700

## **SCHOOL PROPERTY POLICIES**

1700.00

### **EQUAL ACCESS TO FACILITIES**

In accordance with federal regulations related to limited open forums, non-curriculum related student groups may, with the written permission of the superintendent, meet on the school premises at such times and places as determined by the superintendent, subject to the following:\*

1. The meeting will be held during non-instructional time.
2. Facilities are available to accommodate the meeting without interfering with other school activities.
3. The meeting is voluntary and student initiated.
4. There is no sponsorship of the meeting by the school district or its employees or by any other governmental body or its employees.
5. Employees of the school district shall be present only in a non-participating capacity.
6. The meeting will not materially and substantially interfere with the orderly conduct of educational activities within the school.
7. Persons who are not regularly enrolled students or employees of the District will not direct, conduct, control or regularly attend such meetings held on the school premises.

\*For purposes of this policy:

1. "Limited Open Forum" shall mean: The opportunity, in junior and senior high school, for non-curriculum related student groups to meet on school premises during the school day.
2. "Curriculum Related Student Groups" shall mean: Any group sponsored by the District or by the individual school or to which the Superintendent assigns a staff member as sponsor on either a paid or non-paid basis. A Curriculum Related Student Group shall not include any student group which has a religious or political affiliation or purpose.
3. "Non-Curriculum Related Student Groups" shall mean: Any student group which is not a curriculum related student group.

ADOPTED: May 13, 1995

REVIEWED: March, 1995

REVIEWED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1700.01

## **USE OR RENTAL OF BUILDING AND/OR EQUIPMENT**

The school building proper will be open for use regularly between the hours of 8:00 a.m. and 5:00 p.m. All students, except those requested to remain in the building by a faculty member, must be out of the school buildings by the designated hour. On days when there is an evening activity or athletic event, students may remain in the building until time for that event, but must act in a responsible manner or this privilege will be suspended for them.

Classrooms may be used by any social or civic group within the community with no change for usage.

The school building proper will not be open to students or the general public on Sundays without special arrangements or prior permission from the Superintendent of Schools.

All requests for the use of school equipment and buildings must have the authorization of the Superintendent. Any group misusing school property will not have access to such property in the future without first meeting with the Board of Education to discuss the problem. Unless prior approval is received, school property such as the public address system, score clocks and scoreboards, projectors, projection screen, tape recorders, videos, computers, folding chairs, tools, facility support equipment and textbooks are not to be loaned or used for any purpose other than instruction.

Any person or group renting or using school facilities shall assume responsibility for maintaining order, protecting property and assuming safety of person's participation or attending. Any person or group using school facilities and/or equipment must pay for any unnecessary wear and tear, destruction, or damages to such facilities and equipment.

When building services are made available to an eligible group, which would include all educational organizations, services and programs, the use of lights will be furnished by the school. The organization using the school facility shall pay directly to the party engaged for any other service needed, including custodial service, unless other arrangements have been made with the school administration. All groups using the school lunchroom, the kitchen and other school facilities must leave things in proper order and condition.

Rental of the old gymnasium and stage by any group for commercial dancing purposes is prohibited.

ADOPTED: June 13, 1983

REVIEWED: March, 1995

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1700.02

## **OPEN GYMNASIUM POLICY**

All rules and regulations of the Nebraska School Activities regarding summer activities relating to athletic practices will be strictly adhered to.

All students presently attending Lewiston Schools may use the facilities free of charge with proper supervision. Proper supervision shall mean a parent, teacher, coach, administrator or other responsible adult who is within vision range. The supervisor will be present from the start of the period of time the facility will be open until the end of that period. A maximum of two hours per day will be in effect. The supervisor must obtain a single building entrance key from a school administrator or other designated school official and return it in person. All equipment shall be returned to its proper location. Shower facilities may be used only with prior permission, and all used areas of the school shall be properly maintained before leaving.

Requests for use of the facility shall be scheduled prior to use through the Office of the Superintendent.

Community organizations, town team basketball teams, private organizations, business or family gatherings desiring to use the facility will be scheduled through the Office of the Superintendent. Showers, kitchen, etc., may be used with permission by the Superintendent. There will be no fees for the usage of the facility unless a damage deposit is requested, which will be refunded if the building is left in good order with no damages requiring attention. Donations for the usage of the facilities will be gratefully accepted.

Use of the school facilities is a privilege granted by the Board of Education. Abuse of the privilege will adversely affect continuation of this policy.

School activities shall not be held in the old gymnasium or on the stage unless approved and sponsored by the faculty.

ADOPTED: June 13, 1983

REVIEWED: March, 1995

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1700.03

### **SMOKING IN BUILDINGS OR ON GROUNDS**

Smoking of any kind is not permitted anywhere inside any of the school buildings or on school property.

ADOPTED: June 13, 1983

REVIEWED: March, 1995

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1700.04

### **PLAYGROUNDS/ATHLETIC FIELDS**

Playgrounds, including the athletic field, shall be available to children for recreational purposes at all times during the school day, but the school is not to supervise or be responsible for children outside of the hours school is in session or immediately before or after such hours.

ADOPTED: June 13, 1983

REVIEWED: March, 1995

REVIEWED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1700.05

### **SOLICITORS/BUSINESS AGENTS**

No school employee shall visit with or discuss business matters of a personal nature with any business representative during the hours the employee is on duty in the school, except by special permission of the Principal or Superintendent. Any agent or business representative calling on school personnel about school matters, such as textbooks, publications of the school, class insignia, athletic equipment, school supplies, building and custodial supplies, etc., shall first obtain permission from the Superintendent's office, and it is the duty of the school employees to ascertain that the representative has such permission. In general, a teacher shall not interrupt class work to confer with such representatives. Any employees who order any supplies or equipment without the authorization of the Superintendent for such order shall be personally liable for payment of the bill and for the material so ordered.

ADOPTED: June 13, 1983

REVIEWED: March, 1995

REVIEWED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1800

## **SCHOOL TRANSPORTATION POLICIES**

1800.01

### **BUS ROUTES**

The Board of Education will require that the laying out of the bus routes is done each year in a manner that, in the board's judgment, will best serve the interests of the school, the students and the district patrons. Just prior to the start of the school year, a board committee will review the routes set down by the transportation director to see that these criteria are met.

Once the school year begins, routes may not be changed without the knowledge and approval of the school administration.

The Board of Education designates the school administration to make all decisions during the school year as to whether drivers will go to the driveways of those riding on buses, depending on the feasibility of this practice and on whether roads are passable. The administration will make the decision in any instance where there is a question in regard to this practice.

REVIEWED: March, 1995

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1800.02

## **BUS DRIVERS**

All bus drivers shall be 21 years of age or older. Drivers shall have followed the required procedures to be qualified to hold a valid bus operator's permit, and shall have on file, in the Office of the Superintendent, a certificate of good health issued by a physician. This physical examination certification should be dated on or about their most recent birthday, and should be on file at all times when a driver is employed either as a regular or substitute driver.

School bus drivers will have full authority over all pupils on their bus. Violations and misdemeanors by pupils while on the bus shall be reported to the school administration by the bus operator. Continued inappropriate conduct by students who are riding the bus may result in loss of bus riding privileges.

Other bus driver requirements and guideline are listed under 1800.03 and 1800.06 of this policy manual.

REVIEWED: March, 1995

REVISED: March, 1999

REVISED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014



## **BUS DRIVER'S DUTIES**

Bus drivers shall be under the supervision of the school administration, subject to the approval of the board of Education.

Scheduling of buses for school activities, other than the regular two-a-day trips, must be scheduled by the athletic director, under the direct authority of the Superintendent.

Buses are not to stop at any place to unload students except at the school house and the homes of the students during regularly scheduled trips, morning and evening, unless an unforeseen emergency arises.

Bus drivers are to arrange their stops so as not to arrive at the school house before 8:00 a.m. School buses are to be at the loading zone by 3:25 p.m. each afternoon. They are to remain there until all students are given a reasonable and ample time to board the buses.

Bus drivers are expected to make an approximate four minute wait for children when such students are late in arriving at regular stops.

Bus drivers are urged to give utmost care and precaution in the driving and operation of the buses.

All drivers are responsible for the care of buses, which includes sweeping, washing and cleaning windows and daily pre-trip inspections.

Regular drivers are expected to drive their buses each and every day unless there is an emergency or unless they have prior approval from an administrator. If unable to drive, drivers are expected to line up a substitute driver for their route.

Willful disregard of the above is considered a violation of the contract and serves as grounds for voiding the contract with the bus driver.

Students are to: (a) be on time at bus stops; (b) enter or leave the bus only after the bus has stopped; (c) not leave articles on the bus; (d) be courteous at all times; (e) refrain from talking to the driver while the bus is in motion; (f) stay seated until the bus stops to unload; (g) keep arms, hands and other parts of the body inside the windows; (h) recognize that horse play on the bus could endanger the lives of other students; (i) cross the road when necessary ahead of the bus, but only after being signaled by the driver to cross; and (j) look after the safety of smaller children.

Parents are to: (a) cooperate by having children ready on time; (b) comply with school regulations and recommendations; (c) study the transportation regulations with their children; (d) observe safety practices in their own driving; and (e) assist in removing road hazards and cooperate with school officials in the improvement of the overall transportation program.

Insurance: the school district will furnish bus insurance to cover property damage and public liability for all its buses.

REVIEWED: March, 1995

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1800.04

### **ACTIVITY TRIPS**

Drivers for activity trips will be reimbursed at a rate set in July by the school board each year. The actual drive time rate will be for two hours, regardless of the actual drive time, with additional trip and waiting time hours paid at a reduced rate. The time paid will be from bus barn to bus barn and will include all necessary and approved waiting time.

REVIEWED: March, 1995

REVISED: August, 1995

REVIEWED: August, 1996

REVIEWED: August, 1997

REVIEWED: August, 1998

REVISED: August, 2001

REVISED: July, 2002

REVISED: July, 2003

REVISED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

1800.05

### **BUS DRIVER'S SUBSTITUTES AND TRIPS**

Drivers are permitted to get a substitute driver only in cases of illness or for a personal reason that has the advance approval of the administration. Drivers will have sick leave and personal leave in accordance with the provisions of the classified staff policy. All drivers must inform the administration in advance of any substitute drivers and must also show the date(s) they use a substitute driver on each of their monthly trip reports.

REVIEWED: March, 1995

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

## **SAFE PUPIL TRANSPORTATION PLAN**

This Safe Pupil Transportation Plan sets forth the District's procedure for providing safe transportation to students being transported in pupil transportation vehicles.

1. Weapons – Upon becoming aware of a weapon aboard a pupil transportation vehicle, the driver will make every attempt to:
  - a. Call the school and notify them of this situation, if possible. If not possible, the driver will make every attempt to inform the school administration as soon as they can, after doing everything possible to make pupils on the bus as safe as they can be. The driver may call a law enforcement agency.
  - b. Pull the vehicle over to a safe and secure area.
  - c. Confiscate the weapon (if it doesn't jeopardize student or driver safety).
  - d. Give description of weapon and participating parties to the school office.
  - e. School office will notify appropriate law enforcement agencies, as well as the school administration, if this has not already been done.
2. Pupil behavior – Students are expected to follow student conduct rules while in a pupil transportation vehicle. The pupil transportation driver is responsible for controlling behavior which affects safety and for reporting rule violations to school administration. In the event a student's behavior jeopardizes safety, the driver will make every attempt to:
  - a. Call the school and notify them of the situation if the situation warrants it.
  - b. Activate emergency flashers.
  - c. Bring vehicle to a safe stop. Seek to resolve the issue through discussion with the student(s) involved, using physical force only as necessary to protect students or yourself.
  - d. Report and document discipline problems to the school administration on a Bus Conduct Report/Incident Form.
3. Terroristic threat – A person commits a terroristic threat if the person threatens to commit a crime of violation with the intent to terrorize another person or with the intent of causing evacuation of a building, place of assembly or vehicle of public transportation or acts in a manner showing reckless disregard of the risk of causing such terror or evacuation. Upon becoming aware of a terroristic threat relating to a pupil transportation vehicle, the driver will make every attempt to:
  - a. Call the school and notify them of the situation if possible.
  - b. Get the vehicle and students into a safe location.
  - c. Make every attempt to keep passengers calm (this may mean complying with the terrorist).
  - d. Once the school is informed or if the driver has an opportunity, appropriate law enforcement should be called and this school administration informed.
  - e. If necessary, driver should wait for instructions from the school office.

4. Severe weather – Upon becoming aware of severe weather while aboard a pupil transportation vehicle, the driver will make every attempt to:
  - a. Call the school and notify them of the situation if possible.
  - b. Return to the school if less than five minutes away and follow the directions of the school administrator. If more than five minutes away, go to the nearest building that can serve as a shelter. If the weather threat is a tornado, go to the nearest shelter where you can get students underground or safe.
  - c. If a tornado and there is no close by shelter and there is immediate danger the driver and passengers follow evacuation procedures and get into the nearest ditch or culvert at least 100 feet away from the vehicle.
5. Hazardous Material – Upon becoming aware of a hazardous material aboard a pupil transportation vehicle, the driver will make every attempt to:
  - a. Call the school and notify them of the situation if possible. Give them your best description of the hazardous material in question. The school will immediately notify the appropriate law enforcement or school administration.
  - b. Pull vehicle over to a safe and secure area – follow evacuation procedures if deemed necessary – get everyone at least 100 feet away from the vehicle.
  - c. Wait for instructions from the school administration or from law enforcement.
6. Medical Emergencies – Upon becoming aware of a medical emergency aboard a pupil transportation vehicle, the driver will make every attempt to:
  - a. Call the school and notify them of the situation if possible. If reached, the school will call the appropriate medical agencies and school administration and then will notify the driver of how to proceed. At the first opportunity, the appropriate parent(s) will be called as well.
  - b. Driver should follow instructions received from school or from medical personnel. If none is readily available or if the situation dictates such, the driver will follow emergency first aid procedures.
  - c. Only if necessary to get them out of danger of traffic or fire should the driver move passengers. If moved, the driver shall keep them where taken to until a medical agency arrives, unless a parent arrives to take charge of their child.
  - d. Driver should try to keep student passengers as calm as possible.
7. Procedures During Mechanical Breakdown of the Vehicle – Upon becoming aware of mechanical breakdown aboard a Pupil transportation vehicle, the driver will make every attempt to:
  - a. Pull vehicle over to a safe and secure area, if possible.
  - b. Call the school and notify them of the situation, if possible. School will arrange for assistance and a relief vehicle if needed. If the school cannot be reached, the driver will try to call other emergency numbers.
  - c. Activate emergency flashers and place warning flares/reflectors in accordance with safety guidelines, if not in a secure area.
  - d. Driver should try to keep passengers as calm as possible.
8. Documentation – Each pupil transportation driver is required to complete and submit to the school administration a bus conduct report or incident report involving the pupil transportation vehicle. Documentation is to be done upon the occurrence of any of the first six items above; and should be completed and submitted as soon as is possible after the incident.

9. Unsafe items – Drivers shall not permit pupil transportation vehicles to transport any items, animals, materials, weapons or look alike weapons, or other equipment that would in any way endanger the lives, safety or health of the passengers or the driver. Look alike weapons associated with a school sponsored and approved activity may be transported only with written permission of a school administrator.
10. Supplemental Information – A copy of this plan shall be placed in each pupil transportation vehicle, kept at the school office, and made available upon request. Supplemental information regarding administration of this plan can be found in the ALICAP pupil safety booklet, also kept in all vehicles and in the school office.

ADOPTED: May 16, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

## **SAFE DRIVING RECORD STANDARD FOR DRIVERS**

Standard for Pupil Transportation Vehicle Drivers: Each person who is required to have a permit to operate a pupil transportation vehicle for this school district shall meet all the requirements to hold an continue to hold a pupil transportation operator's permit. One of the requirements for obtaining such a permit is that the person have a record of satisfactory driving as determined by Board policy. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

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

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

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

Standards for Drivers of Other School Vehicles. Each person who drives a school vehicle but does not transport students is also subject to the same guidelines as listed in the "Standard for Drivers of Small vehicles for Activity Trips" or may not use a school vehicle.

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

ADOPTED: May 18, 2004

REVIEWED: September, 2008

REVIEWED: November, 2014

**DRIVER CERTIFICATION  
FOR USE OF DISTRICT VEHICLES IN TRANSPORTATION OF PUPILS**

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 school district.

Name: \_\_\_\_\_ Operator's License #: \_\_\_\_\_ 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.

\_\_\_\_\_ I will comply with all such restrictions identified on my driver's license.

\_\_\_\_\_ 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 in accordance with Nebraska law. Cell phones will not be used while the vehicle is in motion.

\_\_\_\_\_ I have been given instruction in 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 form not continuing to be completely accurate or which may indicate that I should not be driving a school vehicle or transporting pupils

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

Driver \_\_\_\_\_



1900

## **POLICIES AFFECTING PATRONS OF THE SCHOOL DISTRICT**

1900.00

### **VISITING REGULATIONS**

1. Invitation to Visit School – The Board of Education, Superintendent and teachers of the Lewiston Schools encourage patrons to visit the school as often as possible. Your interest, support, constructive criticism and cooperation will assist up in working toward an improved educational program for the children of the Lewiston school district.
2. All children below school age are to be accompanied by a parent when visiting in the school building.
3. Parents and/or guardians of grade school children may visit grade level rooms from 8:15-3:37, unless prior arrangements have been made to visit before or after those time constraints.
4. Parents are urged to visit school and eat noon lunch with their children a reasonable number of times throughout the school year. Abuse of the school lunch program by those eating there will suspend lunch room privileges.
5. Pupils and patrons should in all ways be discouraged from giving personal gifts to school personnel. If gifts are offered, school personnel should minimize such acts and not give public praise to the donor or any publicity or public recognition for such gifts.

REVISED: March, 1996

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: 2014

## **PARENT INVOLVEMENT POLICY**

Pawnee County School District No. 69, Pawnee County after having conducted a public hearing concerning parental involvement and participation in the school district herewith declares that it shall be the policy of the District to provide full access at reasonable times to the parents of any student of this District to review textbooks, tests, curriculum materials, records of a student of any such parent, unless otherwise prohibited by law, and to any surveys of the students done by the school district. Parents are requested to contact the teacher/s prior to visiting classes.

It shall further be the policy of the District attempt to provide as uniform an experiences as possible in all classroom instruction, testing, surveys, and other school experiences. It is the policy of the District that classroom instruction, testing, and other school experiences that are objectionable to a parent do, nonetheless, not excuse students from such testing, classroom instruction, and other school experiences. However, if the superintendent or his/her designee shall receive written or oral objections from any parent concerning any such testing, classroom instruction, or other school experiences, such objections shall be summarized and reduced to writing or otherwise recorded.

It shall be the policy of the District to use only testing methods and testing instruments that are not of any experimental nature and to avoid using any testing materials or testing professionals that are not within sound educational standards or otherwise educationally appropriate.

It shall be the policy of the District to conduct student surveys judiciously, with full consideration to the fact that certain parents may find certain items of the survey objectionable. It shall, however, be the policy of the District to not generally exempt students from any school authorized survey, since to do so might impair the validity and accuracy of such a survey. It shall further be the policy of the District to notify parents of any surveys or standardized testing that may be scheduled within the school district.

ADOPTED: March, 1996

REVIEWED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: 2014

## **SCHOOL SYSTEM PERFORMANCE: EVALUATION AND IMPROVEMENT**

Because the school system exists to educate the youth of the District so that they may take their place as productive citizens, it is appropriate that the patrons of the school district periodically be provided information about student and school performance.

The Superintendent of Schools will annually prepare and distribute to the Board and the general public a written report which describes the school's success in meeting the goals described above. The report will include areas as indicated in each subsection below, with a summary of the results of the following assessments or studies as indicated. These are required by Rule 10, Regulations and Procedures for the Accreditation of Schools.

- A. A written report shall be prepared annually which includes but need not be limited to student academic performance, school system demographics, and financial information. This will be given to the board and placed in the school newsletter.
- B. A standardized norm referenced assessment will be conducted annually in at least one grade in each of the following three levels: Grades 4-6, Grades 7-9, and Grades 10-12. Whole grade assessment will begin no earlier than Grade 2. Results will be reported according to the guidelines in Rule 10.
- C. A criterion referenced assessment will be used to determine acquisition of competencies in reading, writing, and mathematics. The assessment shall begin in Grade 5 and continue through Grade 8. This will be based on local benchmarks or checklists, portfolio collections showing student progress, or other criterion referenced measures as determined by the district. Results will be reported only to the board of education and individual families in most cases.
- D. Notification of group test results and of the availability of group test results will be made annually in the school newsletter to the patrons of the school district. Individual test scores will be kept confidential. Group test results will not be made public if less than five students are in a grade.
- E. Follow up studies and results will be carried out at least once every three years. The results of the study will be made public according to policy in Rule 10.
- F. The Lewiston Schools shall have and shall implement a written plan for assessing its learning climate to determine areas of satisfaction and dissatisfaction. This report will be written annually. The results of the study shall be made available in written form as part of that year's performance report.

ADOPTED: November, 1990

REVIEWED: March, 1995

REVIEWED: January, 1998

REVISED: March, 1999

REVIEWED: July, 2004

REVIEWED: September, 2008

REVIEWED: 2014