



HASTINGS
PUBLIC SCHOOLS

Assuring the essential.
Expanding the possible.

Work Session

Thursday, June 14, 2018 @ 6:00 PM Central
Conference Room, 1515 W 8th St, Hastings, NE 68901

1. Roll Call -
2. Announcement - Jim Boeve -
3. Welcome to HEA reps and guests - Jim Boeve -
4. Review Board Norms/Goal - Jim Boeve -
5. Initial discussion of 8th grade 1 to 1 - Craig Kautz -
6. *Consent Agenda - Craig Kautz -
7. Leadership Quarterly Update - Craig Kautz -
8. *Approve first reading of revised Policy 206.04 - Staff Reimbursement of Expenses - Craig Kautz -
9. *Approve first reading of Revised Policy and Rule 404.06 and 504.18 - Anti-Discrimination, Anti-Harassment, and Anti-Retaliation - Craig Kautz -
10. *Approve first reading of Revised Policy 504.12 - Regulated Devices - Craig Kautz -

11. *Approve first reading of New Policy 504.21 - Married Students - Craig Kautz -

12. *Approve first reading of Revised Policy 505.03 - Emergency Exclusion, Short-Term and Long-Term Suspension, Expulsion, Mandatory Reassignment and/or Alternative Educational Placement - Craig Kautz -

13. *Approve first reading of new Policy 604.011 - Reading Instruction and Improvement - Craig Kautz -

14. *Approve first reading of new Policy 1006.03 - Recording of Others - Craig Kautz -

15. Finance Quarterly Update - Jeff Schneider -

16. *Approve substitute rate increase for 2018-19 - Jeff Schneider -

17. Reminders - Jim Boeve -

18. Reports, etc., at Board Meeting - Jim Boeve -

19. Adjournment - Jim Boeve -

***Closed Session:** If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Nebraska Open Meetings Law.

****Sequence of Agenda:** The sequence of agenda topics is subject to change at the discretion of the board. Please arrive at the beginning of the meeting.

*****Action Item:** The board reserves the right to take action on an item listed on the board agenda.

Students, staff, families and community will collaborate to maximize student readiness for college/career and citizenship. We will increase the rigor and relevance of each student's learning experience while meeting their academic and well-being needs.

Hastings Public Schools

Board of Education Norms

We will work to achieve consensus while valuing differences of opinion both within our Board and when considering the input of others.

We will conduct meetings and business in a manner that is fair and professional.

We will strive to ensure our decisions are congruent with the mission, vision, and strategic plan for the District.

Each member will be committed to the School Board process by attending meetings, being on time, coming prepared, adhering to the agenda (the President of the Board may adjust the order of the agenda to allow the fullest participation of the available members of the Board upon the request of a Board Member), *referencing Robert's Rules of Order*, and participating to their full potential.

We will gather the necessary data; seek expertise from within and outside of our District; and attempt to hear from any parent, student, or other community member in order to make wise decisions that reflect all stakeholders.

We will regularly and intentionally communicate with one another, the administration, faculty, staff, students, community, and the press to ensure information is shared openly and in a relevant, timely and appropriate manner.

We will also maintain confidentiality when necessary.

We will serve as advocates for K-12 public education within our community, as well as within the state of Nebraska.

We will recognize that, as community leaders, we will adhere to the character standards that are the core of our school: respect, responsibility, compassion, and honesty.

Our collective and fundamental purpose is to assure all students acquire the knowledge, skills, and behaviors essential to be successful individuals and responsible citizens.

PERSONNEL

Certificated Staff Resignation – Christa Ball

The administration recommends acceptance of the following certificated resignation:

Christa Ball from her Grade 3 position at Lincoln Elementary effective June 14, 2018 pending the hiring of a suitable replacement.

Certificated Staff Appointments – Sara Armon, Karen Callahan, Kristen Janda, Michael Sanderson

The administration recommends acceptance of the following Certificated appointment(s):

Sara Armon to Preschool Teacher at Alcott to replace Rebecca Hoobler who resigned at the end of the 2017-2018 school year. Ms. Armon will be placed at BA09-1 according to the 2018-2019 certificated salary schedule. Information about Ms. Armon is attached.

Karen Callahan to Elementary Teacher (grade level assignment TBD) at Hawthorne to replace Michelle Haase who transferred to another position. Ms. Callahan will be placed at MA09-11 according to the 2018-2019 certificated salary schedule. Information about Ms. Callahan is attached.

Kristen Janda to Vocal Music Teacher at Middle School to replace Kristen Schutte who resigned at the end of the 2017-2018 school year. Ms. Janda will be placed at BA18-9 according to the 2018-2019 certificated salary schedule. Information about Ms. Janda is attached.

Michael Sanderson to Grade 2 Teacher at Hawthorne to replace Amy Sloan who transferred to another position. Mr. Sanderson will be placed at BA-1 according to the 2018-2019 certificated salary schedule. Information about Mr. Sanderson is attached.

Certificated Staff Transfers – Scottie Heil, Lauren Henry, Holly Leth, Crystal Pettit, Amy Sloan

The administration recommends acceptance of the following Certificated transfer(s):

Scottie Heil from Grade 3 Teacher at Hawthorne to Grade 4 Teacher at Watson to replace Lauren Henry who transferred to another position. Ms. Heil's wage and placement will remain the same according to the 2018-2019 certificated salary schedule.

Lauren Henry from Grade 4 Teacher at Watson to Explore Reading Teacher at Middle School to replace Karen Valdes who transferred to another position. Ms. Henry's wage and placement will remain the same according to the 2018-2019 certificated salary schedule.

Holly Leth from Preschool Teacher to Kindergarten Teacher at Hawthorne due to student enrollment. Ms. Leth's wage and placement will remain the same according to the 2018-2019 certificated salary schedule.

Crystal Pettit from Preschool Teacher at Alcott to Preschool Teacher at Hawthorne to replace Holly Leth who transferred to another position. Ms. Pettit's wage and placement will remain the same according to the 2018-2109 certificated salary schedule.

Amy Sloan from Grade 2 Teacher to Grade 3 Teacher at Hawthorne to replace Scottie Heil who transferred to another position. Ms. Sloan's wage and placement will remain the same according to the 2018-2109 certificated salary schedule.

Extra Standard Resignations – Scott Rosno, Derek Williams

The administration recommends the following Extra Standard resignation(s):

Scott Rosno resigning from SH Head Girls Track effective at the end of the 2017-2018 school year.

Derek Williams resigning from SH Head Girls Tennis effective at the end of the 2017-2018 school year.

Extra Standard Appointment – Jamee Bockerman, Jodi, Kauffman, Christy Kreutzer

The administration recommends the following Extra Standard appointment(s):

Jamee Bockerman to Alcott Future Problem Solving to replace Erica Jenkins who resigned at the end of the 2017-2018 school year. Ms. Bockerman will be paid the Future Problem Solving stipend of 1,707.50 at Category I, Level 1 according to the 2018-2019 extra standard salary schedule.

Jodi Kauffman to Student Council at Alcott (split position) to replace Erica Jenkins who resigned at the end of the 2017-2018 school year. Ms. Kauffman will be paid the Student Council (1/2 split) stipend of \$512.25 according to the 2018-2019 extra standard salary schedule.

Christy Kreutzer to SH Assistant Cross Country to replace Mike Baptiste resigned at the end of the 2017-2018 school year. Ms. Kreutzer will be paid the SH Assistant Cross Country stipend of \$1,707.50 at Category I, Level 1 according to the 2018-2019 extra standard salary schedule.

Classified Staff Releases/Resignations/Retirements – Amanda Dvoracek, Alberto Jaramillo, Sara Kopke, Betty Kort, Angela Regier, John Richards, Morrie Schwenk

The administration recommends acceptance of the following classified resignation(s):

Amanda Dvoracek resigned from Paraeducator position at Hawthorne at the end of the 2017-2018 school year.

Alberto Jaramillo resigned from Special Education Paraeducator position at Middle School at the end of the 2017-2018 school year.

Sara Kopke resigned from Title Paraeducator position at Longfellow at the end of the 2017-2018 school year.

Betty Kort retiring from Executive Director of HPS Foundation effective July 31, 2018 or as determined by the HPS Foundation Board. This is pending acceptance of Ms. Kort's resignation by the HPS Foundation Board.

Angela Regier released from night Custodian position at Middle School effective May 22, 2018.

John Richards resigned from Maintenance position effective May 22, 2018.

Morrie Schwenk retiring from Maintenance Supervisor position effective November 9, 2018.

Classified Staff Transfers – Steven Adelson, Taren Baxter, Jennifer Bolling, Josh Clarke, Matthew Hauge, Cindy Jones, Katie Millar, Keri Nissen, Barbara Parde, Meghan Patten, Edward Ragsdale, Mary Lee Whitney, Tracy Zabst, Stacey Zubrod

The administration recommends acceptance of the following classified staff transfer(s):

Steven Adelson from 7.25 hours per day to 7.5 hours per day to bring his Paraeducator (Technology) position in line with others in the same classification. Mr. Adelson's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Taren Baxter from 7 hours per day to 7.5 hours per day to bring her Paraeducator (Technology) position in line with others in the same classification. Ms. Baxter's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Jennifer Bolling from 7 hours per day to 7.5 hours per day to bring her Paraeducator (Library) position in line with others in the same classification. Ms. Bolling's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Joshua Clarke from 7 hours per day to 7.5 hours per day to bring his Paraeducator (Technology) position in line with others in the same classification. Mr. Clark's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Matthew Hauge from 7 hours per day to 7.5 hours per day to bring his Paraeducator (Technology) position in line with others in the same classification. Mr. Hauge's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Cindy Jones from 7 hours per day to 7.5 hours per day to bring her Paraeducator (Office) position in line with others in the same classification. Ms. Jones' benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Katie Millar from Special Education Preschool Paraeducator position to Title Paraeducator position at Longfellow to replace Sara Kopke who resigned. Ms. Millar's wage will remain the same according to the 2018-2019 classified salary schedule.

Keri Nissen from 7 hours per day to 7.5 hours per day to bring her Paraeducator (Special Education Skills 3) position in line with others in the same classification. Ms. Nissen's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Barbara Parde from 7 hours per day to 7.5 hours per day to bring her Paraeducator (Office) position in line with others in the same classification. Ms. Parde's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Meghan Patten from Special Education Paraeducator at Longfellow to Special Education Paraeducator at Watson to replace Troy Baker who resigned at the end of the 2017-2018 school year. Ms. Patten's wage will remain the same according to the 2018-2019 classified salary schedule.

Edward Ragsdale from night Custodial position at Watson/Middle School to night Custodian position at Middle School to replace Angela Regier who was released. Mr. Ragsdale's wage will remain the same according to the 2018-2019 classified salary schedule.

Mary Lee Whitney from 7 hours per day to 7.5 hours per day to bring her Paraeducator (Library) position in line with others in the same classification. Ms. Whitney's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Tracy Zabst from Special Education Paraeducator at Longfellow to Special Education/BD Paraeducator at Watson to replace Patricia Juranek who resigned at the end of the 2017-2018 school year. Ms. Zabst's wage will be adjusted for the new assignment according to the 2018-2019 classified salary schedule.

Stacey Zubrod from 7 hours per day to 7.5 hours per day to bring her Paraeducator (Special Education Skills 3) position in line with others in the same classification. Ms. Zubrod's benefits will be adjusted for the assignment change. The hourly wage will remain the same according to the 2018-2019 classified salary schedule.

Classified Staff Appointment(s) – Ronna McEntee, Timothy Phillips, Hailey Schake, Katherine Welk

The administration recommends the following classified staff appointment(s):

Ronna McEntee to 10-month Secretary at Senior High to replace Heidi Graf who resigned. Ms. McEntee will be paid the starting wage for Senior High Secretary according to the 2018-2019 Classified salary schedule. Information about Ms. McEntee is attached.

Timothy Phillips to night Custodian at Watson/Middle School to replace Edward Ragsdale who transferred to another position. Mr. Phillips will be paid the starting wage for night Custodian according to the 2017-2018 classified salary schedule. Information about Mr. Phillips is attached.

Hailey Schake to Special Education Paraeducator at Middle School to replace Alberto Jaramillo who resigned at the end of the 2017-2018 school year. Ms. Schake will be paid the starting wage for Paraeducator according to the 2018-2019 classified salary schedule. Information about Ms. Schake is attached.

Katherine Welk to part-time Accompanist at Middle School to replace Douglas Singer who resigned at the end of the 2017-2018 school year. Ms. Welk will be paid the starting wage for Accompanist according to the 2018-2019 classified salary schedule. Information about Ms. Welk is attached.

**Westside Community Schools
Board of Education Policy 2115**

SUPERINTENDENT SUCCESSION PLANNING

The Board is committed to advanced preparation in the event of a planned or unplanned change of the Superintendent. The Board shall establish and annually update a Succession Plan to ensure the orderly transition of leadership and achievement of the District's mission and goals.

Succession Planning Committee

The Succession Planning Committee shall be comprised of the current Board President and Vice-President, the immediate-past Board President, and the Superintendent. If the immediate-past Board President is no longer a member of the Board, the current Board Secretary will sit on the Committee. Each year's Committee begins service following the election of officers at the annual meeting in June, and the term of service on the Committee runs to the next year's annual meeting.

In the event a member of the Committee, prior to the next May 31, ceases to be a member of the Board, the President shall appoint a replacement from among the remaining members.

Committee Purpose and Duties

The Succession Planning Committee is charged with:

1. Preparation of a recommended Succession Plan and report to the Board for its' consideration and vote;
2. Review of, and recommended updates to the Succession Plan, at least annually, or at any time determined necessary by the Board;
3. Report to the Board for its' consideration and vote at least annually; and
4. Consultation with the current Superintendent at the start of each school year regarding his or her plans for the next following school year in order to provide the greatest amount of lead-time in the event of a planned retirement/resignation.

Succession Plan

The yearly Succession Plan shall include:

1. Acting Superintendent:

Procedures for selection in the event the Board determines to temporarily fill a vacancy with an Acting Superintendent. The Plan will include, but not be limited to:

- a. Designation of a central office administrator who, for that Plan year, is authorized to serve as Acting Superintendent in the event the Board determines that circumstances necessitate such action. This includes circumstances where it has been determined by the Board that the Superintendent, due to illness, temporary disability or accident, is unable to temporarily perform the Superintendent's essential job functions; or where a permanent vacancy occurs and the Board determines to temporarily fill the position with the Acting Superintendent rather than through an Interim Superintendent process until such time as a new Superintendent is selected;
- b. A plan for who will fulfill the existing duties of the position already held by the newly-appointed Acting Superintendent;
- c. A determination of whether or not an Acting Superintendent is eligible to apply for the permanent position of Superintendent (when the circumstances involve a permanent, not temporary, absence of the Superintendent);
- d. In formulating the Succession Plan each year the Committee shall consult with the Superintendent for his or her recommendation as to who should be designated in the Succession Plan as Acting Superintendent; and
- e. The Acting Superintendent shall continue to implement the annual goals of the Superintendent and the District.

2. Interim Superintendent:

Procedures for selection in the event the Board determines to temporarily fill a vacancy with an Interim Superintendent until such time as a permanent Superintendent is selected. The will include, but not be limited to:

- a. The process for initiating the search, including;
 - whether a search firm will be used in the process of selecting an Interim Superintendent, and if so, a current list of potential search firms, the process and timeline for issuing a request for proposals, and the process for selection of the search firm; or
 - whether an alternative method for identifying Interim Superintendent candidates will be utilized, and if so, the process and timeline for identifying candidates;
- b. A determination of whether or not an Interim Superintendent is eligible to apply for the permanent position of Superintendent; and
- c. If a current administrator is appointed as Interim Superintendent, a plan for who will fulfill the existing duties of the position already held by the newly-appointed Interim Superintendent.

3. Permanent Superintendent:

Procedures for the selection of a new Superintendent in the event of a vacancy. The plan will include, but not be limited to:

- a. The process for initiating the search, including:
 - whether a search firm will be used in the process of selecting a new Superintendent, and if so, a current list of potential search firms, the process and timeline for issuing a request for proposals, and the process for selection of a search firm; or
 - whether an alternative method for identifying Superintendent candidates will be utilized, and if so, the process and timeline for identifying candidates;
- b. A draft Request for Proposals from superintendent search firms, which shall be subject to final approval by the Board at the time of issuance; and
- c. A target transition time period to allow for, if possible, assistance with the transition for the incoming Superintendent by the outgoing Superintendent.

4. Communication Plan:

A communication plan for announcing the Superintendent's absence, resignation or other reason for vacancy, the Succession Plan procedures, and the timeline, procedures, selection activities, and opportunities for community input (as they become known) and the selection of an Acting, Interim, or new Superintendent. The official spokesperson for media contacts and external inquiries will be the Director of Communications and Community Engagement, working in conjunction with the Succession Planning Committee and the Assistant Superintendent of Human Resources.

Cross-Reference:

Policy 1120 – Functions of the Board

Policy 1170 – Committees of the Board

Policy Adopted: November 21, 2016

STAFF REIMBURSEMENT OF EXPENSES

Board members, employees, or volunteers of the School District are expected to maintain effectiveness by being well informed on educational and related issues and are encouraged to diligently perform required duties, attend educational workshops, conferences, training programs, official functions, hearings, or meetings that are necessary to perform required duties or as sponsored by the District, the State, and/or national educational organizations or which are otherwise in the best interests of the District as follows:

1. Board members, by way of this adopted Policy and with the additional approval of the Superintendent or the Superintendent's designee, are specifically authorized to attend such functions without additional or further approval by the Board unless otherwise so determined; and the District shall pay the registration costs, tuition costs, fees, or charges for such functions along with actual travel expenses. If travel is by commercial or charter means or if a personal automobile is used, mileage shall be allowed at the rate provided by policy with meals and lodging to be reimbursed based upon substantiated costs, actually and necessarily incurred, or applicable federal rates.
2. Employees and volunteers are authorized to attend such functions upon prior approval of the Superintendent or the Superintendent's designee; and the District shall pay registration costs, tuition costs, fees, or charges for such functions along with actual travel expenses, if travel is by commercial or charter means or if a personal automobile is used, mileage shall be allowed at the rate provided by policy with meals and lodging to be reimbursed based upon substantiated costs, actually and necessarily incurred, or applicable federal rates.
3. Payment or reimbursement for expenses incurred by Board members, employees, or volunteers as otherwise specifically permitted by law shall also be allowed as provided by such law.
4. Since it is hereby determined to be important and in the best interest of the District to recognize service by Board members, employees, and volunteers, the Board hereby authorizes the Board President or the Superintendent or the Superintendent's designee to determine when and to whom plaques, certificates of achievement, flowers, or other items of value should be granted, provided that no such plaque, certificate, flowers, or other item of value to be awarded costs more than \$75.00.
5. School Board members are not paid members; and, when appropriate because of the timing, length, or other factors, sandwiches or meals may be provided to School Board members, employees, media representatives, and volunteers attending public meetings or in other appropriate or necessary

situations such as joint meetings with other governing bodies.

6. Non-alcoholic beverages, cookies, or other similar items may be provided to individuals attending public meetings, private meetings, discussions, or public or private conferences as determined necessary or appropriate by the Superintendent or the Superintendent's designee to be in the best interest of the District.
7. Non-alcoholic beverages and meals may be provided for individuals while performing or immediately after performing relief, assistance, or support activities in emergency situations or during or immediately following their participation in any activity approved by the School Board.
8. In addition to the other matters covered and allowed by this Policy, one recognition dinner each fiscal year may be held for Board members, employees, or volunteers provided the maximum cost per person, which is hereby established for such dinner, shall not exceed \$25.00 and further provided that such annual dinner may be held separately for employees of each department or separately for volunteers or any of them in combination.
9. The authority necessary to carry out the provisions of this policy should be, and is hereby, delegated from the Board to the designated officials so indicated herein.

Nothing in this Policy shall authorize the expenditure of public funds to pay for any expenses incurred by a spouse of a Board member, employee, or volunteer unless the spouse is also a Board member, employee or volunteer.

Legal Reference: Neb. Rev. Stat. §§ 13-2201 to 13-2204
Neb. Rev. Stat. §79-546

Cross Reference: 402.08 Employee Travel Compensation
402.09 Recognition of Service of Employees

Approved 06-17-02 Reviewed 01-20-14 Revised 02-17-14

HASTINGS PUBLIC SCHOOLS

STAFF REIMBURSEMENT OF EXPENSES

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1. Board members, by way of this adopted Policy and with the additional approval of the Superintendent or the Superintendent's designee, are specifically authorized to attend such functions without additional or further approval by the Board unless otherwise so determined; and the District shall pay the registration costs, tuition costs, fees, or charges for such functions along with actual travel expenses. If travel is by commercial or charter means or if a personal automobile is used, mileage shall be allowed at the rate provided by policy with meals and lodging to be reimbursed based upon substantiated costs, actually and necessarily incurred, or applicable federal rates.
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Cross Reference: 402.08 Employee Travel Compensation
402.09 Recognition of Service of Employees

Approved 06-17-02 Reviewed 01-20-14 Revised 02-17-14

HASTINGS PUBLIC SCHOOLS

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION

1. Elimination of Discrimination

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

The Hastings Public Schools does not discriminate on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, marital status, pregnancy, childbirth or related medical condition, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. The following persons have been designated as “Coordinators” to handle inquiries regarding the non-discrimination policies:

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dross@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

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

Purpose:

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

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's race, color, national origin, religion, disability,

age, sex, or other protected category, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

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

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

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

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

- Unwelcome sexual advances or propositions,
- Requests or pressure for sexual favors,
- Comments about an individual's body, sexual activity, or sexual attractiveness,
- Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or

- Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see “Grievance or Complaint Procedures” in Rule 404.06), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

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

3. Anti-retaliation:

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

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

Legal Reference: Title VI, 42 U.S.C. § 2000d, Title VII, 42 U.S.C. § 2000e, Title IX; 20 U.S.C. § 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat §48-1101 et seq.

Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C., §621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §48-1001 et seq.;

Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq. Section 504 of the Rehabilitation Act of 1972 (Section 504) Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k) Uniform Service Employment and Reemployment Rights Act (SERRA), 38 U.S.C. § 4301 et seq.

Neb. Rev. Stat. § 79-2,115, et seq.

Approved 10/19/2015 Reviewed _____ Revised _____

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION

The Hastings Public Schools is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated. Should unlawful discrimination, harassment, and/or retaliation be alleged, the following shall apply.

Grievance or Complaint Procedures:

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

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

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

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

Level 1 (Investigation and Findings):

Once the District receives a grievance, complaint or report alleging discrimination,

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

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

The District will complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant**. Periodic status updates will be given to the parties, if necessary.

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

- Providing the parties with the opportunity to present witnesses and provide evidence.
- An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the

harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.

- A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

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

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

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

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

Level 2 (Appeal to the Superintendent):

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **ten (10) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after

receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.

Level 3 (Appeal to the Board):

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

Remedies:

If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the District's pending investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation, and other remedies, such as those listed below.

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

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

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

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

- Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students or employees affected by sexual harassment or sexual violence, and notifying students and employees of campus and community counseling, health, mental health, and other student services.
- Designating an individual from the District's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed.
- Providing additional training to the District's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
- Creating a committee of students or employees and District officials to identify strategies for ensuring that students and employees:
 - a. Know the school's prohibition against discrimination, harassment, and retaliation.
 - b. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
 - c. Understand how and to whom to report any incidents of discrimination.
 - d. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
 - e. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.
- Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the District's policies against anti-discrimination, anti-harassment, and anti-retaliation.

- Conducting in conjunction with students or employees, a “climate check” to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

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

Confidentiality:

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

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

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

Training:

The District will ensure that District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health

personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

- The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.
- The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.
- Identification of the District's designated compliance coordinators and their job responsibilities.
- Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.
- Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.
- A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

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

Designated Compliance Coordinators:

Designated compliance coordinators will be responsible for:

- Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- Reviewing all evidence in harassment or violence cases to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- Recommending changes to this policy and grievance procedure.
- Performing other duties as assigned.

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

Preventive Measures:

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

community. The District will provide training to employees and students at the beginning of each academic year in the areas identified in the Training section, above.

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

Approved 10/19/2015 Reviewed _____ Revised _____

HASTINGS PUBLIC SCHOOLS

**Complaint Form
Discrimination, Harassment or Retaliation**

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

Refer to Board Policy 404.06 for particular information pertaining to the complaint and grievance process. You may attach additional materials to this form if needed.

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

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dmosse@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Name: _____ Date: _____

(1) Description of the complaint: _____

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

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

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

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

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

Signature: _____

For HPS Use Only

Received by: _____ Date: _____

Notice of Nondiscrimination

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

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dmoss@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION

1. Elimination of Discrimination

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

The Hastings Public Schools does not discriminate on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, marital status, pregnancy, childbirth or related medical condition, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. The following persons have been designated as “Coordinators” to handle inquiries regarding the non-discrimination policies:

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dross@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

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

Purpose:

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

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's race, color, national origin, religion, disability,

age, sex, or other protected category, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

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

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

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

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

- Unwelcome sexual advances or propositions,
- Requests or pressure for sexual favors,
- Comments about an individual's body, sexual activity, or sexual attractiveness,
- Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or

- Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see “Grievance or Complaint Procedures” in Rule 404.06), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

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

3. Anti-retaliation:

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

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

Legal Reference: Title VI, 42 U.S.C. § 2000d, Title VII, 42 U.S.C. § 2000e, Title IX; 20 U.S.C. § 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat §48-1101 et seq.

Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C., §621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §48-1001 et seq.;

Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq. Section 504 of the Rehabilitation Act of 1972 (Section 504) Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k) Uniform Service Employment and Reemployment Rights Act (SERRA), 38 U.S.C. § 4301 et seq. Neb. Rev. Stat. § 79-2,115, et seq.

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION

The Hastings Public Schools is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated. Should unlawful discrimination, harassment, and/or retaliation be alleged, the following shall apply.

Grievance or Complaint Procedures:

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

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

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

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

Level 1 (Investigation and Findings):

Once the District receives a grievance, complaint or report alleging discrimination,

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

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

The District will complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant**. Periodic status updates will be given to the parties, if necessary.

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

- Providing the parties with the opportunity to present witnesses and provide evidence.
- An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the

harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.

- A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

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

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

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

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

Level 2 (Appeal to the Superintendent):

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **ten (10) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after

receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.

Level 3 (Appeal to the Board):

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

Remedies:

If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further potential discrimination, harassment, or retaliation during the District's pending investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the specific situation, and may include a change in the student's seating assignment or class, a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District's investigation, and other remedies, such as those listed below.

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

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

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

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

- Offering counseling, health, mental health, or other holistic and comprehensive victim services to all students or employees affected by sexual harassment or sexual violence, and notifying students and employees of campus and community counseling, health, mental health, and other student services.
- Designating an individual from the District's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed.
- Providing additional training to the District's designated compliance coordinators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- Informing students and employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
- Creating a committee of students or employees and District officials to identify strategies for ensuring that students and employees:
 - a. Know the school's prohibition against discrimination, harassment, and retaliation.
 - b. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
 - c. Understand how and to whom to report any incidents of discrimination.
 - d. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
 - e. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.
- Conducting periodic assessments of student or employee activities to ensure that the practices and behavior of students or employees do not violate the District's policies against anti-discrimination, anti-harassment, and anti-retaliation.

- Conducting in conjunction with students or employees, a “climate check” to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

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

Confidentiality:

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

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

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

Training:

The District will ensure that District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health

personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

- The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.
- The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.
- Identification of the District's designated compliance coordinators and their job responsibilities.
- Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.
- Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.
- Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.
- A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

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

Designated Compliance Coordinators:

Designated compliance coordinators will be responsible for:

- Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- Reviewing all evidence in harassment or violence cases to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- Recommending changes to this policy and grievance procedure.
- Performing other duties as assigned.

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

Preventive Measures:

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

community. The District will provide training to employees and students at the beginning of each academic year in the areas identified in the Training section, above.

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

Legal Reference: Title VI, 42 U.S.C. § 2000d, Title VII, 42 U.S.C. § 2000e, Title IX; 20 U.S.C. § 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat §48-1101 et seq.

Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C., §621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §48-1001et seq.;

Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq. Section 504 of the Rehabilitation Act of 1972 (Section 504) Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k) Uniform Service Employment and Reemployment Rights Act (SERRA), 38 U.S.C. § 4301 et seq.

Neb. Rev. Stat. § 79-2,115, et seq.

Approved 10/19/2015 Reviewed _____ Revised _____

HASTINGS PUBLIC SCHOOLS

Complaint Form Discrimination, Harassment or Retaliation

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

Refer to Board Policy 404.06 for particular information pertaining to the complaint and grievance process. You may attach additional materials to this form if needed.

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

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dmosse@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Name: _____ Date: _____

(1) Description of the complaint: _____

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

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

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

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

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

Signature: _____

For HPS Use Only

Received by: _____ Date: _____

Notice of Nondiscrimination

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

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dmoss@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION

1. Elimination of Discrimination

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

The Hastings Public Schools does not discriminate on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, marital status, pregnancy, childbirth or related medical condition, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. The following persons have been designated as “Coordinators” to handle inquiries regarding the non-discrimination policies:

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dmosse@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

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

Purpose:

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

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's sex, disability, race, color, religion, veteran

status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

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

Discriminatory harassment because of a person's sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, may include, but is not limited to:

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

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

- Unwelcome sexual advances or propositions,
- Requests or pressure for sexual favors,
- Comments about an individual's body, sexual activity, or sexual attractiveness,
- Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or

- Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment, including violence, the District will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see "Grievance or Complaint Procedures" in Rule 404.06), and take appropriate interim measures, if necessary. If the District determines that unlawful harassment occurred, the District will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the District will follow this policy and grievance procedure, within the scope of its authority.

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

3. Anti-retaliation:

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

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

Approved 10/19/2015 Reviewed _____ Revised _____

ANTI-DISCRIMINATION, ANTI-HARASSMENT, AND ANTI-RETALIATION

The Hastings Public Schools is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by District employees, including, co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated. Should unlawful discrimination, harassment, and/or retaliation be alleged, the following shall apply.

Grievance or Complaint Procedures:

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

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated coordinators.

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

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

Level 1 (Investigation and Findings):

Once the District receives a grievance, complaint or report alleging discrimination,

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

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

The District will aim to complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. ~~Extenuating circumstances do not include summer vacation, and if a designated compliance coordinator or investigator is unavailable, another coordinator or trained employee will be designated to conduct the investigation.~~ If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees to a longer timeline.** Periodic status updates will be given to the parties, **when appropriate.**

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

- Providing the parties with the opportunity to present witnesses and provide evidence.
- An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and

relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.

- A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

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

- A summary of the facts,
- Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and
- If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate such discrimination, harassment or other inappropriate conduct.

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

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **one (1) working day** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose **relevant information** to a student who was discriminated against or harassed (~~victim~~), ~~information about the sanction imposed upon a student who was found to have engaged in discrimination or harassment (student who discriminated) when the sanction directly relates to the victim. This includes an order that the student who discriminated stay away from the victim, or that the student who discriminated is prohibited from attending school for a period of time, or transferred to other classes.~~

Level 2 (Appeal to the Superintendent):

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **five (5) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary,

and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.

Level 3 (Appeal to the Board):

If the party is not satisfied with the Superintendent's determination, he or she may file an appeal in writing with the Board of Education **within five (5) working days** after receiving the Superintendent's determination. The Board of Education will review the appeal, the Superintendent's determination, the investigative documentation and decision, and allow the party to address the Board at a ~~the next scheduled~~ Board meeting to present his or her appeal. **The party will be allowed to address the Board at the Board's next regularly scheduled Board meeting (unless the Board receives the appeal within one week of the next regularly scheduled Board meeting) or at a time and date agreed to by the Board, the designated compliance officer, and the party.** The Board will issue a written determination about the appeal **within thirty (30) working days after the party addresses the Board.** The party who filed the appeal will be sent the Board's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. The Board's determination, and any actions taken, will be final on behalf of the District.

Confidentiality:

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

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

Training:

The District will ensure that **relevant** District employees, ~~including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers,~~

~~and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:~~

- ~~• The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.~~
- ~~• The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.~~
- ~~• Identification of the District's designated compliance coordinators and their job responsibilities.~~
- ~~• Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.~~
- ~~• Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.~~
- ~~• Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.~~
- ~~• A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.~~

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

Designated Compliance Coordinators:

Designated compliance coordinators will be responsible for:

- Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other District employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Superintendent and the Board of Education.
- Communicating regularly with the District's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- Reviewing all evidence in harassment or violence cases to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.
- Determining whether District employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- Recommending changes to this policy and grievance procedure.
- Performing other duties as assigned.

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

Preventive Measures:

The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District (see Attachment B). The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting

it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees and students at the beginning of each academic year in the areas identified in the Training section, above.

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

Approved 10/19/2015 Reviewed _____ Revised _____

**Complaint Form
Discrimination, Harassment or Retaliation**

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

Refer to Board Policy 404.06 for particular information pertaining to the complaint and grievance process. You may attach additional materials to this form if needed.

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

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dmosse@esu9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Name: _____ Date: _____

(1) Description of the complaint: _____

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

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

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

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

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

Signature: _____

For HPS Use Only

Received by: _____ Date: _____

Notice of Nondiscrimination

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

Students: Donna Moss, Director of Student Services, 1924 West A Street, Hastings, Nebraska, 68901, dross@es9.org

Employees and Others: Jeff Schneider, Director of Finance and Operations, 1924 West A Street, Hastings, Nebraska, 68901, jschneid@esu9.org

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at 601 East 12th Street, Room 353, Kansas City, MO 64106, (800) 368-1019 (voice), Fax (816) 426-3686, (800) 537-7697 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

REGULATED DEVICES—BEEPERS, CELL PHONES, AND LASER POINTERS

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

Approved 9-15-03 Reviewed _____ Revised _____

HASTINGS PUBLIC SCHOOLS

ELECTRONIC DEVICES

The District strongly discourages students from bringing and/or using electronic devices at school. The use of electronic devices can be disruptive to the educational process and are items that are frequently lost or stolen. In order to maintain a secure and orderly learning environment, and to promote respect and courtesy regarding the use of electronic devices, the District hereby establishes the following rules and regulations governing student use of electronic devices, and procedures to address student misuse of electronic devices.

Definitions

"Electronic devices" include, but are not limited to, cell phones (including a phone acting as a "hot spot"), Mp3 players, iPods, personal digital assistants (PDAs), compact disc players, portable game consoles, cameras, digital scanners, lap top computers, "smart" watches and other electronic or battery powered instruments which transmit voice, text, or data from one person to another.

"Sexting" means generating, sending or receiving, encouraging others to send or receive, or showing others, through an electronic device, a text message, photograph, video or other medium that:

1. Displays sexual content, including erotic nudity, any display of genitalia, unclothed female breasts, or unclothed buttocks, or any sexually explicit conduct as defined at Neb. Rev. Stat. § 28-1463.02; or
2. Sexually exploits a person, whether or not such person has given consent to creation or distribution of the message, photograph or video by permitting, allowing, encouraging, disseminating, distributing, or forcing such student or other person to engage in sexually explicit, obscene or pornographic photography, films, or depictions; or,
3. Displays a sexually explicit message for sexual gratification, flirtation or provocation, or to request or arrange a sexual encounter.

Possession and Use of Electronic Devices.

1. Students are not permitted to possess or use any electronic devices during school hours except as otherwise provided by this policy. Cell phone usage is strictly prohibited during any class period; including voice usage, digital imaging, or text messaging.
2. Students maybe permitted to possess and use electronic devices before school hours, during passing periods, during lunch time in specified locations, and after school hours, provided that the student not commit any abusive use of the device

(see Violations, Item 1). Administrators have the discretion to prohibit student possession or use of electronic devices on school grounds during these times in the event the administration determines such further restrictions are appropriate; an announcement will be given in the event of such a change in permitted use.

3. Electronic devices may be used during class time when specifically approved by the teacher or a school administrator in conjunction with appropriate and authorized class or school activities or events (i.e., student use of a camera during a photography class; student use of a lap top computer for a class presentation).
4. Students may use electronic devices during class time when authorized pursuant to an Individual Education Plan (IEP), a Section 504 Accommodation Plan, or a Health Care Plan, or pursuant to a plan developed with the student's parent when the student has a compelling need to have the device (e.g., a student whose parent is in the hospital could be allowed limited use of the cell phone for family contacts, so the family can give the student updates on the parent's condition).

Violations

1. Prohibited Use of Electronic Devices: Students shall not use electronic devices for: (a) activities which disrupt the educational environment; (b) illegal activities in violation of state or federal laws or regulations; (c) unethical activities, such as cheating on assignments or tests; (d) immoral or pornographic activities; (e) activities in violation of Board or school policies and procedures relating to student conduct and harassment; (f) recording others (photographs, videotaping, sound recording, etc.) or otherwise transmitting images and/or sounds of another person or persons without direct administrative approval and consent of the person(s) being recorded, other than recording of persons participating in school activities that are open to the public; (g) "sexting;" or (h) activities which invade the privacy of others. Such student misuses will be dealt with as serious school violations, and immediate and appropriate disciplinary action will be imposed, including, but not limited to, suspension and expulsion from school.
2. Disposition of Confiscated Electronic Devices: Electronic devices possessed or used in violation of this policy may be confiscated by school personnel and returned to the student or parent/guardian at an appropriate time. If an electronic device is confiscated, the electronic device shall be taken to the school's main office to be identified, placed in a secure area, and returned to the student and/or the student's parent/guardian in a consistent and orderly way.
 - a. First Violation: Depending upon the nature of the violation and the imposition of other appropriate disciplinary action, consequences at a

minimum may include a relinquishment of the electronic device to the school administration and a conference between the student and school principal or assistant principal. The electronic device shall remain in the possession of the school administration until such time as the student carries out the assigned consequence and personally comes to the school's main office and retrieves the electronic device.

- b. **Second Violation:** Depending upon the nature of the violation and the imposition of other appropriate disciplinary action, consequences at a minimum may include a relinquishment of the electronic device to the school administration and a conference between the student and his/her parent/guardian and the school principal or assistant principal. The electronic device shall remain in the possession of the school administration until the student carries out the assigned consequence and until such time as the student's parent/guardian personally comes to the school's main office and retrieves the electronic device.
- c. **Third Violation:** Depending upon the nature of the violation and the imposition of other appropriate disciplinary action (including detention, loss of privileges, holding the device for an extended period of time, ISS or OSS), consequences at a minimum will include a relinquishment of the electronic device to the school administration, a conference between the student and his/her parent/guardian and the school principal or assistant principal. The electronic device shall remain in the possession of the school administration until otherwise determined by the administration and/or until such time as the student's parent/guardian personally comes to the school's main office and retrieves the electronic device.

3. **Penalties for Prohibited Use of Electronic Devices:** Students who receive a "sexting" message are to report the matter to a school administrator and then delete such message from their electronic device. Students shall not participate in sexting or have any "sexting" message on their electronic devices regardless of when the message was received while on school grounds or at a school activity. Students who violate the prohibitions of this policy shall be subject to the imposition of appropriate disciplinary action, up to and including expulsion, provided that at a minimum the following penalties shall be imposed:
 - a. Students found in possession of a "sexting" message shall be subject to a one (1) day suspension from school.
 - b. Students who send or encourage another to send a "sexting" message shall be subject to a five (5) day suspension from school.
4. **Reporting to Law Enforcement:** Violations of this policy regarding the prohibited use of electronic devices that may constitute a violation of federal or state laws and regulations, including, but not limited to, the Nebraska Child Protection Act or

the Nebraska Child Pornography Prevention Act shall be reported to appropriate legal authorities and law enforcement.

5. Responsibility for Electronic Devices. Students or their parents/guardians are expected to claim a confiscated electronic device within ten (10) days of the date it was relinquished. The school shall not be responsible, financially or otherwise, for any unclaimed electronic devices. By bringing such devices to school, students and parents authorize the school to dispose of unclaimed devices at the end of each semester. The District is not responsible for the security and safekeeping of students' electronic devices and is not financially responsible for any damage, destruction, or loss of electronic devices.

Approved

Reviewed

Revised

HASTINGS PUBLIC SCHOOLS

JACKSON PUBLIC SCHOOL DISTRICT
BOARD POLICY JCBAAA:
STUDENT USE OF ELECTRONIC DEVICES

I. PURPOSE

The purpose of this policy is to set forth expectations for appropriate use of existing and emerging technologies which students may possess, including but not limited to **student-owned** cellular phones, digital picture/video cameras and/or camera phones, personal digital assistants (PDAs), iPods, MP3s, pagers and other personal electronic devices capable of transmitting data or images.

It is recognized that parents may provide a cell phone to a student for safety or medical reasons. It is also recognized that these devices, which may be given with a noble intent, can become distractions to the academic environment and therefore negatively impact instruction. In consideration of the advancement of technology and the prevalence of electronic devices in our society, the Board will allow the possession of cell phones and other electronic devices at school, on buses, and school sponsored events, as outlined within this policy.

II. GENERAL STATEMENT OF POLICY

The Jackson Public School District holds high expectations for student behavior, academic integrity and responsible use of existing and emerging technologies, such as cellular phones, digital picture/video cameras and/or phones and other personal electronic devices capable of capturing and/or transmitting data or images. Students who possess and/or use such devices at school or school sponsored events shall demonstrate the greatest respect for the educational environment and the rights and privacy of all individuals within the school community. The possession of an electronic device is not a violation of the Code of Student Conduct. However, the possession of an electronic device when used to disturb the educational process, carry out criminal activity, or disturb/interfere with the safety-to-life issue for students being transported on a Jackson Public Schools bus or at school facilities, are infractions of the Code of Student Conduct.

III. STANDARDS FOR RESPONSIBLE USE AT SCHOOL, ON SCHOOL BUSES OR AT SCHOOL ACTIVITIES

A. Respect for the educational environment

- i. Cellular phones and other personal electronic devices shall be turned off and kept out of sight at all times including the daily bus ride to and/or from school.
- ii. Electronic devices shall not be used in any way that disrupts or detracts from the educational environment or cause a disturbance on the school bus.
- iii. The use of cellular phones or other personal electronic devices are prohibited in the classroom, lunchroom, gym, auditorium, media centers, cafeteria, hallways, and testing centers during the school day.
- iv. Permission to leave class in response to any electronic device shall not be granted.

- v. With prior approval of the school principal, teachers or other staff members may permit the purposeful use of personal electronic devices in support of curriculum **teaching and learning** objectives.
- vi. In the case of medical necessity or emergency, a student shall be permitted to possess or use a cell phone or other personal electronic device provided the student receives advanced authorization from the school principal.
- vii. To legitimately report a violation of the Code of Student Conduct, a potentially dangerous situation or other misconduct to school officials or other legal authorities shall be considered responsible use.

B. Respect for privacy rights

- i. Students shall not photograph, record, or videotape other individuals at school or at school sponsored activities without their knowledge and consent, except for activities considered to be in the public arena such as sporting events or public performances.
- ii. Students shall neither e-mail, post to the Internet, nor electronically transmit images of other individuals taken at school without their expressed written consent.
- iii. Students are strictly forbidden to either use or display cellular phones or other personal electronic devices in locker rooms and restrooms.

C. Assuring academic integrity

Students shall not use cellular phones or other electronic devices in any way that may cause a teacher or staff member to question whether the student may be cheating on tests or academic work or violating copyright policy.

D. Compliance with Other District Policies

Use of cellular phones or other personal electronic devices must not violate any other District policies, including those regarding student privacy, code of student conduct, electronic technologies acceptable use, or harassment. If a violation occurs involving more than one District policy, consequences for each policy may apply.

IV. VIOLATIONS OF THIS POLICY

A. First Infraction: An employee shall direct the student to turn off the device. The employee shall then confiscate the device and turn it in to the school office where the student may retrieve it at the end of the school day along with notification of a parent or guardian.

B. Second Infraction: The second infraction shall result in confiscation of the device, which is to be turned in to the office of-campus enforcement. Notification to a parent or guardian shall be given that the phone will be kept for five (5) days or a \$15.00 fine

C. Third Infraction: The third infraction shall result in confiscation of the device, which is to be turned in to the office of campus enforcement. Notification shall be given to a parent or guardian that the phone will be kept for 10 days or a \$25.00 fine.

D. Repeated or Severe Infraction: Any additional violations will carry the same consequence as the third infraction: phone kept for 10 days or a \$25.00 fine

Refusal to surrender a device will result in disciplinary action consistent with the code of conduct.

Discipline for students with disabilities shall be administered in accordance with district policy, state, and federal law.

Students assigned to an alternative setting as a disciplinary consequence are excluded from the provisions of this policy. These students are prohibited from the possession and/or use of an electronic device at all times during the school day and while on school premises or in school vehicles.

V. WAIVER OF LIABILITY

Jackson Public School District will not be responsible for any damaged, lost, or stolen wireless communication or personal technology device. Neither will school district employees be held liable for wireless communication or personal technology devices that are damaged, lost, or stolen.

Note: Numerous wireless communication devices are reported stolen each year. Students are expected to treat their phone and other personal electronic devices as if they were a \$500 bill. One would not be careless with a \$500 bill, so do not be careless with your phone or other personal technology devices, leaving them unattended or not locked up. If you have a wireless communication device or other personal technology at school, and it gets stolen, do not expect school administrators to discontinue other administrative responsibilities to try to recover it for you. Your loss would be regrettable, but school personnel will be asked to investigate and seek recovery only as time and circumstances permit. Notwithstanding, all school policies are applicable to those determined to be responsible for the theft, damage or destruction of such items.

VI. SUPPLEMENTARY PROVISIONS

No **students, teachers, or proctors** are allowed to possess and/or use any wireless communication or personal technology device, including (but not limited to) cell phones or personal digital assistance devices, during the administration of statewide tests. Wireless technology devices used only to administer the tests are excluded.

When deemed necessary, the Superintendent may develop additional guidelines or procedures consistent with the letter and spirit of this policy.

This policy is for the 2016-2017 school year and shall be on a trial basis. The impact of the policy shall be reviewed at the end of the school year. Based on the evaluation, the Board will determine whether or not to extend the policy.

All provisions of Jackson Public Schools Board Policy JIAA—Acceptable Use and Internet Safety Policy, which includes the Student Acceptable Use and Internet Safety Contract, are applicable to this policy upon its adoption.

Source: Jackson Public School District, Jackson, Mississippi

Date: August 18, 2014

April 19, 2016

MARRIED STUDENTS

Married students shall have the same educational opportunities in this school system as unmarried students. There shall be no discrimination on the basis of sex, marital status of any person, or the condition of being a parent. To enforce this prohibition, aggrieved persons shall use the District's anti-discrimination policies.

Legal References: Neb. Rev. Stat. §§ 79-2,114 to 79-2,124
20 U.S.C. § 1681 (Title IX)

Approved

Reviewed

Revised

HASTINGS PUBLIC SCHOOLS

**EMERGENCY EXCLUSION, SHORT-TERM OR LONG-TERM SUSPENSION,
EXPULSION, MANDATORY REASSIGNMENT, AND/OR ALTERNATIVE
EDUCATIONAL PLACEMENT**

1. The purpose of this policy is to assure the protection of all elementary and secondary school students' constitutional right to due process and fundamental fairness within the context of an orderly and effective educational process. The sanctions defined in this policy shall be interpreted at all times in the light of the principles of free speech and assembly protected under the Constitution of the State of Nebraska and of the United States and in recognition of the right of every student to public education. Emergency exclusion, short-term or long-term suspension, expulsion, mandatory reassignment, and/or an alternative educational placement are extreme sanctions to be employed only when all available school resources are unable to cope constructively with student misconduct. Pursuant to the Student Discipline Act, any action delegated to the principal by this policy, the accompanying rule, or Nebraska law may also be performed by an assistant principal. Accordingly, any reference to the principal shall also mean an assistant principal.
2. The Board of Education hereby authorizes the emergency exclusion, short-term or long-term suspension, expulsion, mandatory reassignment, or alternative educational placement of any pupil from school for conduct prohibited by the Board's rules or standards established pursuant to the Student Discipline Act if such emergency exclusion, short-term or long-term suspension, expulsion, mandatory reassignment, or alternative educational placement complies with the procedures required by said statutes.
3. As used in this policy, unless the context otherwise requires:
 - a. Long-term suspension shall mean the exclusion of a student from attendance in all schools within the system for a period exceeding five school days but less than twenty school days;
 - b. Expulsion shall mean exclusion from attendance in all schools within the system for a period not to exceed the remainder of the semester in which it took effect, unless the misconduct occurred (1) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (2) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year. Such action may be modified or terminated by the School District at any time during the expulsion period.

The expulsion of a student for (1) the knowing and intentional use of force in causing, or attempting to cause, personal injury to a school employee, school volunteer, or student, except as provided in subdivision(s) of section 79-267 or (2) knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the School District at any time during the expulsion period.

The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm, which for purposes of this section means a

firearm as defined in 18 U.S.C. 921 as of January 1, 1995, shall be for a period of not less than one year. The School District may, as appropriate on an independent basis, modify the one-year expulsion period of a student for the knowing and intentional possession, use, or transmission of a firearm. This subsection shall not apply to (1) the issuance of firearms to, or possession of firearms by, members of the Reserve Officers Training Corps when training or (2) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the Board of Education or a Committee of such Board took the final action to expel the student, the student may be readmitted only by action of the Board. Otherwise, the student may be readmitted by action of the Superintendent.

- c. Mandatory reassignment shall mean the involuntary transfer of a student to another school in connection with any disciplinary action.
 - d. Alternative educational placement shall mean an individualized learning program to enable the student to continue academic work for credit toward graduation.
4. Administrative and teaching personnel may take actions regarding student behavior, other than those specifically provided in this policy, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students; parent conferences; rearrangement of schedules; requirements that a student remain in school after regular hours to do additional work; restriction of extracurricular activity; and requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation.
5. a Any student may be excluded from school in the following circumstances, subject to the procedural provisions of Paragraph 6 of this Policy and, if longer than five school days, subject to the provisions of subsection c. of this paragraph:
- (1) If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community: or
 - (2) If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.
- b. Any emergency exclusion shall be based upon a clear factual situation warranting it and shall last not longer than is necessary to avoid

the dangers described in subparagraph a. of this paragraph.

- c. If the Superintendent determines that such emergency exclusion shall extend beyond five days, a hearing shall be held and a final determination made within ten school days after the initial date of exclusion. The procedure for said hearing and final determination shall substantially comply with the provisions of the Student Discipline Act, with modification only to the extent necessary to accomplish the hearing and determination within the aforesaid shorter time period. Any such hearing shall be conducted pursuant to the procedures outlined in Paragraphs 9 through 12 of Board Policy 505.03.
6. a. A building principal and/or assistant building principal may deny any student the right to attend school or to take part in any school function for a period of up to five school days on the following grounds:
 - (1) Conduct constituting grounds for expulsion as set out in this policy; or
 - (2) Any other violation of rules and standards of behavior adopted under this policy.
 - b. Such short-term suspension shall be made only after the principal or assistant principal has made an investigation of the alleged conduct or violation and has determined that such suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
 - c. Before such short-term suspension shall take effect, the student shall be given oral or written notice of the charges against him, an explanation of the evidence the authorities have, and an opportunity to present his version.
 - d. Within twenty-four hours or such additional time as is reasonably necessary following such suspension, the principal or assistant principal shall send a written statement to the student, student's parents, or guardian describing the student's conduct, misconduct, or violation of the rule or standard and the reasons for the action taken. The principal or assistant principal shall make a reasonable effort to hold a conference with the parents before or at the time the student returns to school.
7. Pursuant to the authority vested in it by the Student Discipline Act, the Board of Education hereby establishes and adopts the following rules and standards concerning student conduct which are reasonably necessary to carry out, or to prevent interference with carrying out, the educational function of the District. No student shall:
 - a. Use violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
 - b. Willfully cause, or attempt to cause, substantial damage to property; steal, or attempt to steal, property of substantial value; or engage in repeated damage or theft involving property;
 - c. Cause, or attempt to cause, personal injury to a school employee, to a school volunteer, or to any student (personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief

that it was necessary to protect some other person shall not constitute a violation of this rule);

- d. Threaten or intimidate any student for the purpose of, or with the intent of, obtaining money or anything of value from such student;
- e. Knowingly possess, handle, or transmit any object or material that is ordinarily or generally considered a weapon including any imitation or look-alike object or material which can be reasonably considered, or mistaken for, a weapon or which is represented as a weapon and interferes with school purposes;
- f. Engage in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance as defined in section 28-401; a substance represented to be a controlled substance; or alcoholic liquor, as defined in Section 53-103; or be under the influence of a controlled substance or alcoholic liquor;
- g. Public indecency, as defined in Section 28-806, except that this subdivision shall apply only to students at least twelve (12) years of age but less than nineteen (19) years of age;
- h. Sexually assaulting, or attempting to sexually assault, any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted, or attempted to sexually assault, any person, including sexual assaults or attempted sexual assaults which occur off school grounds not at an educational function or event. For purposes of this subdivision, sexual assault shall mean sexual assault in the first degree and sexual assault in the second degree, as defined in Sections 28-319 and 28-320, as such sections now provide or may hereafter from time to time be amended;
- i. Engage in any other activity forbidden by the laws of the State of Nebraska, which activity constitutes a danger to other students or interferes with school purposes;
- j. Distribute or display material, printed or otherwise, on school property in violation of Rules 1320, 4116.21, 4216.21, 5145.3, or 6144.1 of the School District.
- k. Smoke tobacco, gamble, or use obscene or profane speech;
- l. Willfully fail to comply with the directions of teachers, student teachers, school aides, bus drivers, principals, or other authorized school personnel; including, without limitation, the refusal to show identification when asked to do so;
 - 1. Dress or groom in violation of Rule 5132 of the School District or in such a manner as to cause an interference with school work, to create a classroom or school disruption, or to present a clear and present danger to a student's health or safety;
- m. Participate in any activity which substantially disrupts or materially interferes with, or is likely to so disrupt or interfere with, any school function, activity, or purpose;

- n. Engage in any conduct where such conduct or the likelihood of engaging in such conduct poses a clear and present danger to the health, welfare, or safety of other students; employees of the District; or other persons on the school grounds;
 - o. Engage in any other conduct which may not be proscribed above, but which constitutes a substantial interference with school purposes, including, without limitation, repeated violation of any rules or regulations governing student conduct as established and promulgated by the Superintendent of the District or the student's building principal.
 - p. The fact that a student is truant, tardy, or otherwise absent from school without authorization shall not be the basis of a suspension or expulsion action. Such activity shall be dealt with in compliance with Policy and Rule 5113 and applicable Nebraska law.
8. Student conduct constituting repeated violation of any of the rules set forth in subparagraph j. through p., inclusive, of paragraph 7, above, (if such violations constitute a substantial interference with school purposes), or student conduct in violation of any of the rules set forth in subparagraphs a. through i., inclusive, of subparagraph 7, above, shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act when such activity occurs on school grounds, in a school-owned vehicle being used for a school purpose, or at a school-sponsored activity or athletic event.
9. If a principal or assistant principal makes a decision to discipline a student by long-term suspension, expulsion, mandatory reassignment, or alternative educational placement, the following procedures shall be followed:
- a. On the date of the decision, a written charge and a summary of the evidence supporting such charge shall be filed with the Superintendent. The school shall, within two school days of the decision, send written notice by registered or certified mail to the student and his or her parents or guardian, informing them of the rights established under the Student Discipline Act.
 - b. Such written notice shall include the following:
 - (1) The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, mandatory reassignment, or alternative educational placement, including a summary of the evidence to be presented against the student;
 - (2) The penalty, if any, which the principal or assistant principal has recommended in the charge and any other penalty to which the student may be subject;
 - (3) A statement that, before long-term suspension, expulsion, mandatory reassignment, or alternative educational placement for disciplinary purposes can be invoked, the student shall have a right to a hearing, upon request, on the specified charges;

- (4) A description of the hearing procedures provided by the Student Discipline Act, along with procedures for appealing any decision rendered at the hearing;
 - (5) A statement that the principal or assistant principal, legal counsel for the school, the student, the student's parents, or the student's representative or guardian shall have the right
 - 1) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and the right
 - 2) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and
 - (6) A form on which the student, the student's parents, or the student's guardian may request a hearing to be signed by such parties and delivered to the principal, assistant principal, Superintendent, or designee in person or by registered or certified mail as prescribed in 79-271 and 79-272, R.R.S., Nebraska; and
 - c. When a notice of intent to discipline a student by long-term suspension, expulsion, mandatory reassignment, or alternative educational placement is filed with the Superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, mandatory reassignment, or alternative educational placement takes effect if no hearing is requested or, if a hearing date is requested, the date the hearing examiner makes the report of his or her findings and a recommendation of the action to be taken to the Superintendent if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (i) interference with an educational function of school purpose or (ii) a personal injury to the student himself or herself, other student, school employees, or school volunteers.
 - d. Nothing in this policy shall preclude the student, the student's parents, guardian, or representative from discussing and settling the matter with appropriate school personnel prior to the hearing stage.
10. If a hearing shall be requested within five school days of receipt of the notice as provided in paragraph 9 above of this policy, all procedures thereafter shall be governed by 79-269 to 79-292 , R.R.S., Nebraska, with the Superintendent or designee being fully authorized to carry out any responsibilities directed to the Superintendent of the District by said statutes.
11. Any decision which is appealed to the School Board pursuant to 79-285 shall be heard by a committee consisting of the Executive Committee or any three Board members appointed by the President for such purpose. The President may designate any such hearing to be before the entire Board if it is deemed appropriate.
12. Any decision by the Board may be appealed to the District Court of Adams County, Nebraska, within thirty days after the service of the final School Board decision.
13. All rules or standards which form the basis for discipline and any other rules or regulations governing student conduct as established by the Superintendent or building principal shall be distributed to students and their parents at the

beginning of each school year and shall be posted in conspicuous places in each school during the school year. Changes in rules and standards shall not take effect until reasonable effort has been made to distribute such changes to all students and parents.

14. The Superintendent shall establish forms and rules for the implementation of this policy and shall assist the Board on a continuing basis in establishing and promulgating any additional or further rules or standards concerning student conduct which are reasonably necessary to carry out, or to prevent interference with carrying out, the educational functions of the District.
15. The disciplinary procedure shall be subject to all applicable state and federal laws, rules, and regulations and to the extent that the foregoing procedures conflict with, or omit the requirements of, any such laws, rules, or regulations said requirements shall control as if set out herein.
16.
 - a. The principal of a school or the principal's designee shall notify, as soon as possible, the appropriate law enforcement authorities of the county or city in which the school is located of any act of the student described in Section 79-267, which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code.
 - b. The principal, the principal's designee, or any other school employee reporting an alleged violation of the Nebraska Criminal Code shall not be civilly or criminally liable as a result of any report authorized by this section unless (1) such report was false and the person making such report knew, or should have known, it was false or (2) the report was made with negligent disregard for the truth or falsity of the report.

Forms related to this Policy are attached hereto as Exhibit A, Exhibit B, and a copy of the Hearing Procedure, as Designated in the Student Discipline Act.

Legal Reference: 79-254 to 79-294 , R.R.S., Nebraska

Approved 9-13-03 Reviewed _____ Revised _____

HASTINGS PUBLIC SCHOOLS

HASTINGS PUBLIC SCHOOLS
Hastings, Nebraska

STATEMENT OF
SHORT-TERM SUSPENSION OR EMERGENCY EXCLUSION

To:

You are hereby notified that:

Name of Student:

School:

Grade:

has been denied the right to attend school or to take part in any school function for a period of () school days commencing at o'clock .m. on , 20 , and ending at o'clock .m. on , 20 .

The student's conduct, misconduct, or violation of the rule or standard resulting in this suspension or exclusion is as follows:

The reasons the student has been so suspended or excluded are as follows:

This suspension or exclusion was made only after the undersigned made an investigation of the alleged conduct or violation and determined that such suspension or exclusion was necessary for the reasons set forth above. The student was also given oral or written notice of the charges against him/her and an explanation of the evidence against him/her and an opportunity to present his/her version.

SHORT-TERM SUSPENSION OR EMERGENCY EXCLUSION

Attached hereto is a diagram that graphically shows the short-term suspension or emergency exclusion process employed by the Hastings Public Schools. Suspension or exclusion is a serious matter, and the parents or guardian of said student are hereby requested to make an appointment for a school conference to be held on or before the date upon which the foregoing suspension or exclusion ends. Please call:

Dated this day of , 20 .

Principal

HASTINGS PUBLIC SCHOOLS
Hastings, Nebraska

NOTICE OF LONG-TERM SUSPENSION, EXPULSION, MANDATORY
REASSIGNMENT, OR ALTERNATIVE EDUCATIONAL PLACEMENT AND OF
RIGHTS UNDER 79-254 to 79-294, INCLUSIVE,
R.R.S., 1943

To:

You are hereby notified that it has been recommended that:

Name of Student:

School:

Grade:

be

() excluded from attendance in all schools with the system for:

() a period of () school days commencing at o'clock .m. on , 20 ,
and ending at o'clock .m. on
, 20 ;

() the remainder of the current semester.

() transferred from School to School.

The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for the foregoing long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student, are as follows:

NOTICE OF LONG-TERM SUSPENSION, EXPULSION, MANDATORY REASSIGNMENT, OR ALTERNATIVE EDUCATIONAL PLACEMENT AND OF RIGHTS UNDER 79-254 THROUGH 79-294, INCLUSIVE, R.R.S., 1943
(Continued)

The penalty which has been recommended in the charge and any other penalty to which the student may be subject are as follows:

Before the foregoing long-term suspension, expulsion, mandatory reassignment, or alternative educational placement for disciplinary purposes can be invoked, said student has a right to a hearing, upon request, on the charges specified above.

A description of the hearing procedures provided by 79-269 through 79-294, inclusive, R.R.S., 1943, along with procedures for appealing any decision rendered at the hearing, are attached hereto and, by this reference, made a part of this notice.

The principal, legal counsel for the school, the student, the student's parents, or the student's representative or guardian shall have the right to (1) examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct, and (2) know the identity of the witnesses to appear at the hearing and the substance of their testimony.

Attached hereto is a form on which the student, the student's parents, or the student's representative or guardian may request a hearing, to be signed by such parties and delivered to the principal or Superintendent in person or by registered or certified mail as provided by 79-272, R.R.S., 1943.

Nothing in 79-254 through 79-294, inclusive, R.R.S., 1943, precludes the student, the student's parents, or the student's guardian or representative from discussing and settling the matter with appropriate school personnel prior to the hearing state.

Dated this day of , 20 .

Superintendent of Schools

HASTINGS PUBLIC SCHOOLS
Hastings, Nebraska

REQUEST FOR HEARING

A hearing is hereby requested by the undersigned on the long-term suspension, expulsion, mandatory reassignment, or alternative educational placement of:

Name of Student:

School:

Grade:

Dated this _____ day of _____, 20__.

STUDENT DISCIPLINE

- A. Development of Uniform Discipline System. It shall be the responsibility of the Superintendent to develop and maintain a system of uniform discipline. The discipline which may be imposed includes actions which are determined to be reasonably necessary to aid the student, to further school purposes, or to prevent interference with the educational process, such as (without limitation) counseling and warning students, parent contacts and parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling upon written consent of the parent or guardian, or in-school suspension. The discipline may also include out-of-school suspension (short-term or long-term) and expulsion.

1. Short-Term Suspension: Students may be excluded by the Principal or the Principal's designee from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:

- a. Conduct that constitutes grounds for expulsion, whether the conduct occurs on or off school grounds; or
- b. Other violations of rules and standards of behavior adopted by the Board of Education or the administrative or teaching staff of the school, which occur on or off school grounds, if such conduct interferes with school purposes or there is a nexus between such conduct and school.

The following process will apply to short-term suspensions:

- a. The Principal or the Principal's designee will make a reasonable investigation of the facts and circumstances. A short-term suspension will be made upon a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
- b. Prior to commencement of the short-term suspension, the student will be given oral or written notice of the charges against the student. The student will be advised of what the student is accused of having done, an explanation of the evidence the authorities have, and be afforded an opportunity to explain the student's version of the facts.
- c. Within 24 hours or such additional time as is reasonably necessary following the suspension, the Principal or administrator will send a written statement to the student and the student's parent or

- guardian describing the student's conduct, misconduct or violation of the rule or standard and the reasons for the action taken.
- d. An opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal or administrator ordering the short-term suspension before or at the time the student returns to school. The Principal or administrator shall determine who in addition to the parent or guardian is to attend the conference.
 - e. A student who on a short-term suspension shall not be permitted to be on school grounds without the express permission of the Principal.
2. Long-Term Suspension: A long-term suspension means an exclusion from school and any school functions for a period of more than five school days but less than twenty school days. A student who on a long-term suspension shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends a long-term suspension. The notice will include a description of the procedures for long-term suspension; the procedures will be those set forth in the Student Discipline Act.
3. Expulsion:
- a. Meaning of Expulsion. Expulsion means exclusion from attendance in all schools, grounds and activities of or within the system for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year, or (c) unless the expulsion is for conduct specified in these rules or in law as permitting or requiring a longer removal, in which case the expulsion shall remain in effect for the period specified therein. Such action may be modified or terminated by the school district at any time during the expulsion period. A student who has been expelled shall not be permitted to be on school grounds without the express permission of the Principal. A notice will be given to the student and the parents/guardian when the Principal recommends an expulsion. The notice will include a description of the procedures for

- b. expulsion; the procedures will be those set forth in the Student Discipline Act.
- c. Suspensions Pending Hearing. When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if no hearing is requested or, if a hearing is requested, the date the hearing examiner makes the report of his or her findings and a recommendation of the action to be taken to the superintendent, if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers.
- d. Summer Review. Any expulsion that will remain in effect during the first semester of the following school year will be automatically scheduled for review before the beginning of the school year in accordance with law.
- e. Alternative Education: Students who are expelled may be provided an alternative education program that will enable the student to continue academic work for credit toward graduation. In the event an alternative education program is not provided, a conference will be held with the parent, student, the Principal or another school representative assigned by the Principal, and a representative of a community organization that assists young people or that is involved with juvenile justice to develop a plan for the student in accordance with law.
- f. Suspension of Enforcement of an Expulsion: Enforcement of an expulsion action may be suspended (i.e., "stayed") for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect. As a condition of such suspended action, the student and parents will be required to sign a discipline agreement.
- g. Students Subject to Juvenile or Court Probation. Prior to the readmission to school of any student who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to the order

of the District Court, County Court, or Juvenile Court, who chooses to meet conditions of probation by attending school, and who has previously been expelled from school, the Principal or the Principal's designee shall meet with the student's probation officer and assist in developing conditions of probation that will provide specific guidelines for behavior and consequences for misbehavior at school (including conduct on school grounds and conduct during an educational function or event off school grounds) as well as educational objectives that must be achieved. If the guidelines, consequences, and objectives provided by the Principal or the Principal's designee are agreed to by the probation officer and the student, and the court permits the student to return to school under the agreed to conditions, the student may be permitted to return to school. The student may with proper consent, upon such return, be evaluated by the school for possible disabilities and may be referred for evaluation for possible placement in a special education program. The student may be expelled or otherwise disciplined for subsequent conduct as provided in Board policy and state statute.

4. **Emergency Exclusion:** A student may be excluded from school in the following circumstances:
 - a. If the student has a dangerous communicable disease transmissible through normal school contacts and poses an imminent threat to the health or safety of the school community; or
 - b. If the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education.

Any emergency exclusion shall be based upon a clear factual situation warranting it and shall last no longer than is necessary to avoid the dangers described above.

If the emergency exclusion will be for five school days or less, the procedures for a short-term suspension shall be followed. If the Superintendent or his or her designee determines that an emergency exclusion shall extend beyond five days, a hearing is to be held and a final determination made within ten school days after the initial date of exclusion. Such procedures shall substantially comply with the procedures set forth in this policy for a long-term suspension or expulsion, and be modified only to the extent necessary to accomplish the hearing and determination within this shorter time period.

5. **Other Forms of Student Discipline:** Administrative and teaching personnel may also take actions regarding student behavior, other than removal of students from school, which are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but are not limited to, counseling of students, parent conferences, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation. The actions may also include in-school suspensions. When in-school suspensions, after-school assignments, or other disciplinary measures are assigned, the student is responsible for complying with such disciplinary measures. A failure to serve such assigned discipline as directed will serve as grounds for further discipline, up to expulsion from school.
- B. Student Conduct Expectations. Students are not to engage in conduct which causes or which creates a reasonable likelihood that it will cause a substantial disruption in or material interference with any school function, activity or purpose or interfere with the health, safety, well being or rights of other students, staff or visitors.
- C. Grounds for Short-Term Suspension, Long-Term Suspension, Expulsion or Mandatory Reassignment. The following conduct has been determined by the Board of Education to have the potential to seriously affect the health, safety or welfare of students, staff and other persons or to otherwise seriously interfere with the educational process. Such conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment, and any other lesser forms of discipline. The conduct is subject to the consequence of long-term suspension, expulsion, or mandatory reassignment where it occurs on school grounds, in a vehicle owned, leased, or contracted by the school and being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or an employee's designee, or at a school-sponsored activity or athletic event.
1. Willfully disobeying any reasonable written or oral request of a school staff member, or the voicing of disrespect to those in authority.
 2. Use of violence, force, coercion, threat, intimidation, harassment, or similar conduct in a manner that constitutes a substantial interference with school purposes or making any communication that a reasonable recipient would interpret as a serious expression of an intent to harm or cause injury to another.
 3. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, repeated

- damage or theft involving property, or setting or attempting to set a fire of any magnitude.
4. Causing or attempting to cause personal injury to any person, including any school employee, school volunteer, or student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision.
 5. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student or making a threat which causes or may be expected to cause a disruption to school operations.
 6. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon or that has the appearance of a weapon or bringing or possessing any explosive device, including fireworks.
 7. Engaging in selling, using, possessing or dispensing of alcohol, tobacco, narcotics, drugs, controlled substance, or an inhalant; being under the influence of any of the above; possession of drug paraphernalia, or the selling, using, possessing, or dispensing of an imitation controlled substance as defined in section 28-401 of the Nebraska statutes, or material represented to be alcohol, narcotics, drugs, a controlled substance or inhalant. Tobacco means any tobacco product (including but not limited to cigarettes, cigars, and chewing tobacco), vapor products (such as e-cigarettes), alternative nicotine products, tobacco product look-alikes, and products intended to replicate tobacco products either by appearance or effect. Use of a controlled substance in the manner prescribed for the student by the student's physician is not a violation. The term "under the influence" has a less strict meaning than it does under criminal law; for school purposes, the term means any level of impairment and includes even the odor of alcohol or illegal substances on the breath or person of a student; also, it includes being impaired by reason of the abuse of any material used as a stimulant.
 8. Public indecency or sexual conduct.
 9. Engaging in bullying, which includes any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or a school employee's designee, or at school-sponsored activities or school-sponsored athletic events.
 10. Sexually assaulting or attempting to sexually assault any person. This conduct may result in an expulsion regardless of the time or location of the offense if a complaint alleging such conduct is filed in a court of competent jurisdiction.

11. Engaging in any activity forbidden by law which constitutes a danger to other students or interferes with school purposes. This conduct may result in an expulsion regardless of the time or location of the offense if the conduct creates or had the potential to create a substantial interference with school purposes, such as the use of the telephone or internet off-school grounds to threaten.
12. A repeated violation of any rules established by the school district or school officials if such violations constitute a substantial interference with school purposes.
13. Truancy or failure to attend assigned classes or assigned activities; or tardiness to school, assigned classes or assigned activities.
14. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, gender, disability, national origin, or religion.
15. Dressing or grooming in a manner which is dangerous to the student's health and safety or a danger to the health and safety of others or repeated violations of the student dress and grooming standards; dressing, grooming, or engaging in speech that is lewd or indecent, vulgar or plainly offensive; dressing, grooming, or engaging in speech that school officials reasonably conclude will materially and substantially disrupt the work and discipline of the school; dressing, grooming, or engaging in speech that a reasonable observer would interpret as advocating illegal drug use.
16. Willfully violating the behavioral expectations for riding school buses or vehicles.
17. A student who engages in the following conduct shall be expelled for the remainder of the school year in which it took effect if the misconduct occurs during the first semester, and if the expulsion for such conduct takes place during the second semester, the expulsion shall remain in effect for the first semester of the following school year, with the condition that such action may be modified or terminated by the school district during the expulsion period on such terms as the administration may establish:
 - a. The knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student, except if caused by accident, self-defense, or on the reasonable belief that the force used was necessary to protect some other person and the extent of force used was reasonably believed to be necessary, or

- b. The knowing and intentional possession, use, or transmission of a dangerous weapon other than a firearm.
18. Knowingly and intentionally possessing, using, or transmitting a firearm on school grounds, in a school-owned or utilized vehicle, or during an educational function or event off school grounds, or at a school-sponsored activity or athletic event. This conduct shall result in an expulsion for one calendar year. "Firearm" means a firearm as defined in 18 U.S.C. 921, as that statute existed on January 1, 1995. That statute includes the following statement: "The term 'firearm' means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device." The Superintendent may modify such one year expulsion requirement on a case-by-case basis, provided that such modification is in writing.

Bringing a firearm or other dangerous weapon to school for any reason is discouraged; however, a student will not be subject to disciplinary action if the item is brought or possessed under the following conditions:

- a. Prior written permission to bring the firearm or other dangerous weapon to school is obtained from the student's teacher, building administrator and parent.
- b. The purpose of having the firearm or other dangerous weapon in school is for a legitimate educational function.
- c. A plan for its transportation into and from the school, its storage while in the school building and how it will be displayed must be developed with the prior written approval by the teacher and building administrator. Such plan shall require that such item will be in the possession of an adult staff member at all times except for such limited time as is necessary to fulfill the educational function.
- d. The firearm or other dangerous weapon shall be in an inoperable condition while it is on school grounds.

D. Law Violations

1. Any act of a student which is a basis for expulsion and which the principal or designee knows or suspects is a violation of the Nebraska Criminal Code will be reported to law enforcement as soon as possible. Conduct to be reported for law enforcement referral includes conduct that may constitute a felony, conduct which may constitute a threat to the safety or well-being of students or others in school programs and activities, and conduct that the legal system is better equipped to address than school

officials. Conduct that does not need to be reported for law enforcement referral includes typical adolescent behavior that can be addressed by school administrators without the involvement of law enforcement. In making the decision of whether to report, consideration should be given to the student's maturity, mental capacity, and behavioral disorders, where applicable. When appropriate, it shall be the responsibility of the referring administrator to contact the student's parent of the fact that the referral to legal authorities has been or will be made. The foregoing reporting standards shall be reviewed annually by the school board on or before August 1 of each year, be annually reviewed in collaboration with the County Attorney each year, be distributed to each student and his or her parent or guardian at the beginning of each school year, or at the time of enrollment if during the school year, and shall be posted in conspicuous places in each school during the school year.

2. When a principal or other school official releases a minor student to a peace officer (e.g., police officer, sheriff, and all other persons with similar authority to make arrests) for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian, or responsible relative of the minor regarding the release of the minor to the officer and regarding the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse, in which case the principal or other school official shall provide the peace officer with the address and telephone number of the minor's parents or guardian.

Legal Reference: Neb. Rev. Stat. sections 79-254 to 79-296

Forms related to this Policy are attached as Exhibit A.

Approved

Reviewed

Revised

HASTINGS PUBLIC SCHOOLS

READING INSTRUCTION AND IMPROVEMENT

The District shall develop its curriculum to facilitate reading instruction and intervention services to address student reading needs, including, but not limited to, dyslexia. In doing so, the District will ensure that all teachers, kindergarten through grade three, should be effective reading teachers as evidenced by (a) evaluations based on classroom observations and student improvement on reading assessments or (b) specialized training in reading improvement. Each student and his or her parents or guardians will be informed of the student's reading progress. It is the District's intent that each student in the District be able to read at or above grade level by third grade.

For school year 2019-2020 and each school year thereafter, the District shall administer an approved reading assessment three times during the school year to all students in kindergarten through grade three, except for any student receiving specialized instruction for limited English proficiency who has been receiving such instruction for less than two years, any student receiving special education services for whom such assessment would conflict with the individualized education plan, and any student receiving services under a plan pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act, for whom such assessment would conflict with such section 504 or Title II plan. The first administration of such assessment for each such school year shall occur within the first thirty days of the school year.

Any student in kindergarten, grade one, grade two, or grade three shall be identified as having a reading deficiency if such student performs below the threshold level determined pursuant to the Nebraska Reading Intervention Act (the Act). A student who is identified as having a reading deficiency pursuant to the Act shall remain identified as having a reading deficiency until the student performs at or above the threshold level on an approved reading assessment. Nothing in the Nebraska Reading Improvement Act shall prohibit the District from identifying any other student as having a reading deficiency.

The District will provide a supplemental reading intervention program for the purpose of ensuring that students can read at or above grade level by the end of third grade. The District may work collaboratively with other entities including, but not limited to, a reading specialist at the State Department of Education, educational service units, learning communities, higher education, or through interlocal agreements to develop and provide such supplemental reading intervention programs. Each supplemental reading intervention program shall:

- (a) Be provided to any student identified as having a reading deficiency;

- (b) Be implemented during regular school hours in addition to regularly scheduled reading instruction unless otherwise agreed to by a parent or guardian; and
- (c) Make available a summer reading program each summer for any student who has been enrolled in grade one or higher and is identified as continuing to have a reading deficiency at the conclusion of the school year preceding such summer reading program. Such summer reading program may be held in conjunction with existing summer programs in the school district, in a community reading program not affiliated with the school district, or online.

The supplemental reading intervention program may also include:

- (a) Reading intervention techniques that are based on scientific research and best practices;
- (b) Diagnostic assessments to frequently monitor student progress throughout the school year and adjust instruction accordingly;
- (c) Intensive intervention using strategies to match the weaknesses identified in the diagnostic assessment:
 - (1) Development in phonemic awareness, phonics, fluency, vocabulary, and reading comprehension;
 - (2) Explicit and systematic instruction with detailed explanations, extensive opportunities for guided practice, and opportunities for error corrections and feedback; or
 - (3) Daily targeted individual or small-group reading intervention based on student needs as determined by diagnostic assessment data subject to planned extracurricular school activities;
- (d) Strategies and resources to assist with reading skills at home, including parent-training workshops and suggestions for parent-guided home reading; or
- (e) Access to before-school or after-school supplemental reading intervention with a teacher or tutor who has specialized training in reading intervention.

The school of any student who is identified as having a reading deficiency shall notify such student's parents or guardians either in writing or by electronic communication no later than fifteen working days after the identification of the reading deficiency that the student has been identified as having a reading deficiency and that an individual reading improvement plan will be established and shared with the parents or guardians.

Any student who is identified as having a reading deficiency shall receive an individual reading improvement plan no later than thirty days after the identification of such reading deficiency. The reading improvement plan may be created by the teacher, the principal, other pertinent school personnel, and the parents or guardians of the student and shall describe the reading intervention services the student will receive through the supplemental reading intervention program pursuant to this Policy. Each such student

shall receive reading intervention services through the supplemental reading intervention program pursuant to this Policy until the student is no longer identified as having a reading deficiency.

Legal Reference: Nebraska Reading Intervention Act

Approved

Reviewed

Revised

HASTINGS PUBLIC SCHOOLS

RECORDING OF OTHERS

To ensure the privacy and confidentiality of student information, no person is authorized to record or transmit any sound or image of any person (including themselves) without the prior consent or authorization of either (1) the person or persons being recorded or whose image or sound is being transmitted or (2) the Superintendent or Superintendent's designee. This prohibition applies to all persons, including staff, students and community members, regardless of the content or context of the image or sound; however, this provision shall not apply to District-sponsored athletic or activity events where the focus of the recording or transmission is on the student performances or activity. Nothing in this provision shall prohibit the recording of an Individualized Education Program meeting if the recording is necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed by the Individuals with Disabilities Education Act.

Legal Reference: Neb. Rev. Stat. § 86-290
Letter to Anonymous, 40 IDELR 70 (OSEP 2003)

Approved

Reviewed

Revised

HASTINGS PUBLIC SCHOOLS

General Fund					
2015-16		2016-17		2017-2018	
Balance 9-1-15	7,192,160	Balance 9-1-16	7,207,599	Balance 9-1-17	\$6,588,490.21
Qtr 1-3 expenses	28,988,046	Qtr 1-3 Expenses	29,602,618	Qtr 1-3 Expenses	30,435,820
Qtr 1-3 receipts	33,248,526	Qtr 1-3 Receipts	33,557,955	Qtr 1-3 Receipts	34,778,902
06/01/2016 balance	11,452,640	6/1/2017 balance	11,162,936	6/1/2018 balance	\$10,931,572.21
2015- 16 Qtr 1-3 total	4,260,480	2016- 17 Qtr 1-3 tota	3,955,337	2017- 18 Qtr 1-3 total	\$4,343,082.00
Cooperative Fund					
Balance 9-1-15	1,092,851	Balance 9-1-16	1,547,916	Balance 9-1-17	1,756,068
Expenses	100,259	Expenses	163,329	Expenses	172,273
Receipts	198	Receipts	741,690	Receipts	4589
6-1-16 Balance	992,790	6-1-17 Balance	2,126,277	6-1-18 Balance	1,588,384
	-100,061		578,361	Fiscal	-167,684
Qtr 1-3 Total	4,160,419	Qtr 1-3 Total	4,533,698	Qtr 1-3 Total	\$4,175,398.00

Funds Other than the General Fund and Cooperative Fund
Quarter 3
2017-2018

Qualified Capital Fund

Purpose: To pay for the Senior High Project

Funding Source: 5.2 cent levy

Balance on 9-1-17: \$1,800,384.00

Balance on 5-31-18: \$2,018,762.74

Lunch Fund

Purpose: Food Service

Funding Source: Meal payments & Federal Reimbursements

Balance on 9-1-17: \$408,070.47

Balance on 5-31-18: \$644,586.94

Note: This fund has saved the General Fund approximately \$400,000 over the last 6 years due to paying for some Utility & Waste Removal expenses.

Buildings Fund

Purpose: Facilities

Funding Source: None (traded this for HMS bonds)

Note: Several schools levy for this fund but you must do so under the 1.05 lid

Balance on 9-1-17: \$8,157.53

Balance on 5-31-18: \$8,194.64

Depreciation

Purpose: To replace depreciable items

Funding Source: none (transfer from General Fund when able)

Balance on 9-1-17: \$1,201,514.11

Balance on 5-31-18: \$1,201,121.31

Employee Benefit Fund

Purpose: Early Retirement (paid in full), unemployment

Funding Source: none (traded this levy for Elem. Bonds)

Balance on 9-1-17: \$223,365.19

Balance on 5-31-18: \$221,008.46

Activities

Purpose: Student Activities

Funding Source: fees, ticket sales, fundraising, general fund subsidy

Balance on 9-1-17: \$237,843.43

Balance on 4-30-18: \$173,053.52

Elem Construction Fund

Purpose: To pay for the Elementary Project

Funding Source: bond proceeds

Balance on 9-1-17: \$5,204,158

Balance on 5-31-18: \$3,674,909

HPS Financial Outlook
June 14, 2018 Work Session

1. Projection for the end of 17-18? Net Zero
16-17: (\$500,000)
Receipts for 17-18: \$1,500,000
Increased Expenses: \$1,000,000
2. How does 18-19 look? The statement below was what we had on this report a year ago.

We think that beginning with the 18-19 school year we will face some very difficult financial challenges (possibly a 1.0M shortfall). Why?

- A) Reduced enrollment (state aid)**
- B) 17-18 valuation increase (state aid 18-19)**
- C) Political climate**

Actual Shortfall for 18-19 = \$1.5M

3. What is the reason for the shortfall?
 - A) State Aid decreased by 1.1M
 - B) Increased staffing cost 1.1M
 - C) Local receipts and sped receipts projected to increase \$700,000
4. What does 19-20 look like? My estimate is a \$1.0M shortfall.
5. How do we continue to serve our growing student needs?
 - A) Make reductions for the 19-20 school year (this will need to be personnel and programs)
 - B) Spend the cash we have and hope things turn around in the future
 - C) Levy override (levy neutral) – due to conservative projections and low interest rates we are ahead of schedule on our bond collections. We could lower our bond levy and increase our general fund levy thus leaving the tax levy at its current rate but generating more money for operational expenses. Ironically, this option may actually give our board more flexibility with occasions where the board might even be comfortable lowering the overall levy.

Funds for Daily Operations

Date	Cash	Depr	coop	total		Gen fund Budget
8/31/07	3.7M	1.0 M	0.8M	5.5M		
8/31/08	4.1M	1.0M	0.975M	6.075M		
8/31/09	4.9M	.92M	1.25M	7.07M		
8/31/10	6.3M	1.07M	1.3M	8.67M		38.4M
8/31/11	7.4M	.98M	1.2M	9.58M		38.3M
8/31/12	6.6M	1.0M	1.25M	8.85M		38.8M
8/31/13	6.3M	0.95M	1.46M	8.71M		40.5M
8/31/14	6.6M	1.2M	1.37M	9.17M		41.5M
8/31/15	7.2M	1.2M	1.1M	9.5M		43.3M
8/31/16	7.2M	1.2M	1.5M	9.9M		42.7M
8/31/17	6.6M	1.2M	1.6M	9.4M		45.2M
8/31/18	6.6M	0.6M	2.5M	9.7M		
8/31/19	5.1M	0.6M	2.5M	8.2M		
8/31/20	4.6M	0.6M	0.9M	5.9M		

HPS Budget Timeline

Revenue:

- State Aid Certification for the upcoming school year occurs at some point during the legislative session (March - June)???? (\$20M)
- Local Property Tax information is received in August for the upcoming year (\$11M)
- Sped Reimbursement from the prior year is determined off the Annual Financial Report, which we produce in October. Typically we get about 50% of what we spent on SPED the prior year. For example, we spent about \$6M for Sped in 16-17 so we received about \$3M in Sped funding during the 17-18 school year.

Summary: State Aid (\$20M) + Local (\$11M) + Sped (\$3M) = \$34M

The remaining revenue comes from various grants such as Title and IDEA. Most of these grants require us to spend the funds and then request reimbursement.

17-18 Receipts

<u>Month</u>	<u>State Aid</u>	<u>Local Taxes</u>	<u>Sped</u>	<u>Total</u>
Sept.	2.0M	2.8M	0	4.8M
Oct.	2.0M	0.6M	0	2.6M
Nov.	2.0M	0.08M	0	2.08M
Dec.	2.0M	0.05M	.4M	2.45M
Jan.	2.0M	1.2M	.4M	3.6M
Feb.	2.0M	0.6M	.4M	3.0M
March	2.0M	0.15M	.5M	2.65M
April	2.0M	.4M	.4M	2.8M
May	2.0M	3.4M	.4M	5.8M