

# **POLICY REFERENCE MANUAL**

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## OBJECTIVES FOR EQUAL EDUCATIONAL OPPORTUNITIES FOR STUDENTS

This section of the board policy manual is devoted to the board's goals and objectives for assisting the students of the school district in obtaining an education. Each student shall have an opportunity to obtain an education in compliance with the policies in this series.

It is the goal of the board to develop a healthy social, intellectual, emotional, and physical self-concept in the students enrolled in the school district. Each student attending school will have the opportunity to use it and its education program and services as a means for self-improvement and individual growth. In so doing, the students are expected to conduct themselves in a manner that assures each student the same opportunity.

The board supports the delivery of the education program and services to students free of discrimination on the basis of race, color, sex, marital status, national origin, religion or disability. This concept of equal educational opportunity serves as a guide for the board and employees in making decisions relating to school district facilities, employment, selection of educational materials, equipment, curriculum, and regulations affecting students.

Board policies, rules and regulations affect students while they are on school district property or on property within the jurisdiction of the school district; while on school owned, operated, or chartered transportation; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and educational processes of the school district.

This section of the board policy refers to the term "parents" in many of the policies. The term parents for purposes of this policy manual shall mean the legal parents. It shall also mean the legal guardian or custodian of a student and students who have reached the age of majority or are otherwise considered an adult by law.

Inquiries by students regarding compliance with equal educational opportunity laws and policies, including but not limited to complaints of discrimination, shall be directed to the superintendent or his or her designee.





## ENTRANCE – ADMISSIONS

### Pre-School:

A child shall be eligible for admission into pre-school under the following conditions: 1) the child is a resident of the Bruning-Davenport USD, 2) if there are vacant spots, the child of a Shickley resident may apply for entrance, and 3) if a family has child option-enrolled into the Bruning-Davenport USD, their pre-school child would be admitted to the pre-school program. At most there will be nineteen (19) children in the three-year-old and four-year-old pre-school program combined. The deadline for admission to the Bruning-Davenport USD pre-school program from a Shickley resident is July 15<sup>th</sup>. Transportation outside the district is not provided to a Shickley resident.

### Minimum Age:

A child shall be eligible for admission into kindergarten at the beginning of the school year if the child is five years of age or will be five years of age on or before October 15 of the current school year (for school year 2012-13 and each school year thereafter; age of five years on or before July 31 of the calendar year in which the school year for which the child is seeking admission begins). The School Board may admit a child who will reach the age of five between October 16 and February 1 of the current school year (for school year 2012-13 and each school year thereafter; age of five years on or after August 1 and on or before October 15 of such school year) if the parent or guardian requests such entrance and provides an affidavit stating that (i) the child attended kindergarten in another jurisdiction in the current school year; (ii) the family anticipates a relocation to another jurisdiction that would allow admission within the current year; or (iii) the child has demonstrated through a recognized assessment procedure approved by the School Board that the child is capable of carrying the work of kindergarten.

### Early Admission to Kindergarten:

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

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

- a. will turn 5 years of age between August 1 and October 15;
- b. are deemed by the parents or guardians as being intellectually advanced and likely to benefit from advanced grade placement; and
- c. are selected on the basis of testing by professionals trained to administer the assessments that will produce evident of strength determined by:
  1. achieving a **score at the 25<sup>th</sup> percentile** or greater on a composite of all subtests of the **Pre-Kindergarten Screen (PKS)**. Skills assessments by the PKS include fine and gross-motor development, understanding of verbal directions, visual perception and discrimination, rudimentary letter and number identification, and impulse control; OR

2. achieving a total of standard scores **equal to or greater than 500 on the Young Children's Achievement Test (YCAT)**. This test assesses general information, reading, writing, mathematics and spoken language. **OR**
3. achieving a **Standard Score of 115 or higher on the Bracken Basic Concept Scale: Expressive (BBCS:E)**; **OR**
4. achieving a **raw score of 89 or higher on the Brigance Early Childhood Screen II** for 3-5 year olds.

The assessments will be administered by the district's professional staff, or the parents or guardians may, at their own expense, have one of the required assessments completed by reputable professionals and submit the results of such assessments to the school district.

Parents will be notified in writing of the results of the Early Kindergarten Entrance assessment procedures and the determination of the school district in a timely fashion; not to exceed three weeks after the assessments are completed.

Families who seek early admission of their child into kindergarten must obtain an Early Entrance to Kindergarten Packet from the school district administrative office or telephone (402) 364-2225. The Early Entrance into Kindergarten packet must be completed and returned to the school district office no later than **May 15th** of the Spring before fall enrollment to allow the summer (June) assessment to be completed.

Parents must fill out the early entrance application forms, which includes a parent questionnaire and obtain and attach a reference letter from someone who is well acquainted with the child but not related to any family member. The person providing this reference should know the child well enough that they can speak with some expertise about the child's attributes and abilities. The reference letter should indicate whether this person recommends the child be schooled with children who will be a year older than he/she is; if yes, what evidence would this person provide about the child that would speak about his/her mental ability, pre-academic skills, fine motor ability and emotional/social development. Suggestions for this reference are a preschool teacher, a Sunday school teacher, a day-care provider, or a physician.

Fees for the assessment are the responsibility of the child's family, payable to the school district. (Assistance is available if **this causes a hardship** OR based on **free/reduced application**)

The decision regarding early entrance to kindergarten requires careful consideration of all factors that affect kindergarten success with final determination to be made based on the recommendation of the District Evaluation Team, to be composed of such individuals as the Superintendent or designee, preschool teacher, and other specialists. The academic, social and emotional readiness, as well as the student's physical development and well-being, must be weighed, as well as school district factors such as capacity. Sound decision making in the area of early entrance to kindergarten is dependent upon reliable information regarding student's readiness and a thoughtful balancing of the myriad of factors implicated by the decision. Parents will be notified in writing of the results of the assessment and the determination of the Team in a timely fashion, not to exceed three weeks after the assessments are completed. There is no provision in the policy for re-evaluation, re-test, or parental appeal to the district decision.



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

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

Graduates:

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

Age 21:

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

Birth Certificate, Physical, Visual Evaluation and Immunization:

The parents or legal guardian shall furnish:

- (1) A certified copy of the student's birth certificate issued by the state in which the child was born, upon admission of a child for the first time, shall be provided within 30 days of enrollment. Other reliable proof of the child's identify and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate, may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of the birth certificate cannot be produced. (Failure to provide the birth certificate does not result in non-enrollment or disenrollment, but does result in a referral to local law enforcement for investigation).
- (2) Evidence of a physical examination by a physician, physician assistant, or nurse practitioner, within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a physical examination.
- (3) Evidence of a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist, within six months prior to the entrance of the child into the beginner grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a visual evaluation. The visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity.



Neb. Rev. Stat. § 79-266.01  
173 NAC Chapters 3 and 4 (HHS Regulations)

Cross Reference:

503.01 Compulsory Attendance  
508.01 Student Health and Immunization Checkups

## ATTENDANCE CENTER ASSIGNMENT

The board shall have complete discretion to determine the boundaries for each attendance center, to assign students to the attendance centers, and to assign students to the classrooms within the attendance center.

It shall be the responsibility of the superintendent to make recommendations to the board regarding the division of students among attendance centers. In making the recommendations, the superintendent shall consider the geographical layout of the school district, the condition and location of the school district facilities, the location of student population, possible transportation difficulties, financial condition of the school district and other factors deemed relevant by the superintendent or the board.

Cross Reference:                   503.01 Compulsory Attendance



## STUDENT TRANSFERS OUT OR WITHDRAWALS

If the student's parents wish to withdraw or transfer the student from school prior to completing and graduating from the education program, they shall notify the superintendent in writing as soon as possible of the decision to withdraw or transfer the student from the education program. The student or parent should present this written notice at the office and receive instructions regarding the return of textbooks, library books, locker equipment, hot lunch tickets and completion of grade records.

The notice shall state the student's final day of attendance. If the student is not enrolling in another school district, the school district shall maintain the student's records in the same manner as the records of students who have graduated from the school district.

If the parents wish to have the student's cumulative record sent to the new school district, the parents shall notify the superintendent in writing. This notice shall include the name of the school district and the person at the new school district to whom the student's cumulative records should be sent. If the new school district requests the student's cumulative records, the school district will forward the cumulative records and notify the parents the records have been sent.

### Withdrawal and Transfer Procedure

The procedure for withdrawal or transferring is as follows:

1. Secure authorization withdrawal or transfer note from the parent or guardian.
2. Obtain appropriate forms from the guidance office or principal's office.
3. Have the forms filled out by teacher, return all school books and property, and make sure all fees are paid.
4. Take completed forms to the guidance or principal's office for final clearance.

Cross Reference:           502   Student Attendance  
                                  507   Student Records

## STUDENT RE-ENTRY TO SCHOOL

A student who has transferred to another school under the open enrollment procedures may be readmitted to his or her district of residence at any time after one school year.

The student may not return prior to one year except at the mutual agreement of both the resident and option school districts.

Legal Reference:               Neb. Statute 79-237

Cross Reference:             502    Student Attendance





STUDENT RESIDENCE, ADMISSION, AND CONTRACTING FOR EDUCATIONAL SERVICES

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

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

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

3. Approved for option enrollment into the School District.

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

1. The student is not a resident of the School District and is a resident of Nebraska. Such enrollment shall be pursuant to a contract between the Boards of Education of the School District and the school district in which the student is a resident and upon the collection of tuition pursuant to such contract. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report.
2. The student is not a resident of the School District and is a resident of another State. Such enrollment shall be subject to collection of tuition in advance at a rate determined by the School Board. The amount of tuition shall be no less than the average cost per pupil as determined by the previous year's financial report.
3. The student is participating in an approved Foreign Exchange Program.
4. The student is a child of a member of the military on active duty and residing on certain property ceded to the United States and stationed in, near or adjacent to the School District, and children of employees of the federal government residing in

Nebraska on national parks or national monuments within the State in, near or adjacent to the School District. Such discretionary admission shall be without charge for tuition.

5. The student's residency in the School District ceases during the school year. In such case, the student may be allowed to continue attending the School District for the remainder of that school year.

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

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

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

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

Legal Reference:      Neb. Rev. Stat. ' 79-215 (residency and admission)  
                              Neb. Rev. Stat. ' 79-215 (children of military or federal employee parent)  
                              Neb. Rev. Stat. ' ' 79-232 to 79-246 (option enrollment)  
                              42 U.S.C. § 11431 et. seq. (McKinney-Vento Homeless Assistance Act)  
                              NDE Rule 9

## ASSIGNMENT OF NEW STUDENTS TO CLASSES AND GRADE LEVELS

New students entering from schools recognized and approved by the Nebraska Department of Education will initially be placed in grades and classes on the basis of their grade placement/credits in the school from which they are transferring. The district administration, through academic achievement tests and other evaluation measures as necessary, will determine the appropriate grade level/credit status of students transferring from schools that have not been approved by the state department of education.

Previous high school work will be validated for a high school student by successfully completing a higher level unit in this district's high school for every unit completed in a non-accredited high school; i.e., completion of a second unit mathematics would validate the mathematics credit transferred. If no successive course work is pursued to validate the credit, similar or equivalent work will be evaluated at the discretion of the principal.

Cross Reference:                   601   Goals and Objectives



## OPTION ENROLLMENT

The Bruning-Davenport Unified Board of Education will not waive the deadline for option enrollment applications that are submitted after the March 15 deadline pursuant to Nebraska Option Enrollment Law. Patrons wishing to option enroll their students out of the District must file the application with the superintendent of schools before the deadline or they will not be released.

Exceptions to this policy are:

1. Patrons moving into the District after the March 15 deadline. In this case, the superintendent will be directed to waive option deadline.
2. Students moving into the District, having attended another District for a period of two (2) years, may also have the deadline waived to attend the District where they previously attended.

## OPTION ENROLLMENT

### Process and Time Lines to Option In

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

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

### **Provisions for Waiver of Application Deadline**

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

1. **Siblings**: The application deadline will be waived where the application is for a student who is the sibling of a student attending Bruning-Davenport School District as of the time the application is filed, provided the application is filed at least 30 days prior to the semester in which first enrollment is sought. A "sibling" for this purpose means a child who resides in the same household on a permanent basis with a student who is currently attending Bruning-Davenport School District and who has the same natural or adoptive parent or who is a stepbrother or stepsister.
2. **Kindergarten**: The application deadline will be waived where the application is for a student who is seeking to enroll and attend the Kindergarten grade level provided the application was filed on or before June 1 prior to the first semester of the next school year.
3. **Release Approval**: For the foregoing exceptions, the application must contain a release approval from the resident district.

### Rejection of Applications; Reasons

1. **Capacity**: An option enrollment application shall be rejected in the event the capacity of a program, class, grade level, or school building or the availability of

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

2. Timeliness: An option enrollment application shall be rejected in the event the application is not filed on a timely basis and the filing deadline has not been waived.
3. Previous Option Enrollment: An option enrollment application shall be rejected in the event the student has previously filed an option enrollment application for enrollment in any School District and has had such application accepted, unless a statutory exception to the “one-time” rule is applicable to the student’s circumstance.
4. Other Reasons: An option enrollment application may be rejected in the event the Superintendent, the Superintendent’s designee, or the School Board determines: The application is not submitted on a form prescribed by the State Department of Education, is not completely and accurately filled in, is not received within the time required by law, or any additional information requested to be supplied is not supplied to the School District within the time lines indicated; or in the event acceptance of the application is not required by law. Matters which are legally prohibited from being considered as standards for acceptance or rejection of applications (including “previous academic achievement, athletic or extracurricular ability, disabilities, proficiency in the English language, or previous disciplinary proceedings” and further including, without limitation, race, national origin, and gender) shall not be considered as reasons for acceptance or rejection.

#### Priority of Acceptance

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

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

#### Determination of Capacity

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

### Releases for Options Out

#### **Provisions for Release:**

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

1. Kindergarten: A release will be granted where the application is for a student who is seeking to enroll and attend the Kindergarten grade level provided the application was filed on or before June 1 prior to the first semester of the next school year.
2. Siblings: A release will be granted where the application would allow the student to attend the same school as a sibling, provided the application is filed at least 30 days prior to the semester in which first enrollment is sought. A “sibling” for this purpose means a child who resides in the same household on a permanent basis with a student who is currently enrolled in the option district and who has the same natural or adoptive parent or who is a stepbrother or stepsister.
3. Educational Programming: A release will be granted where the needs of the student require the District to obtain additional staffing or equipment and it is in the best interests of the District and the student to enroll in the option district. The determination of whether this condition is met shall be made by the Superintendent or the Superintendent’s designee.
4. Move into the District: A release will be granted where the application is from parents who have moved into the Bruning-Davenport Unified School District after the March 15 deadline and wish to option their children into another district.
5. No Pending Expulsion: The deadline shall not be waived if the administration is considering or has recommended expulsion of the student at the time the application is filed, and the administration determines it is appropriate to complete the expulsion process.

The Superintendent or the Superintendent’s designee is hereby authorized to execute such



releases on behalf of the School Board and the School District, subject to subsequent ratification by the School Board.

#### Notification of Acceptance or Rejection

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

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

#### Status of Option Student

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

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

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

As part of the option enrollment program, the administration shall make information about the Bruning-Davenport School District and its school, programs, policies and procedures available to all interested persons and shall have a copy of the option enrollment policy and regulations available at each school building.

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

File: 503.01

## ATTENDANCE POLICY AND EXCESSIVE ABSENTEEISM

Regular and punctual student attendance is required. The administration is responsible for developing further attendance rules and regulations, and all staff members are expected to implement this policy and administrative rules and regulations to encourage regular and punctual student attendance. The Principals and teachers are required to maintain an accurate record of student attendance.

### A. Attendance and Absences.

1. Absences from School - Definitions. An absence from school will be reported as:  
(a) an excused absence or (b) an unexcused absence.

- a. Excused Absence. Absences should be cleared through the Principal's office in advance whenever possible. An absence or tardy, even by parental approval, may not be excused. All absences, except for illness and/or death in the family, require advance approval.

An absence for any of the following reasons will be excused, provided the required procedures have been followed:

- (1) Attendance at a funeral for a member of the immediate family (parents, siblings, and grandparents),
- (2) Illness which causes a student to be absent from school,
- (3) Doctor or dental appointment which require student to be absent from school,
- (4) Court appearances that are required by a court order,
- (5) School sponsored activities which require students to be absent from school,
- (6) Family trips in which student accompanies parent(s)/legal guardian(s),
- (7) Other absences which have received prior approval from the Principal.

The Principal shall have the discretion to deny approval for the latter two reasons, depending on circumstances such as the student's number of other absences, the student's academic status, the tests or other projects which may be missed, and in the case of a family trip, whether the trip could be taken during non-school time and the educational nature of the trip.

- b. Unexcused Absence. An absence which is not excused is unexcused. A student who engages in unexcused absences may be considered truant as per state law Neb. Rev. Stat. ' 79-201. Truancy is a violation of school rules. Students are subject to disciplinary consequences for trancies.

2. Absence Procedure. A student will not be allowed to enter class after an absence until an admit slip, based upon a written or verbal parental excuse, is issued by the Principal's office.

Two school days will be allowed to make up work for each day missed, with a maximum of 10 days allowed to make up work.

3. Mandatory Ages of Attendance. The mandatory ages of attendances for truancy purposes are age 6 (as of January 1 of the then-current school year) to age 18.

Attendance is not mandatory for a child who has reached the age of 6 years of age prior to January 1 of the then-current school year, but will not reach age 7 prior to January 1 of such school year, if the child's parent or guardian has signed and filed with the school district in which the child resides an affidavit stating either: (1) that the child is participating in an education program that the parent or guardian believes will prepare the child to enter grade one for the following school year; or (2) that the parent or guardian intends for the child to participate in a school which has elected or will elect pursuant to law not to meet accreditation or approval requirements and the parent or guardian intends to provide the Commissioner of Education with a statement pursuant to section 79-1601(3) on or before the child's seventh birthday.

Attendance is also not mandatory for a child who: (1) has obtained a high school diploma by meeting statutory graduation requirements; (2) has completed the program of instruction offered by a school which elects pursuant to law not to meet accreditation or approval requirements; or (3) has reached the age of 16 years and such child's parent or guardian has signed a notarized release discontinuing the enrollment of the child on a form provided by the school.

Early Withdrawal for Students Enrolled in Accredited or Approved Schools.

A person who has legal or actual charge or control of a child who is at least 16 but less than 18 years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements if an exit interview is conducted and a withdrawal form is signed.

Exit Interview. The process is initiated by a person who has legal or actual charge or control of the child submitting a withdrawal form. The form is to be as prescribed by the Commissioner of Education. Upon submission of the form, the Superintendent or Superintendent's designee shall set a time and place for an exit interview if the child is enrolled in Bruning-Davenport Unified School District or resides in Bruning-Davenport Unified School District and is enrolled in a private, denominational, or parochial school.

The exit interview shall be personally attended by:

- The child, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable;
- the person who has legal or actual charge or control of the child who requested the exit interview;
- the Superintendent or Superintendent's designee;
- the child's principal or the principal's designee if the child at the time of the exit interview is enrolled in a school operated by the school district; and
- any other person requested by any of the required parties who agrees to attend the exit interview and is available at the time designated for the exit interview which may include, for example, other school personnel or the child's principal if the child is enrolled in a private school.

At the exit interview, the person making the written request must present evidence that (a) the person has legal or actual charge or control of the child and (b) the child would be withdrawing due to either:

- financial hardships requiring the child to be employed to support the child's family or one or more dependents of the child, or
- an illness of the child making attendance impossible or impracticable.

The Superintendent or Superintendent's designee shall identify all known alternative educational opportunities, including vocational courses of study, that are available to the child in the school district and how withdrawing from school is likely to reduce potential future earnings for the child and increase the likelihood of the child being unemployed in the future. Any other relevant information may be presented and discussed by any of the parties in attendance.

At the conclusion of the exit interview, the person making the written request may sign a withdrawal form provided by the school district agreeing to the withdrawal of the child OR may rescind the written request for the withdrawal.

Withdrawal Form. Any withdrawal form signed by the person making the written request shall be valid only if:

- the child also signs the form, unless the withdrawal is being requested due to an illness of the child making attendance at the exit interview impossible or impracticable, and
- the Superintendent or Superintendent's designee signs the form acknowledging that the interview was held, the required information was provided and discussed at the interview, and, in the opinion of the Superintendent or Superintendent's designee, the person making the written request does in fact have legal or actual charge or control of

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the child and the child is experiencing either (i) financial hardship, or (ii) an illness making attendance impossible or impracticable.

Early Withdrawal for Students Enrolled in an Exempt School (Home Schools). A person who has legal or actual charge or control of a child who is at least 16 but less than 18 years of age may withdraw such child from school before graduation and be exempt from the mandatory attendance requirements if such child has been enrolled in a school that elects not to meet the accreditation or approval requirements by filing with the State Department of Education a signed notarized release on a form prescribed by the Commissioner of Education.

4. Reporting and Responding to Truant Behavior. Any administrator, teacher, or member of the board of education who knows of any failure on the part of any child of mandatory school attendance age to attend school regularly without lawful reason, shall within three days report such violation to the superintendent or such person(s) who the superintendent designates to be the attendance officer (hereafter, "attendance officer"). The attendance officer shall immediately cause an investigation into any such report to be made. The attendance officer shall also investigate any case when of his or her personal knowledge, or by report or complaint from any resident of the district, the attendance officer believes that any child is unlawfully absent from school. The school shall render all services in its power to compel such child to attend some public, private, denominational, or parochial school, which the person having control of the child shall designate, in an attempt to address the problem of excessive absenteeism. Such services shall include, as appropriate, the services listed below under "Excessive Absenteeism" and "Reporting Excessive Absenteeism."
5. Excessive Absenteeism. Students who accumulate five (5) unexcused absences in a quarter shall be deemed to have "excessive absences." Such absences shall be determined on a per day basis for elementary students and on a per class basis for secondary students. When a student has excessive absences, the following procedures shall be implemented:
  - a. One or more meetings shall be held between the school principal, or a member of the school administrative staff designated by the school administration, child's parent or guardian and the child, if necessary, to report and to attempt to solve the excessive absenteeism problem. If the parent/guardian refuses to participate in such meeting, the principal shall place documentation of such refusal in the child's attendance records.
  - b. Educational counseling to determine whether curriculum changes, including but not limited to, enrolling the child in an alternative education program that meets the specific educational and behavioral

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needs of the child, would help solve the problem of excessive absenteeism.

- c. Educational evaluation, which may include a psychological evaluation, to assist in determining the specific condition, if any, contributing to the problem of excessive absenteeism, supplemented by specific efforts by the school to help remedy any condition diagnosed.
  - d. Investigation of the problem of excessive absenteeism by the school principal, or a member of the school administrative staff designated by the school administration, to identify conditions which may be contributing to the truancy problem. If services for the child and his or her family are determined to be needed, the person performing the investigation shall meet with the parent/guardian and the child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the problem of excessive absenteeism.
6. Reporting Excessive Absenteeism to the County Attorney. If the child is absent more than twenty days per year or the hourly equivalent, the attendance officer shall file a report with the County Attorney of the county in which the person violating the compulsory attendance laws (i.e., the child, the child's parent, or the person who has legal or active charge or control of the child) resides. When reporting excessive absenteeism, the attendance officer shall inform the county attorney whether the excessive absences are due to documented illnesses that make attendance impossible or impractical. This may be done by informing the County Attorney of either the number of absences due to such illnesses or that the attendance officer is of the opinion that prosecution is not warranted.
7. Reporting to the Commissioner. The Superintendent or designee shall report on a monthly basis to the Commissioner of Education as directed by the Commissioner regarding the number of and reason for any long-term suspension, expulsion, or excessive absenteeism of a student; referral of a student to the office of the county attorney for excessive absenteeism; or contacting of law enforcement officials (other than law enforcement officials employed by or contracted with by the District as school resource officers) by the District relative to a student enrolled in the District.

Legal Reference:                   Neb. Rev. Stat. ' ' 79-201 and 79-209  
  Neb. Rev. Stat. ' 79-527

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Cross Reference:           502   Student Admissions  
                                  503   Student Attendance

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

STUDENT ATTENDANCE RECORDS

As part of the school district's records, the daily attendance of each student shall be recorded and maintained on file with the permanent records of the district.

It shall be the responsibility of the principal to ensure that such reports contain all information required by law and are filed with the administrative office.

Legal Reference:                   Neb. Statute 79-205 to 207

Cross Reference:                 503.01 Compulsory Attendance  
  507     Student Records



## STUDENT ABSENCES - EXCUSED

Regular attendance by students is essential for students to obtain the maximum opportunities from the education program. Parents and students alike are encouraged to ensure an absence from school is a necessary absence. Students shall attend school unless excused by the principal of their attendance center.

Student absences approved by the principal shall be excused absences. Excused absences shall count as days in attendance for purposes of the truancy law. These absences include, but are not limited to, illness, family emergencies, recognized religious observances, appointments that cannot be scheduled outside the school day and school-sponsored or approved activities.

Students whose absences are approved shall make up the work missed and receive full credit for the missed school work. It shall be the responsibility of the student to initiate a procedure with the student's teacher to complete the work missed.

Students who wish to participate in school-sponsored activities must attend school for one half day the day of the activity unless permission has been given by the principal for the student to be absent.

It shall be the responsibility of the parent to notify the student's attendance center as soon as the parent knows the student will not be attending school on that day. The principal may request evidence or written verification of the student's reason for absence.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:                      Neb. Statute 79-209

Cross Reference:                    503    Student Attendance  
   505    Student Discipline  
   506    Student Activities  
   507    Student Records

File: 503.04

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## TRUANCY - UNEXCUSED ABSENCES

Regular attendance by the students at school is essential for students to obtain the maximum opportunities from the education program. Parents and students alike are encouraged to ensure an absence from school is a necessary absence. Students shall attend school unless excused by the principal of their attendance center.

Truancy is the failure to attend school for the minimum number of days established in the school calendar by the board. Truancy is the act of being absent without a reasonable excuse. These absences shall include, but not be limited to, tardiness, shopping, hunting, concerts, preparation or participation in parties and other celebrations and employment.

The superintendent shall designate an attendance officer. The attendance officer will investigate the report of any child who is unlawfully absent from school.

If any student has accumulated a total of five unexcused; excused and unexcused absences per quarter or the hourly equivalent of five absences, the school shall render all services in its power to compel the student's attendance. These services shall include the following:

1. A meeting or meetings between the attendance officer or designee, the student's parent/guardian and the student to solve the truancy problem.
2. Educational counseling to explore alternative educational programs to solve the truancy problem.
3. Educational evaluation to assist in determining the specific condition(s) contributing to the truancy problem.
4. Investigation of the problem by a school social worker or designee to identify conditions contributing to the truancy problem, meeting(s) with the parent/guardian and referrals to appropriate agencies to remedy the conditions.
5. If the problem continues, the attendance officer shall serve written notice to the parent/guardian warning him/her of the need to comply with the compulsory attendance statute of section 79-201. If the violation continues, within one week a report shall be filed with the county attorney as required by law.

Students are subject to disciplinary action for truancy including suspension and expulsion. It shall be within the discretion of the principal to determine, in light of the circumstances, whether a student may make up work missed because of truancy. Students receiving special education services will not be assigned to in-school suspension unless the goals and objectives of the student's Individualized Education Program are capable of being met.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy. The administrative regulations shall indicate the disciplinary action to be taken for truancy.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference: Neb. Statute 79-208 and 209

Cross Reference: 411.03 Truancy Officer  
503 Student Attendance  
505 Student Discipline  
506 Student Activities  
507 Student Records

File: 503.05

STUDENT RELEASE DURING SCHOOL HOURS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Students will be allowed to leave the school district facilities during school hours only with prior authorization from their parents, unless the parent appears personally at the student's attendance center to arrange for the release of the student during school hours, or with the permission of the principal.

Approved reasons for release of a student during the school day shall include, but not be limited to, illness, family emergencies, medical appointments, religious instruction, classes outside the student's attendance center, employment for which the student has been issued a work permit and other reasons determined appropriate by the principal.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:                   Neb. Statute 79-201 et seq.

Cross Reference:                503.01 Compulsory Attendance  
  505    Student Discipline  
  506    Student Activities  
  507    Student Records

File: 503.06

STUDENTS OF LEGAL AGE

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Students who have attained legal age (19) may continue the education program without payment of tuition as long as they have not graduated from high school, are eligible to attend a Nebraska public school and are residents of the school district.

Parents will be allowed to access and view the student's records without written permission from the student if the student is still a dependent for tax purposes. In most cases, with the discretion of the principal or the superintendent, the student will be able to make decisions and sign documents rather than requiring parental permission or signature.

Legal Reference:               Neb. Statute 43-2101  
  79-1126  
  20 U.S.C. § 1232g (1994).

Cross Reference:               503.01 Compulsory Attendance  
  507     Student Records

File: 503.07

### PREGNANT STUDENTS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The board encourages pregnant students to continue to attend the education program as long as they are physically able to do so. The pregnant student may notify the principal or the guidance counselor as soon as she is aware of the pregnancy. The school may require that a pregnant student provide the principal with a written note from her doctor relative to special conditions that might exist and specific suggestions as to how long the student may continue to attend classes. If the student is unable to attend school because of her pregnancy, the student may be excused and arrangements made to continue her studies during her absence. The student shall resume classes upon the recommendation of her physician.

Cross Reference:                   503.01 Compulsory Attendance  
  605.02 Individualized Instruction

File: 503.08

**MARRIED STUDENTS OR STUDENTS WITH CHILDREN**

Married students residing in the district are considered to be of legal age.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The district encourages married students and students with children to complete requirements for graduation and to participate in school activities under the same terms and conditions as other students.

Legal Reference:               Neb. Statute 43-2101

Cross Reference:               503.01 Compulsory Attendance  
  605.02 Individualized Instruction

File: 503.09

#### HOMELESS CHILDREN AND YOUTH

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

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

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

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

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

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

Legal Reference:                   Neb. Statute 79-215  
  42 U.S.C. §11431 and §11432 (McKinney Homeless  
  Assistance Act)

Cross Reference:                 503.01 Compulsory Attendance

File: 504.01

### STUDENT DUE PROCESS RIGHTS

Student complaints and grievances regarding board policy or administrative regulations and other matters should be addressed to the student's specific teacher, activity sponsor or other

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certified employee, other than the administration, for resolution of the complaint. It is the goal of the board to resolve student complaints at the lowest organizational level.

All students will be afforded due process as guaranteed by constitutional provisions. The process will be in accordance with state law, as well as with the provisions outlined in the Board's policies and procedures on student suspension and student expulsion. Rules for student conduct and appeal procedures will also be published in the student handbook.

If the complaint cannot be resolved by a certified employee, the student may discuss the matter with the principal within five (5) days of the employee's decision. If the matter cannot be resolved by the principal, the student may discuss it with the superintendent within five (5) days after speaking with the principal.

If the matter is not satisfactorily resolved by the superintendent, the student may ask to have the matter placed on the board agenda of a regularly scheduled board meeting in compliance with board policy.

Legal Reference:                   Neb. Statute 79-268 et seq.

Cross Reference:                204.10 Board Meeting Agenda  
  204.12 Public Participation in Board Meetings  
  301.04 Communication Channels  
  504     Student Rights and Responsibilities  
  506.06 Student Publications

File: 504.02

## STUDENT INVOLVEMENT IN DECISION MAKING

Students are in a unique position to make positive contributions to the improvement of the educational program and to the operation of a more effective school system.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

It is the Board's belief that students, in keeping with their level of maturity, should be encouraged to participate in the development of policies, regulations, and procedures which affect them. Their participation in decision making will be considered part of the educational process.

As appropriate to the age of students, class or school organizations such as student councils may be formed to offer practice in self government and to serve as channels for the expression of student ideas and opinions.

The Board, through the staff, will take into consideration student opinions in establishing policies which directly affect student programs, activities, privileges, and other areas of student sensitivity.

Students will be welcomed at Board meetings and granted privileges of speaking in line with such privileges extended the general public.

Cross Reference:                    204.12 Public Participation at Board Meetings  
    506     Student Activities

File: 504.03

## STUDENT CONDUCT

The board believes inappropriate student conduct causes serious disruption to the learning environment, interferes with the rights of others, and threatens the health and safety of students, employees and the public. The Superintendent and staff will develop and implement age-appropriate student codes of conduct to facilitate the educational process.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Students shall conduct themselves in a manner fitting to their age level and maturity and with respect and consideration for the rights of others while on school district property or on property within the jurisdiction of the school district. This policy will also apply while on school owned, operated or chartered transportation; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and educational processes of the school district.

Students who violate this policy and the administrative regulations supporting it will be subject to disciplinary measures including, but not limited to, removal from the classroom, detention, suspension, probation and expulsion. The codes of conduct will include measures to prevent or discourage behavior which interferes with the educational program, behavior which disrupts the orderly and efficient operation of the school or the functioning of school activities, behavior which interferes with the maintenance of a learning environment, behavior that is violent or destructive, or behavior which interferes with the rights of other students to pursue their education. Procedures will be available to allow rights of due process for all students.

This disciplinary process is designed to create the expectation that the degree of discipline imposed by the school will be proportionate to the severity of the behavior of the particular student, the previous discipline history of the student and other relevant factors. It will also include parental involvement processes designed to enable parents, guardians, teachers and school administrators to work together to improve and enhance appropriate student behavior and academic performance. All student codes of conduct shall be submitted to the board for approval or review.

The code of conduct will be included in the student handbook, and a parent/guardian will sign and promptly return an acknowledgement of receipt of the handbook which specifically mentions the student code of conduct.

Legal Reference:                   Goss v. Lopez, 419 U.S. 565 (1975).  
  Neb. Statute 79-2,114 et seq. (Nebr. Equal Opportunity  
  in Education Act)  
  79-254 et seq. (Student Discipline Act)

Cross Reference:                503     Student Attendance  
  506     Student Activities  
  1005.02 Communication with Parents

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

File: 504.04

### STUDENT CONDUCT ON BUSES

The privilege of riding a school bus is contingent upon a student's good behavior and observance of established regulations for student conduct both at bus stops and onboard buses. Since bus transportation is provided to assist the education program, the board shall require students to conduct themselves on the bus in a manner consistent with established standards for classroom behavior.

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The driver of a school bus shall be responsible for safety of the students on the bus, both during the ride and while students are entering or leaving the vehicle. Therefore, it is the bus driver's duty to notify the supervisor of transportation or the principal of the school involved if any student persists in violating the established rules of conduct.

After due warning has been given to the student and to parents/guardians, the principal may withhold from the student the privilege of riding the school bus. In such cases, the parents of the children involved will be responsible for seeing that their children get to and from school safely.

The student may also face detention, suspension or expulsion, in accordance with established policies, for flagrant violation of school bus rider conduct regulations or conduct detrimental to the safe operation of the bus.

Cross Reference:                    504.03 Student Conduct  
   505     Student Discipline

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

SEX EQUALITY IN EDUCATION PROGRAM

The district prohibits discrimination on the basis of sex in any educational program or activity except when it is necessary to accomplish a specific purpose that does not impinge upon essential equality or fairness in the treatment of students or employees. Employees are required to comply with this policy and the subsequent rules and regulations, as well as with Title IX of the Education Amendments of 1972 and the regulations of the U.S. Department of Education as applicable to this district.

The superintendent shall designate an administrator to administer, coordinate, and publish this policy, together with any rules and regulations, to all students, parents, and other interested groups and associations. The superintendent shall develop a grievance procedure whereby persons who believe they are being discriminated against may seek relief. The superintendent shall report annually to the board of education on the district's compliance with this policy and shall recommend such changes as he or she deems necessary.

## STUDENT APPEARANCE

The board believes inappropriate student appearance causes material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees and visitors.

Students are expected to adhere to standards of cleanliness, grooming and dress that are compatible with the requirements of a good learning environment. The standards will be those generally acceptable to the community as appropriate in a school setting.

The board expects students to be clean and well-groomed and wear clothes in good repair and appropriate for the time, place and occasion. Clothing or other apparel promoting products illegal for use by minors and clothing displaying obscene material, profanity, or reference to prohibited conduct are disallowed. While the primary responsibility for appearance lies with the students and their parents, appearance disruptive to the education program will not be tolerated. When, in the judgment of a principal, a student's appearance or mode of dress disrupts the educational process or constitutes a threat to health or safety, the student may be required to make modifications.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference: Hines v. Caston Sch. Corp. 651 N.E.2D 330 (1995)  
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethal School District v. Fraser, 478 U.S. 675 (1986).  
Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969).  
Neb. Statute 79-526

Cross Reference: 501 Objectives for Equal Educational Opportunities for  
Students  
504 Student Rights and Responsibilities

File: 504.07

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## CARE OF SCHOOL PROPERTY AND VANDALISM

Students shall treat school district property with the care and the respect they would treat their own property. Students found to have destroyed or otherwise harmed school district property may be required to reimburse the school district. They may be subject to discipline under board policy and the school district rules and regulations. They may also be referred to local law enforcement authorities.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative rules regarding this policy.

Cross Reference:                    504    Student Rights and Responsibilities

File: 504.08

## FREEDOM OF EXPRESSION

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



Student expression, other than student expression in student-produced official school publications, made on the school district premises or under the jurisdiction of the school district or as part of a school-sponsored activity may be attributed to the school district; therefore, student expression must be responsible. Student expression must be appropriate to assure that the students learn and meet the goals of the school activity and that the potential audience is not exposed to material that may be harmful or inappropriate for their level of maturity.

Students will be allowed to express their viewpoints and opinions as long as the expression is responsible. The expression shall not, in the judgment of the administration, encourage the breaking of laws, defamation of persons, be obscene or indecent, or cause a material and substantial disruption to the educational program. The administration, when making this judgment, shall consider whether the activity in which the expression was made is school-sponsored and whether review or prohibition of the students' speech furthers an educational purpose. Further, the expression must be done in a reasonable time, place, and manner that is not disruptive to the orderly and efficient operation of the school district.

Students who violate this policy may be subject to disciplinary measures. Employees shall be responsible for insuring students' expression is in keeping with this policy. It shall be the responsibility of the superintendent to develop administrative regulations regarding this policy.

Legal Reference: U.S. Const. amend. I.  
Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).  
Bethel School District v. Fraser, 478 U.S. 675 (1986). Tinker v. Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969).  
Bystrom v. Fridley High School, 822 F.2d 747 (8th Cir. 1987).

Cross Reference: 504 Student Rights and Responsibilities  
506 Student Activities  
604.10 Academic Freedom  
1005.10 Distribution or Posting of Materials

File: 504.09

## STUDENT LOCKERS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Student lockers are the property of the school district. Students shall use the lockers assigned to them by the school district for storing their school materials and personal belongings necessary for attendance at school. It shall be the responsibility of students to keep their assigned lockers clean and undamaged.

To ensure students are properly maintaining their assigned lockers, the principal of the building may periodically inspect all or a random selection of lockers. Students may be present during the inspection of their lockers. Student lockers may also be searched in compliance with board policy regulating search and seizure.

Cross Reference:                    504.01 Student Due Process Rights

File: 504.10

STUDENT USE OF COMPUTERS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The Board of Education believes that the availability of computers and computer technology will enhance the learning opportunities of our students. Students are expected to conduct themselves within the guidelines of district computer use policy as stated in Policy 606.06, Acceptable Use of Computers, Technology and the Internet.

Cross Reference:           504.03 Student Conduct  
                                  505    Student Discipline  
                                  606.06 Acceptable Use of Computers, Technology and the  
  Internet

File: 504.11

WEAPONS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The board believes weapons and other dangerous objects and look-a-likes in school district facilities cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees and visitors on the school district premises or property within the jurisdiction of the school district.

Weapons and other dangerous objects and look-a-likes shall be taken from students and others who bring them onto the school district property or onto property within the jurisdiction of the school district or from students who are within the control of the school district.

Parents of students found to possess weapons or dangerous objects or look-a-likes on school property shall be notified of the incident. Confiscation of weapons or dangerous objects shall be reported to the law enforcement officials, and students will be subject to disciplinary action including suspension or expulsion.

Students bringing firearms to school or knowingly possessing firearms at school shall be expelled for not less than one year. Students bringing to school or possessing dangerous weapons, including firearms, will be referred to law enforcement authorities. The superintendent shall have the authority to recommend this expulsion requirement be modified for students on a case-by-case basis. For purposes of this portion of this policy, the term "firearm" includes, but is not limited to, any weapon which is designed to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, a muffler or silencer for such a weapon, or any explosive, incendiary or poison gas.

Weapons under the control of law enforcement officials shall be exempt from this policy. The principal may allow authorized persons to display weapons or other dangerous objects or look-a-likes for educational purposes. Such a display shall also be exempt from this policy. It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:                   Neb Statute 79-263  
  Improving America's Schools Act of 1994, P.L. 103-382. 18  
  U.S.C. § 921 (1994).  
  McClain v. Lafayette County Bd. of Education, 673 F.2d  
  106 (5th Cir. 1982).

Cross Reference:               504.01 Student Due Process  
  505     Student Discipline  
  508     Student Health and Well-Being

File: 504.12

**REGULATED DEVICES—BEEPERS, CELL PHONES AND LASER POINTERS**

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Any prohibited items or devices brought to school or school events may be confiscated by district staff. Prohibited items will be turned over to the student's parents or guardian on request unless the object seized is dangerous, contrary to law, or has been turned over to legal authorities. Students violating this policy shall be subject to the district's disciplinary rules.

Prohibited devices shall include any item which is sufficiently annoying, offensive, unpleasant, or obnoxious that it substantially interferes with or materially disrupts the educational process. Students shall be advised annually through the Student Handbook of items that are prohibited on school grounds or at school activities.

Cross Reference:                    505    Student Discipline

File: 504.13

#### USE OF METAL DETECTORS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

When the administration has reasonable cause to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at school or when violence involving weapons has occurred at the school or at school sponsored events, the administration shall be authorized to use stationary or mobile metal detectors in accordance with procedures approved by the Board.

Any search of a student's person as a result of the activation of the detector shall be conducted in private in accordance with the policy on Searches, Seizures and Arrests.

Cross Reference:           504.16 Searches, Seizures and Arrests  
                                  505    Student Discipline

File: 504.14

SECRET SOCIETIES OR GANG ACTIVITIES

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The Board of Education prohibits the organization of school-sponsored fraternities, sororities or secret organizations wherein membership is determined by members themselves rather than on the basis of free choice. The Board considers those organizations or memberships in those organizations detrimental to the good conduct and discipline of the school. Interference with the instructional program of the district by those groups will not be condoned, and no organizational activities are permitted under the sponsorship of the school district or its personnel.

In addition, the use of hand signals, graffiti, or the presence of any apparel, jewelry, accessory, or manner of grooming which, by virtue of its color, arrangement, trademark, symbol, or any other attribute which indicates or implies membership or affiliation with such a group, is disruptive of a positive learning environment and will not be tolerated.

Legal Reference:                   Neb. Statute 79-2,101 to 2,102

Cross Reference:                505    Student Discipline  
  506    Student Activities

File: 504.15

### SMOKING - DRINKING - DRUGS

The board prohibits the distribution, dispensing, manufacture, possession, use, or being under the influence of beer, wine, alcohol, tobacco, e-cigarettes, other controlled substances, or

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"look alike" substances that appear to be tobacco, beer, wine, alcohol or controlled substances by students while on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated transportation; while attending or engaged in school activities; and while away from school grounds if the misconduct will directly affect the good order, efficient management and welfare of the school district.

The board believes such illegal, unauthorized or contraband materials generally cause material and substantial disruption to the school environment or present a threat to the health and safety of students, employees, or visitors.

Violation of this policy by students will result in disciplinary action including suspension or expulsion. Use, purchase or being in possession of cigarettes, tobacco or tobacco products for those under the age of eighteen, may be reported to the local law enforcement authorities. Possession, use or being under the influence of beer, wine, alcohol and/or of a controlled substance may also be reported to the local law enforcement authorities.

Students who violate the terms of this policy may be required to satisfactorily complete a substance abuse assistance or rehabilitation program approved by the school board. If such student fails to satisfactorily complete such a program, the student may be subject to discipline including suspension or expulsion.

The board believes the substance abuse prevention program shall include:

- Age-appropriate, developmentally-based drug and alcohol curriculum for students in grades kindergarten through twelve, which address the legal, social, and health consequences of tobacco, drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use tobacco, drugs or alcohol;
- A statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;
- Standards of conduct for students that clearly prohibit, at a minimum, the unlawful possession, use, being under the influence of or distribution of illicit drugs and alcohol by students on school premises or as part of any of its activities;
- A clear statement that disciplinary sanctions, up to and including suspension or expulsion and referral for prosecution, will be imposed on students who violate the policy and a description of those sanctions;
- A statement that students may be required to successfully complete an appropriate rehabilitation program;
- Information about drug and alcohol counseling and rehabilitation and re-entry programs available to students;

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- A requirement that parents and students be given a copy of the standards of conduct and the statement of disciplinary sanctions required; and
- Notification to parents and students that compliance with the standards of conduct is mandatory.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference: 34 C.F.R. Pt. 86 (1996).

Cross Reference: 504 Student Rights and Responsibilities  
505 Student Discipline  
508 Student Health and Well-Being

File: 504.16

### SEARCHES, SEIZURES AND ARRESTS

School district property is held in public trust by the board. School district authorities may, without a search warrant, search students or protected student areas based on a reasonable and definable suspicion that a school district policy, rule, regulation or law has been violated.

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The search shall be in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees and visitors to the school district facilities. The furnishing of a locker, desk or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it, shall not create a protected student area and shall not give rise to an expectation of privacy with respect to the locker, desk, or other facility.

School authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons and stolen property. Such items are not to be possessed by a student while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated transportation; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district.

Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The board believes that illegal, unauthorized or contraband materials may cause material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees, or visitors on the school district premises or property within the jurisdiction of the school district.

The superintendent or building principal may release minor students into the custody of a law enforcement officer upon presentation of a court order or warrant for the student's arrest, or to remove a student from school premises if the officer or school administrator has reason to believe that the student has violated the law.

The principal or designee will immediately attempt to notify the parent/guardian or responsible relative of the student's release and the place to which the student is reportedly taken, except in cases of child abuse.

It shall be the responsibility of the superintendent, in conjunction with the administrative team, to develop administrative regulations regarding this policy.

Legal Reference:                   Neb. Statute 79-294  
  New Jersey v. T.L.O., 469 U.S. 325 (1985).  
  Cason v. Cook, 810 F.2d 188 (8th Cir. 1987), cert. den.,  
  482 U.S. 930 (1987).

Cross Reference:                504    Student Rights and Responsibilities  
  505    Student Discipline  
  508.10 Referral of Students to Other Agencies

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

File: 504.17

### QUESTIONING OF STUDENTS BY OUTSIDE AGENCIES

Generally, students may not be interviewed during the school day by persons other than parents and school district officials and employees.

Requests from law enforcement officers and from persons other than parents, school district officials, and employees to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether

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the request will be granted. Generally, prior to granting a request, the principal shall attempt to contact the parents to inform them of the request and to ask them to be present.

If a child abuse investigator wishes to interview a student, the principal will defer to the investigator's judgment as to whether the student should be interviewed independently from the student's parents, whether the school is the most appropriate setting for the interview, and who will be present during the interview.

Students will not be taken from school without the consent of the principal and without proper warrant when applicable.

Legal Reference:                   Neb. Statute 79-294

Cross Reference:                403.02 Child Abuse Reporting  
  504.16 Searches, Seizures and Arrests  
  505     Student Discipline

File: 504.18

#### HARASSMENT BY STUDENTS

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.

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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; 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.

Sexual harassment as set out above, may include, but is not limited to the following:

- 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 that is 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 the following:

- verbal, physical or written harassment or abuse;
- repeated remarks of a demeaning nature;
- implied or explicit threats concerning one's grades, achievements, etc.;
- demeaning jokes, stories, or activities directed at an individual.

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The district will promptly and reasonably investigate allegations of harassment. The building principal 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 and expulsion.

It shall also be the responsibility of the superintendent, in conjunction with the investigator and principals, to develop administrative rules regarding this policy. These rules will be printed and distributed to students and parents in the student handbook. The superintendent shall also be responsible for organizing training programs for students and employees. The training shall include how to recognize harassment and what to do in case an individual is harassed. The employee training will be documented in personnel files to ensure a record of training for each employee.

Legal References:                    20 U.S.C. §§ 1221-1234i (1994)  
    20 U.S.C. § 1681 et seq.  
    29 U.S.C. § 794 (1994)  
    42 U.S.C. § 1983  
    42 U.S.C. §§ 2000d-2000d-7 (1994).  
    42 U.S.C. §§ 12101 et. seq. (1994).

Cross References:                    404.06 Harassment  
    504    Student Rights and Responsibilities  
    505    Student Discipline  
    507    Student Records

File: 504.18E1

### HARASSMENT COMPLAINT FORM

Name of complainant:

\_\_\_\_\_

Position of complainant:

\_\_\_\_\_

Date of complaint:

\_\_\_\_\_

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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 if possible):

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

WITNESS DISCLOSURE FORM

Name of witness:

---

Position of witness:

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Date of testimony, interview:

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Description of instance witnessed:

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Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



Any other information:

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I agree that all of the information of this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

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

File: 504.18R1

#### HARASSMENT BY STUDENTS INVESTIGATION PROCEDURES

Harassment of students by other students will not be tolerated in the school district.

Harassment is a violation of school district policies, rules and regulations 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 rule to law enforcement officials.

Students or individuals who feel that 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 doing so. If the individual needs assistance communicating with the harasser, he/she should ask a teacher, counselor or principal to help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, he/she should:
  - tell a teacher, counselor or principal; and
  - write down exactly what happened, keep a copy and give another copy to the teacher, counselor or principal 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

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- how the harasser responded.

### **Complaint Procedure**

An individual who believes he/she has been harassed shall notify the principal, 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 witnesses as deemed appropriate.

Upon completion 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 principal. The investigator will outline the findings of the investigation to the principal.

### **Resolution of the Complaint**

Following receipt of the investigator's report, the principal may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline, up to and including, suspension and expulsion.

Prior to the determination of the appropriate remedial action, the principal may, at the principal's discretion, interview the complainant and the alleged harasser. The principal 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 complainant, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation.

### **Points to Remember in the Investigation**

- Evidence uncovered in 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 disciplined up to and including suspension and expulsion.

### **Conflicts**

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If the investigator is a witness to the incident, the alternate investigator shall be the investigator.

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## Anti-Bullying Policy

One of the missions of Bruning-Davenport USD is to provide a physically safe and emotionally secure environment for students and staff.

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

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

The school district shall review the anti-bullying policy annually.

Legal References:                      Laws 2008, LB 205  
   Student Discipline Act, Neb. Rev. Stat. 79-254-79-296  
   NDE February 2003 State Board Action; Reaffirmed  
   December 2006

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## DATING VIOLENCE

Bruning-Davenport Unified District strives to provide physically safe and emotionally secure environments for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Dating violence will not be tolerated.

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

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

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

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

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

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

## STUDENT FEES

The board realizes some activities may require additional expenditures which are properly to be borne by students as a separate charge. Such charges may be waived as specified below depending upon the student's eligibility for the free and reduced-price lunch program. In other special cases where the parent/guardian requests that the student be exempted from charges, the superintendent shall determine granting of waivers. No fees, specialized or nonspecialized attire or equipment shall be required of students outside this policy. This policy does not apply to tuition payments by nonresident students.

For the purposes of this policy, the following definitions shall apply:

1. Extracurricular activities means student activities or organizations which are supervised or administered by the school district, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the school district;
2. Postsecondary education costs means tuition and other fees associated with obtaining credit from a postsecondary educational institution.

The district may charge student fees or require students to provide specialized equipment or attire in the following areas:

1. Participation in extracurricular activities, including extracurricular music courses;
2. Admission fees and transportation charges for spectators attending extracurricular activities;
3. Postsecondary education costs, limited to tuition and fees associated with obtaining credits from the postsecondary institution;
4. Transportation fees for option students not qualifying for free lunches and nonresident students as allowed by state statute;
5. Copies of student files or records as allowed by state statute;
6. Reimbursement to the district for property lost or damaged by the student;
7. Before-and-after-school or prekindergarten services in accordance with state statute;
8. Summer school or night school; and
9. Breakfast and lunch programs.

The district may also require students to furnish musical instruments for participation in optional music courses that are not extracurricular activities. Students qualifying for free or reduced-price lunches shall be provided with a musical instrument of the school's choice.

Waivers for any of the following shall be provided for students who qualify for free or reduced-price lunches:

1. Fees and specialized equipment and specialized attire required for participation in extracurricular activities;
2. Admission fees and transportation charges for spectators attending extracurricular activities; and
3. Materials required for course projects where the project becomes the property of the student upon completion.

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The superintendent shall establish a Student Fee Fund and ensure that funds collected as fees for the following purposes are properly recorded and deposited to it:

1. Participation in extracurricular activities;
2. Postsecondary education costs; and
3. Summer school or night school.

The superintendent shall promulgate regulations outlining the purposes for which fees in these three areas are collected and shall ensure such fees are spent for those purposes.

The superintendent shall promulgate regulations to be published annually in the student handbook authorizing and governing:

1. Any nonspecialized clothing required for specified courses and activities;
2. Any personal or consumable items a student will be required to furnish for specified courses and activities;
3. Any materials required for course projects if the project becomes the property of the student upon completion; and
4. Any specialized equipment or specialized attire which a student will be required to provide for any extracurricular activity, including extracurricular music courses.

The superintendent shall also promulgate regulations authorizing and governing the following areas:

1. All fees to be collected within the nine numbered areas of the third paragraph of this policy;
2. Any other types of specialized equipment or attire to be provided by all students in the nine numbered areas of the third paragraph of this policy;
3. Procedures and forms for students or parent/guardians to apply for waivers under this policy;
4. Deadlines for waivers for all types of fees;
5. Procedures for allowing facilities use for NSAA District events to avoid conflict with this policy;
6. Procedures for the handling of fees for students receiving postsecondary education credits;
7. Procedures for handling of fees related to summer school or night school;
8. Attendance requirements and procedures in connection with evening, weekend or summer use of facilities related to all extracurricular activities to avoid conflict with this policy;
9. Procedures for admitting students on waiver to extracurricular activities; and
10. Procedures for transportation of student spectators to extracurricular activities and collection of any related fees.

Public concerns or complaints regarding required fees, attire or equipment shall be addressed under Policy 1005.01, Public Complaints.

This policy will be reviewed and re-adopted annually by August 1 at a regular or special meeting of the board. This shall include a review of the amount of money collected under

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this policy and the use of waivers as provided by this policy. The policy shall be published in the student handbook provided at no cost to each student.

Legal Reference:      Neb. Constitution, Art VII, Sect. 1  
                              Neb. Statute 79-215 (tuition)  
  79-241 (option student busing)  
  79-605 (nonresident busing)  
  79-611 (transportation fees)  
  79-734 (books, equipment and supplies)  
  79-2,104 (student files)  
  79-2,125 to 2,134 (student fees law)  
  79-1104 (before-and-after-school services)  
  79-1106 to 1108 (learners with high ability)

Cross Reference:      505.05 Fines for Lost or Damaged Items  
                              506      Student Activities  
                              507.01 Student Records Access  
                              801      Transportation  
                              802.05 Free or Reduced Cost Meals Eligibility  
                              1005.01 Public Complaints

File: 505.01

#### DETENTION OF STUDENTS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



The provisions of detention or an in-school suspension program for student violations of policies, rules and procedures shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. When this alternative is appropriate, students will be assigned to serve a specified time period in the in-school suspension program. These assignments, and the determination of the time period for them, shall be determined by the principal, or his or her designee.

Legal Reference: Neb. Statute 79-254 et seq. (Student Discipline Act)

Cross Reference: 504.01 Student Due Process Rights

File: 505.03

#### SUSPENSION OF STUDENTS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The authority to suspend for a "short term" and to propose an "extended term" suspension and/or expulsion is delegated to the principal or his or her designee. A short-term suspension shall mean the exclusion of a student from school attendance for a period not to exceed five school days. A long-term suspension means the exclusion of a student from school attendance for a period exceeding five school days but less than twenty school days.

The provisions of this section apply to all pupils enrolled in the school district. When considering possible courses of action for special education students in regard to alleged violations of school rules, policies, and regulations, procedural due process rights guaranteed under applicable Federal and State statutes are applicable. The school district is obligated to see that every special education student is provided an appropriate educational program without cost to the parent. Conversely, schools are not required to maintain pupils who are a danger to themselves or others in regular attendance centers.

Suspension from classes or school will not be carried out unless the student while subject to school authority:

- uses violence, force, threat or intimidation in a manner causing substantial interference with school purposes; or
- causes or attempts to cause substantial damage to school or private property or steals or attempts to steal school or private property of substantial value; or
- causes or attempts to cause physical injury to another person except in self-defense; or threatens or intimidates any student for the purpose or intent of obtaining something of value from the student; or
- possesses or transmits any firearm, knife, explosive or other dangerous object that is ordinarily considered a weapon; or
- without medical sanction where prescription substances are in question, possesses, uses, transmits, or is under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverages, or any other controlled substance; or
- commits public indecency as defined in Nebraska statute 28-806 if that student is at least twelve years of age but less than nineteen years of age; or
- commits or attempts to commit sexual assault against any person if a complaint has been filed by a prosecutor alleging the incident as required in Nebraska statute 79-267.8; or
- engages in any other illegal activity which constitutes a danger to other students or interferes with school purposes; or
- repeatedly violates the policies, rules and standards of student conduct established by the district.

A given suspension will be for a period of time not to exceed 5 school days. A student will be informed of the charges against him or her and, if the student denies them, an explanation of the evidence will be given and the student will be given an opportunity to refute the charges. No time delay is necessary between the time a pupil is notified of the charges and the time of the hearing before the principal.

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Guidelines to insure that students are afforded due process during a suspension or proposed suspension from school will be developed. The procedural rules, regulations and guidelines will be approved by the Board of Education and made known to students, parents and school staff.

Administrative procedures complying with the Student Discipline Act shall also be in place to ensure due process to the student should the principal decide to administer a long-term suspension, expulsion, or mandatory reassignment.

If a student's presence poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, an emergency exclusion may be invoked and the student may be immediately removed from school. However, notice and hearing should follow as soon as practical and not more than ten days following the initial exclusion.

The principal should make a reasonable effort to contact the parent(s) or guardian(s) of a suspended student by telephone or to communicate to them directly regarding the specific act(s) for which the suspension is ordered and the length of the suspension. If personal contact cannot be made then a notice will be mailed to parents within 24 hours stating the specific act(s) for which the suspension is ordered and the length of the suspension.

All records and documentation regarding suspension will be destroyed within three years of the student's continuous absence from school. No information regarding a suspension will be communicated to any person not directly involved in the disciplinary proceedings.

The right of appeal to the Board of Education in cases involving student suspension described in this policy does not extend to a suspension from a student extracurricular activities program or other disciplinary action affecting participation in an extracurricular activities program.

The school district will examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities.

Legal Reference:                   Neb. Statute 79-254 et seq. (Student Discipline Act)  
  20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities  
  Education Act)  
  34 C.F.R. §§ 104.1 et seq.  
  34 C.F.R. §§ 300 et seq.  
  92 NAC 51-004.06E

Cross Reference:                   504.01 Student Due Process Rights

File: 505.04

## EXPULSION OF STUDENTS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

For the purposes of this policy and as defined in the Student Discipline Act, expulsion shall mean exclusion from attendance in all schools within the district for a period of time as defined in Nebraska statute 79-283.

Students may be expelled for violations of board policy, school rules or the law. It shall be within the discretion of the board to discipline a student by using an expulsion for a single offense or for a series of offenses depending on the nature of the offense and the circumstances surrounding the offense.

The superintendent will develop procedural rules, regulations and guidelines governing expulsions. These shall be approved by the Board of Education and made known to students, parents and school staff.

All cases of expulsion shall be preceded by short-term suspension and its related procedures or by the condition of emergency exclusion which applies only when a student (a) has a dangerous communicable disease transmissible through normal school contacts and poses an immediate threat to the health and safety of the school community; or (b) exhibits conduct which presents a clear threat to the physical safety of himself/herself or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

It shall be within the discretion of the superintendent to recommend to the board the expulsion of a student for disciplinary purposes. Only the board may take action to expel a student and to readmit the student. The principal shall keep records of expulsions in addition to the board's records.

When a student is recommended for expulsion by the board, the student shall be provided with:

1. Notice of the standard of conduct allegedly violated, acts the student is alleged to have committed and a summary of the evidence to be presented against the student;
2. The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
3. A statement that the student has a right to a hearing, upon request, on the specified charges;
4. A description of the hearing procedures, along with procedures for appealing any decision rendered at the hearing;
5. A statement the principal, legal counsel for the school, the student, the student's parent or representative or guardian has the right;
6. to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and;

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7. to know the identity of the witnesses to appear at the hearing and the substance of their testimony;
8. A form on which the student or the student's parent/guardian may request a hearing

Supplemental to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of the misconduct. A staffing team should determine whether the student's behavior is caused by the student's disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded.

If the special education student's conduct is not caused by the disability, the student may be expelled or suspended for a long-term period following written notice to the parent and pursuant to the school district's expulsion hearing procedures. If the misconduct is caused by the disability and a change in placement is recommended, the change must be made pursuant to the placement procedures used by the school district.

The school district will examine data, including data disaggregated by race and ethnicity, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities.

Legal Reference:                   Neb. Statute 28-1204.04  
   79-245 et seq.  
   Goss v. Lopez, 419 U.S. 565 (1975).  
   Wood v. Strickland, 420 U.S. 308 (1975)  
   20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities  
   Education Act)  
   34 C.F.R. §§ 104.1 et seq.  
   34 C.F.R. §§ 300 et seq.  
   92 NAC 51-004.06E

Cross Reference:                   504    Student Rights and Responsibilities  
   505    Student Discipline

File: 505.05

#### FINES FOR LOST OR DAMAGED ITEMS

The board believes students should respect school district property and assist in its preservation for future use by others. Students may be assessed fines, charges, or fees for

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damage beyond normal wear to the materials needed in a course, for overdue school materials, or for misuse of school property. The charges shall not exceed the actual cost of the materials or equipment incurring damage.

Any schedules of fines will be set prior to the start of the school year and shall be published in the student handbook. It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Legal Reference:                   Neb. Statute 79-2,127  
  79-734

Cross Reference:               504    Student Rights and Responsibilities  
  505    Student Discipline

File: 505.06

### CORPORAL PUNISHMENT

Corporal punishment is defined as the intentional physical punishment of a student and is prohibited. It includes the use of unreasonable or unnecessary physical force or physical contact made with the intent to harm or cause pain. No employee is prohibited from:

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Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## RESTRAINT AND SECLUSION OF STUDENTS

Restraint and seclusion are behavioral interventions, not educational techniques. They are limited to exigent circumstances and situations that necessitate their use to protect the safety of the student, other students, staff and property. When used as safety intervention, they should be used as methods of last resort. When used as behavior intervention, they must be used according to the terms of this policy.

This policy does not cover interventions such as voice control, limited to loud, firm commands; time-limited ignoring of specific behaviors; brief physical prompts to interrupt or prevent a specific behavior; physical interventions which a student's health care provider have indicated are medically necessary for the treatment or protection of the individual; or other similar interventions.

### I. Seclusion

#### A. Definition

1. Seclusion is a last resort emergency safety intervention that provides an opportunity for the student to regain self-control. Seclusion is the confinement of a student in a room or other space from which the student is physically prevented from leaving and which provides for continuous adult observation of the student.
2. A room or area used for seclusion:
  - a. must not be locked;
  - b. must not prevent the student from exiting the area should staff become incapacitated or leave that area;
  - c. must provide for adequate space, lighting, ventilation, viewing, and the safety of the student.

#### B. Timeout

1. Timeout is a behavior intervention in which a student, for a limited and specified time, is placed in an environment where access to positive reinforcement is unavailable.
2. Timeout should not be confused with seclusion because a student's movement in a timeout setting is not physically restricted.
3. Timeout lies within a continuum of procedures that help students self-regulate and control their behavior.

#### C. Seclusion is inappropriate for students who are severely self-injurious or suicidal.

#### D. Time and Duration

1. Emergency seclusion should be used only as long as necessary to allow a student to regain control of his/her behavior, but generally:
  - a) Elementary school students – no longer than 15 minutes; and
  - b) Middle and high school students – no longer than 20 minutes.
  - c) If an emergency seclusion lasts longer than the suggested maximum time, the staff member should:

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- (1) summon additional support (e.g., change of staff, introducing a nurse or specialist, obtaining additional expertise); and
- (2) document the need to explain the extension beyond the time limit.

E. Staff Requirements

While using seclusion, staff must:

1. involve appropriately-trained key identified personnel to protect the care, welfare, dignity, and safety of the student;
2. continually observe the student in seclusion for indications of physical distress and seek medical assistance if there is a concern; and
3. document observations.

II. Restraint

There are three types of restraint: physical, chemical, and mechanical.

A. Physical restraint involves direct physical contact that prevents or significantly restricts a student's movement.

1. Restraint is a last resort emergency safety intervention. Restraint is an opportunity for the student to regain self-control.
2. This policy on physical restraint is not intended to forbid actions undertaken:
  - a. to break up a fight
  - b. to take a weapon away from a student
  - c. to hold a student briefly in order to calm or comfort
  - d. to escort a student physically from one area to another location within the school building
  - e. to assist a student in completing a task/response if the student does not resist or resistance is minimal in intensity or duration.
  - f. to hold a student briefly in order to prevent an impulsive behavior that threatens the student's immediate safety (e.g., running in front of a car).

B. Chemical restraint is the administration of medication for the purpose of restraint.

1. The school district will not, under any circumstances, engage in chemical restraint.
2. Chemical restraint does not apply to medication prescribed by and administered in accordance with the directions of a physician.

C. Mechanical restraint means the use of any device or material attached to or adjacent to a student's body that restricts normal freedom of movement and which cannot be easily removed by a student.

1. Mechanical restraint does not include:
  - a. an adaptive or protective device recommended by a physician or therapist (when it is used as recommended).
  - b. safety equipment used by the general student population as intended (for example, seat belts, safety harness on school transportation).

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III. Limitations in Use

- A. Seclusion and/or restraint shall not be used:
1. for the convenience of staff;
  2. as a substitute for an educational program; or
  3. as a form of discipline/punishment.

IV. Recurring Behavior

- A. If a pattern of behavior emerges, or is anticipated, which may require the use of emergency seclusion, the school personnel must:
1. conduct a functional behavioral assessment;
  2. call a meeting of the student's IEP team to develop or revise a positive behavior intervention plan to facilitate the reduction or elimination of the use of seclusion and/or restraint
- B. Given the limited size and training of the school district's staff, students whose behavior routinely requires seclusion and restraint may not be able to be served in the school district and may require a placement out of the school district.

V. Prohibited Practices

- A. The following are prohibited under all circumstances, including emergency situations:
1. corporal punishment;
  2. the deprivation of basic needs;
  3. anything that constitutes child abuse;
  4. the seclusion of preschool children; and
  5. the intentional application of any noxious substance(s) or stimuli which result in physical pain or extreme discomfort.

## STUDENT ACTIVITY ELIGIBILITY

Participation in school activities is a privilege. School activities provide the benefits of promoting additional interests and ability in the students during their school years and for their lifetime.

However, students who participate in extracurricular activities serve as ambassadors of the school district throughout the calendar year, whether away from school or at school. Students wanting to participate in school activities must meet the requirements set out by the school district for participation in the activity and must conduct themselves in accordance with student conduct policies.

Student activity events must be approved by the superintendent unless they involve unusual travel expense, in which case the board will take action. The events must not disrupt the education program or other school district operations.

Students in kindergarten through sixth grade may not participate in athletic contests between schools within a school system or between school systems. Annual field or play days are excluded from this restriction.

Elementary school systems having seventh and eighth grade athletics may include sixth grade boys or girls if the combined enrollment for seventh and eighth grade is fewer than 12 boys or 12 girls and if the school board has a policy regulating participation for sixth graders. The board's policy for participation of sixth graders is as follows: A sixth grade student may participate if (1) the student meets the same standards applicable to seventh and eighth graders and (2) participation in the activity is not prohibited by the bylaws of the Nebraska School Activities Association.

Students in seventh and eighth grades may participate in interscholastic competitions subject to and in a manner consistent with the bylaws of the Nebraska School Activities Association. The scholastic eligibility rules for seventh and eighth grades shall be the same as established by the school board for high school interscholastic competitions and, in the absence of such rules, shall be the minimum established by the Nebraska School Activities Association.

Eligibility requirements as published by the Nebraska School Activities Association (NSAA) shall be observed by all students. Additional eligibility requirements may be imposed by the school district at the board's discretion.

Such eligibility requirements shall include good citizenship, acceptable academic standing, parental permission and good health (sports only). All eligibility requirements shall be published in applicable student/parent handbooks.

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Any student who is sanctioned or is found by the school district or NSAA to be ineligible to participate in any extra curricular activity may appeal the sanction or finding in accordance with the student due process policy.

It shall be the responsibility of the superintendent to develop administrative regulations for each school activity.

Legal Reference:                   20 U.S.C. Sect.1681-1683; 1685-1686 (1994).  
  34 C.F.R. Pt. 106.41 (1993)  
  Neb Statute 79-296  
  79-443

Cross Reference:               502    Student Attendance  
  504    Student Rights and Responsibilities  
  505    Student Discipline  
  506    Student Activities  
  508    Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## STUDENT ORGANIZATIONS

Secondary school student-initiated, noncurriculum-related groups and student curriculum-related groups, upon receiving permission from the principal, may use school facilities for group meetings during non-instructional time.

Non-instructional time shall mean any time before the first period of the day and after the last period of the day in which any student attends class. Meetings shall not interfere with the orderly conduct of the education program or other school district operations. It shall be within the discretion of the principal to determine whether the meetings will interfere with the orderly conduct of the education program or other school district operations. Activities relating to and part of the education program shall have priority over the activities of another organization.

### Curriculum-Related Organizations

It shall also be the responsibility of the principal to determine whether a student group is curriculum-related. One or more of the following questions will be answered affirmatively if the group is curriculum-related:

- Is the subject matter of the group actually taught in a regularly offered course?
- Will the subject matter of the group soon be taught in a regularly offered course?
- Does the subject matter of the group concern the body of courses as a whole?
- Is participation in the group required for a particular course?
- Does participation in the group result in academic credit?

Secondary school curriculum-related student organizations may use the school district facilities for meetings and other purposes before and after the instructional school day. Employees shall be assigned to monitor approved meetings and may interact with curriculum-related organizations.

### Noncurriculum-Related Organizations

Student-initiated, noncurriculum-related organizations shall be provided access to meeting space and school district facilities.

Only students may attend and participate in meetings of noncurriculum-related groups. Such attendance shall be strictly voluntary and student-initiated. As a means of determining whether a student's attendance is voluntary, the principal may require parental consent for the student to attend the meetings.

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Legal Reference: Westside Community Board of Education v Mergens, 496  
U.S. 226 (1990).  
Neb. Statute 79-297 et seq.

Cross Reference: 504 Student Rights and Responsibilities  
506 Student Activities

File: 506.03

STUDENT GOVERNMENT

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The student council provides for student activities, serves as a training experience for student leaders, promotes the common good, gives students a share in the management of the school, develops high ideals of personal conduct, acts as a clearinghouse for student activities, seeks to interest students in school district affairs and helps solve problems that may arise. Members of the council are student representatives who have direct access to the administration.

Student council membership is available to all students who volunteer to serve in the organization and are elected by their classmates. Council officers will be elected by a vote of the council members

The principal, in conjunction with the students and certified employees, shall set forth the guidelines for the student government's elections, operations, and other elements of the government.

Cross Reference:                    504    Student Rights and Responsibilities  
   506    Student Activities

File: 506.04

### STUDENT ADVISORY COUNCILS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



In lieu of, or in addition to, the Student Council, the board may on occasion appoint Student Advisory Councils to provide information and suggestions to the board from the students' point of view regarding specific areas of school operations directly affecting the student body. These councils shall continue for a duration determined by the board and shall be composed of such students as recommended by the superintendent or principals.

Cross Reference:                    504.02 Student Involvement in Decision Making  
   506.03 Student Government

File: 506.06

#### STUDENT PUBLICATIONS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



Students, as part of the education program, may participate in contests or other public and private events approved by the superintendent that will be of benefit to the student and the education program. Performance at such events is a privilege.

Students, who perform at such events, serve as ambassadors of the school district and must conduct themselves in the same manner as required in the regular school day. Students who fail to abide by this policy and the administrative regulations supporting it may be subject to disciplinary measures.

Students will be allowed to perform in these events only with proper permission and supervision and when the events do not disrupt the education program or other school district operations. The events must be approved by the superintendent, unless it involves unusual travel and expense, in which case the board must approve of the performance.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy. In developing the administrative regulations, these guidelines should be followed:

- Performances by student groups below the high school level should be allowed on a limited basis;
- All groups of students should have an opportunity to participate; and,
- Extensive travel by one group of students should be discouraged.
- Students will not accept payment for public performances when they represent their schools, either as individuals or as members of some school group.

It shall be within the discretion of the superintendent to determine whether the event will benefit the education program and the participating students. Contests or other performances by students unapproved by the superintendent shall be the responsibility of the parent and the student.

Legal Reference: Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).

Cross Reference: 504 Student Rights and Responsibilities  
506 Student Activities

File: 506.08

### STUDENT FUND RAISING

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Students may raise funds for school-sponsored events with the permission of the principal. Collection boxes for school fund raising must have prior approval from the principal before being placed on school property.

The main emphasis of any fund-raising campaign should be on the educational aspects of the program. Contests between rooms and schools will not be used as a promotional device.

There will be no house-to-house canvassing by any student, K-12, for any school or school-related purposes. This includes all fund-raising for schools and student activities.

No tickets for any purpose except for school activities authorized under Board policies or otherwise expressly permitted by the Board will be sold on school premises.

No contribution of money for any purposes will be collected from or by school children except as authorized by the Board.

Fund raising by students for events other than school-sponsored events is not allowed.

Fund-raising campaigns for charitable purposes will be restricted to those approved by the Board of Education.

Periodically the Board will permit collection of donations for the United Fund. In such instances, the major emphasis will be on informing students of the nature and purpose of the fund and the services rendered. When voluntary contributions are received from pupils, the donations must be deposited in slotted containers furnished for that purpose. Teachers or other staff will not collect such money, nor will records be kept of the contributions either on an individual, classroom, or school basis.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative regulations regarding this policy.

Cross Reference:            504    Student Rights and Responsibilities  
                                     505    Student Discipline  
                                     506    Student Activities

File: 506.09

#### STUDENT ACTIVITIES FUNDS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The Student Activities Funds of each school will include athletic and student organization funds and any other funds belonging to any student or class group or activity. Student Activity Funds are those funds raised or collected by and/or for school-approved student groups, and may include gate receipts and student activity card fees. Student activity funds will be collected and expended for the purpose of supporting the school's extracurricular activities program. Student body representation should be encouraged whenever possible.

Monies raised by students through student body organizations, receipts from activity tickets and gate receipts, are subject to the control and management by the school board.

The principal of each junior high and high school is responsible for all school/student accounts and accommodation funds. The principal will assign one or more school staff member(s) who are designated as an assistant treasurer by the school board to share the responsibility for assuring that accounting records are maintained in accordance with district guidelines.

The principal will be responsible for supervising the accounting functions to be performed at the building level. The building level accounting procedures will be consistent with the accounting functions performed at the district office level.

Secondary schools may establish bank demand and savings accounts in institutions that have been designated as depositories of school district funds by the school board. Materials and equipment purchased by student activity funds become district property. Projects for raising student activity funds should in general contribute to the educational experience of students and should not conflict with, but add to the instructional program and comply with district guidelines.

Any unencumbered class or activity funds will automatically revert to the general activity fund of the school when a class graduates or an activity is discontinued.

The district treasurer, or designee, may request all necessary financial information needed for review or required by the school board. These funds shall be examined annually as part of the district audit.

Cross Reference:                    506.08 Student Fund Raising  
    704.04 Audits

File: 506.10

## STUDENT PHYSICALS FOR ATHLETICS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

All boys or girls that participate in any athletics or practices must have a physical examination signed by a physician. The physical given may not be the same physical examination required of all freshmen entering high school for the first time. The results of the examination and the physician's signature must appear on all local and state forms where it is required. All such examination results must be on file in the school where the student is to participate in athletics. In all cases, these forms should be signed first by parents to signify their permission and then by the physician. Only proper forms are to be used in all cases.

Legal Reference:                   NSAA Athletic Bylaws sect. 3.4

Cross Reference:                 506.01 Student Activity Eligibility

File: 507.01

STUDENT RECORDS ACCESS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The board recognizes the importance of maintaining student records and preserving their confidentiality. Student records shall be maintained so as to separate academic and disciplinary matters. Student records may be maintained in the central administration office or administrative office of the student's attendance center. This policy does not apply to student directory information. The school district shall comply with the requirements relating to the confidentiality of student records and information.

The following records shall be maintained as permanent records of the student:

- The student's social security number;
- The record of dates of attendance;
- Highest grade level completed;
- A transcript of classes taken with grades and credits received;
- The records of inoculations and health examinations which are given to the class or student body as a whole;
- The record of participation in extracurricular school activities and sports;
- The signatures of people who are required to sign for access to student records and the statement of purpose for such access;
- The student's or student's parents' written consent of release of student records.

All other student records shall be removed and destroyed after a student's continuous absence from the school for three years.

Any student, his or her parents/guardians, teachers, counselors or school administrators shall have access to the student's records during the regular business hours of the district. In addition, authorized representative of the State or Federal government, and state educational authorities connected with the enforcement of requirements of certain educational programs as prescribed by law shall have access to student records within the limitations of state statutes. No one else shall have access to the records and the records shall not be divulged to any person.

The superintendent shall establish reasonable fees for providing copies of the student's records to a parent or guardian. No fees shall be charged for the right to inspect and review the records.

Legal Reference:                    20 U.S.C. § 1232g (FERPA)  
    34 C.F.R. Pt. 99, (Privacy Rights of Parents and Students)  
    Neb Statute 79-2,104 and 2,105  
    79-2539  
    79-4,157 and 4,158  
    84-1,212.01 et seq.  
    92 NAC 51-003.16, 003.20, 009.03 through 009.03M3

Cross Reference:                    503    Student Attendance  
    507    Student Records  
    508    Student Health and Well-Being

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

604.03 Special Education  
611 Academic Achievement  
804.02 Data or Records Retention  
1003 Public Examination of District Records

File: 507.02

STUDENT DIRECTORY INFORMATION

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



Student directory information is designed for use internally within the school district. Directory information shall be defined in the annual notice. It may include the student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees, honors and awards received, dates of attendance at this district, the most recent previous educational agency or institution attended by the student, E-mail address, photograph and other likeness, and other similar information.

Prior to developing a student directory or to giving general information to the public, parents will be given notice annually of the intent to develop a directory or to give out general information and have the opportunity to deny the inclusion of their child's information in the directory or in the general information about the students.

It shall be the responsibility of the superintendent to provide notice and to determine the method of notice that will inform parents.

Legal Reference:                    20 U.S.C. § 1232g (1994).  
   34 C.F.R. Pt. 99, 300.560 - .574 (1996).

Cross Reference:                    506    Student Activities  
   507    Student Records  
   1003   Public Examination of District Records

File: 507.03

## STUDENT PHOTOGRAPHS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

The board will permit student "portrait" photographs to be taken on school premises by a commercial photographer as a service to the students and their families.

Parents will be notified prior to the taking of pictures by a commercial photographer for student "portraits." In no case will students be required to have their picture taken or be pressured to purchase pictures.

Students or commercial photographers may take pictures of students upon consent for such things as the yearbook or student newspaper.

It shall be the responsibility of the superintendent, in conjunction with the principal, to develop administrative rules regarding student photographs.

Cross Reference:                    507.02 Student Directory Information

File: 507.04

## STUDENT LIBRARY CIRCULATION RECORDS

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Student library circulation records are designed to be used internally to assist in the orderly administration of the school district libraries and media center. As a general rule, student library circulation records are considered confidential records and will not be released without parental consent. Individuals who may access such records include a student's parents, the student, authorized licensed employees, authorized government officials from the U.S. Comptroller General, the Secretary of Education, the Commissioner and Director of the National Institute of Education, and the Assistant Secretary for Education and State Education Department. Appropriate authorities in a health or safety emergency may access the student's library circulation records without the approval or the notification of the student's parents.

It shall be the school librarian's responsibility, as the person maintaining the student library circulation records, to approve requests for access to student library circulation records. Students' library circulation records may be accessed during the regular business hours of the school district. If copies of documents are requested, a fee for such copying shall be charged.

It shall be the responsibility of the superintendent, in conjunction with the school librarian, to develop administrative regulations regarding this policy.

Legal Reference: 20 U.S.C. § 1232g (1994).  
34 C.F.R. Pt. 99 (1996).

Cross Reference: 507.01 Student Records Access

File: 508.01

## STUDENT HEALTH AND IMMUNIZATION CHECKUPS

Students enrolling in kindergarten (or the beginning grade) and students entering the seventh grade in the school district shall have a physical examination by a licensed physician and provide proof of such an examination to the school district. A physical examination and

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proof of such an examination shall be required by the administration for students in other grades transferring to the school district from out of state.

A certificate of health stating the results of a physical examination and signed by the physician, assistant physician or registered nurse shall be on file at the attendance center.

Students enrolling in the school district shall also submit proof of immunization against Evidence of protection against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella, Hepatitis B, Varicella (chicken pox) and Haemophilus Influenza type b (Hib) and other diseases as required by applicable law, by immunization, prior to enrollment, unless the parent or legal guardian submits a written statement refusing immunization or meets other exceptions established by law.

Every student entering the seventh grade shall have a booster immunization containing diphtheria and tetanus toxoids and an acellular pertussis vaccine which meets the standards approved by the United States Public Health Service for such biological products, as such standards existed on January 1, 2009. The student may be admitted conditionally to the attendance center if the student has not yet completed the immunization process but is in the process of doing so. Failure to meet the immunization requirement will be grounds for suspension, expulsion or denial of admission.

Exemptions or temporary waivers from the immunization requirement in this policy will be allowed only for medical, military or religious reasons recognized under the law.

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

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

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

A child shall not be required to submit to an inspection required by this policy if his or her parent or guardian provides school authorities with a statement signed by a physician, a physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her respective credentialing act or other qualified provider as

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identified by the Department's applicable rules and regulations, stating that such child has undergone such required inspection within the past six months. A child shall submit to any required inspection for which such a statement is not received.

Any student enrolling during the school year after these inspections will have such an inspection made immediately upon entrance. Any student showing symptoms of any contagious or infectious disease shall be sent home as soon as practicable and the principal notified of the circumstances.

Legal Reference:               Neb. Statute 79-214  
  79-217 to 223  
  79-248 et seq.  
                                  Neb. Rev. Stat. §§ 79-249  
                                  Neb. Rev. Stat. § 79-264  
                                  Neb. Rev. Stat. § 79-526

Cross Reference:           403.02 Child Abuse Reporting  
                                  503     Student Attendance  
                                  506.10 Student Physicals for Athletics  
                                  508     Student Health and Well-Being

File: 508.02

#### ADMINISTRATION OF MEDICATION TO STUDENTS

Students may be required to take medication during the school day. Medication shall be administered by the school nurse, a registered Medication Aide, or other school staff member meeting the minimum competency standards for the Medication Aide Act.

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Medication will not be administered without written authorization that is signed and dated from the parent, and the medication must be in the original container which is labeled by the pharmacy or the manufacturer with the name of the child, name of the medication, the time of the day which it is to be given, the dosage and the duration.

Written authorization will also be secured when the parent requests student co-administration of medication when competency is demonstrated. When administration of the medication requires ongoing professional health judgment, an individual health plan will be developed by the licensed health personnel with the student and the student's parents. A written record of the administration of medication procedure must be kept for each child receiving medication including the date; student's name; prescriber or person authorizing the administration; the medication and its dosage; the name, signature and title of the person administering the medication; and the time and method of administration and any unusual circumstances, actions or omissions. Administration of medication records shall be kept confidential.

Records shall be available to the Department of Health and Human Services Regulation and Licensure, the Department of Health and Human Services, and the State Department of Education for inspection and copying.

Medication will be kept in a secured area. Students may carry medication only with the approval of the parents and building principal of the student's attendance center. Emergency protocol for medication-related reactions will be in place.

The superintendent shall be responsible, in conjunction with the school nurse or Medication Aide, for developing rules and regulations governing the administration of medication, prescription and nonprescription, including emergency protocols, to students and for ensuring persons administering medication have met the requirement of state statutes. Annually, each student shall be provided with the requirements for administration of medication at school.

School districts and special education and related service providers are prohibited from requiring a child to obtain a prescription for a substance covered by the Controlled Substances Act (21 U.S.C. 812(c)) as a condition of attending school, receiving an evaluation under 92 NAC 51-006, or receiving services under the IDEA.

Legal Reference:                   34 C.F.R. §99.1 to 99.67 (1994)  
  Neb. Statute 71-6718 (Medication Aide Act)  
  79-249  
  173 N.A.C. ch. 3, sect. 001-009.04  
  92 NAC 51-004.11D through 004.11D2

Cross Reference:               507    Student Records  
  508    Student Health and Well-Being  
  604.03 Special Education  
  608.02 Student Health Services

Approved \_\_\_\_\_ Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

File: 508.03

### COMMUNICABLE OR INFECTIOUS DISEASES

Students with a communicable disease will be allowed to attend school provided their presence does not create a substantial risk of illness or transmission to other students or employees. The term "communicable disease" shall mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

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Prevention and control of communicable diseases shall be included in the school district's bloodborne pathogens exposure control plan. The procedures shall include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan shall be reviewed annually by the superintendent and school nurse.

Their personal physician shall determine the health risk to immunosuppressed students. The health risk to others in the school district environment from the presence of a student with a communicable disease shall be determined on a case-by-case basis by the student's personal physician, a physician chosen by the school district or public health officials.

A student who is at school and who has a communicable disease that creates a substantial risk of harm to other students, employees, or others at school shall report the condition to the Superintendent any time the student is aware that the disease actively creates such risk.

It shall be the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with students with a communicable disease.

Legal Reference:                   Neb. Statute 79-248  
  79-264  
  79-4,133  
  29 U.S.C. §§ 701 et seq. (1994).  
  45 C.F.R. Pt. 84.3 (1990).

Cross Reference:               404.04 Communicable Diseases - Employees  
  507    Student Records  
  508    Student Health and Well-Being

File: 508.04

### STUDENT ILLNESS OR INJURY AT SCHOOL

When a student becomes ill or is injured at school, the school district shall attempt to notify the student's parents as soon as possible.

The school district, while not responsible for medical treatment of an ill or injured student, will have employees present administer emergency or minor first aid if possible. An ill or

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injured child will be turned over to the care of the parents or qualified medical employees as quickly as possible.

It shall be the responsibility of the school employee who witnessed or is cognizant of the accident to file an accident report with the superintendent within twenty-four hours after the student is injured.

Annually, parents shall be required to complete a medical emergency authorization form indicating the procedures to be followed, if possible, in an emergency involving their child. The authorization form will also include the phone numbers of the parents and alternative numbers to call in case of an injury or illness.

The superintendent shall be responsible, in conjunction with the school nurse, to develop rules and regulations governing the procedure in the event a student should become ill or be injured at school.

Cross Reference:                    508    Student Health and Well-Being

File: 508.05

### EMERGENCY PLANS AND DRILLS

Students will be informed of the appropriate action to take in an emergency. Emergency drills for fire, weather, and other disasters shall be conducted each school year. Fire and tornado drills shall be each conducted regularly during the academic school year with a minimum of two before December 31 and two after January 1.

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about custody or parental rights. Court orders that have been issued shall be followed by the school district. It shall be the responsibility of the person requesting an action by the school district to inform and provide the school district the court order allowing such action.

This policy does not prohibit an employee from listening to a student's problems and concerns.

It shall be the responsibility of the superintendent to ensure employees remain neutral in a disagreement about custody and parental rights.

Legal Reference:           34 C.F.R. §99.4 (1995)  
                                  Neb. Statute 42-364  
  42-381  
  43-2,902

Cross Reference:           507    Student Records  
                                  508    Student Health and Well-Being

File: 508.08

### STUDENT SPECIAL HEALTH SERVICES

The board recognizes that some special education students need special health services during the school day. These students shall receive special health services in conjunction with their individualized education program.

The superintendent, in conjunction with licensed health personnel, shall establish administrative regulations for the implementation of this policy.

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Legal Reference: 20 U.S.C. §§ 1400 et seq. (1994).  
34 C.F.R. Pt. 300 et seq. (1996).

Cross Reference: 504 Student Rights and Responsibilities  
507 Student Records  
604.03 Special Education

File: 508.09

## GUIDANCE AND COUNSELING

The board recognizes that students may require guidance and counseling services to assist them in reaching their educational potential. Students may be referred to the counseling program under provisions of Policy 608.01

The student's guidance program may include individual or group activities to help the student develop positive relationships with others, to develop appropriate behaviors for various educational and social settings, to develop effective study habits, improve their

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understanding of self in terms of interests, abilities, achievements and values, and formulate educational and career plans.

Cross Reference:           102   Educational Philosophy of the School District  
                                  604   Instructional Curriculum  
                                  605   Alternative Programs  
                                  608.01 Student Guidance and Counseling Program

File: 508.10

#### REFERRAL OF STUDENTS TO OTHER AGENCIES

School employees having knowledge of or reasonable cause to suspect that a child is abused or neglected will report the circumstances to the Nebraska Department of Health and Human Services or a local law enforcement agency according to the child abuse reporting procedures of Policy 403.02.

In the case of a suspected violation of law, any questioning and apprehension of students by law enforcement authorities will be conducted according to Policy 504.17.

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Legal Reference: Neb. Statute 28-711  
Cross Reference: 403.02 Child Abuse Reporting  
504.17 Questioning of Students by Outside Agencies

File: 508.11

SCHOOL WELLNESS POLICY

The school district is committed to providing a school environment that enhances learning and the development of lifelong wellness.

**1. Goals for Nutrition Education**

- a. The health curriculum will include information on good nutrition and healthy living habits.
- b. Teachers will incorporate information on nutrition and wellness into the classroom curriculum as appropriate.

**2. Goals for Physical Activity**

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- a. The physical education curriculum shall include instruction on physical activity and habits for healthy living.
  - b. Students will be encouraged to engage in physical activities throughout the school day.
  - c. The district encourages parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.
- 3. Goals for Other School-Based Activities Designed to Promote Student Wellness**
- a. Students will be provided sufficient time in which to eat school-provided meals.
  - b. The district's lunchrooms will be attractive and well-lighted.
  - c. The district will allow other health-related entities to use school facilities for activities such as health clinics and screenings so long as the activities meet the district's requirements and criteria for the use of facilities.
- 4. Nutrition Guidelines**
- a. Food providers will take measures to ensure that student access to foods and beverages meet federal, state and local laws and guidelines.
  - b. Food providers will offer students a variety of age appropriate healthy food and beverage selections for elementary schools, middle schools and high schools.
- 5. Community Advisory Committee**
- a. The superintendent of schools shall create a community advisory committee which will include at least one member from each of the following groups: parents, teaching staff, food service staff, students, and the community at large.
  - b. The committee will meet at least twice during the 2006-07 school year. The committee will be chaired by the district's head cook.
  - c. The committee will review this policy, suggest possible revisions, and submit its suggestions to the board of education.
  - d. The head cook is responsible for coordinating the implementation of this policy and for monitoring the district's progress in meeting the goals established by this policy. The head cook will submit a report to the board on the district's progress in implementing this policy.

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CLASS OR STUDENT GROUP GIFTS

The board welcomes gifts to the school district from a class or student group. While class gifts to the school district do not require the approval of the superintendent, the board encourages students to consult with the superintendent or other licensed employees prior to selecting a gift for the school district.

No principal, teacher, or other employee of the Board will accept money as a gift from any student. Gifts of appreciation given by a class to a principal, teacher, or other employee of the Board will not exceed \$10 in value.

Cross Reference:                   705.04 Gifts, Grants and Bequests

OPEN NIGHT

In keeping with good community relations, student school activities will not be scheduled on Wednesday night beyond 6:30 p.m. whenever possible. It shall be the responsibility of the principal to oversee the scheduling of school activities for compliance with this policy.

Cross Reference:                    1001 Principles and Objectives for Community Relations

## STUDENT MEMORIALS

The District will provide family and friends ample opportunities to express their grief upon the death of a student who was enrolled in one of the district's schools at the time of his/her death. Such opportunities shall be in accordance with district rules and procedures.

Cross Reference: 1005.02 Parent Relations Goals

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