SECTION 500

STUDENTS

Approved August 18, 2008 Reviewed June 15, 2020 Revised June 15, 2020

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**Objectives for Equal Educational Opportunities for Students**

This section of the board policy manual is devoted to the board’s goals and objectives for assisting the students of the school district in obtaining an education. Each student shall have an opportunity to obtain an education in compliance with the policies in this series. It is the goal of the board to develop a healthy social, intellectual, emotional, and physical self-concept in the students enrolled in the school district. Each student attending school will have the opportunity to use it and its education program and services as a means for self-improvement and individual growth. In doing so, the students are expected to conduct themselves in a manner that assures each student the same opportunity.

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

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

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

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

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**Resident Students**

Children who are residents of the school district community will attend the school district without paying tuition. Students whose residency in the district ceases during a school year may continue attending school for the remainder of the school year without payment of tuition.

The residence of a student means the place, abode, or dwelling of the student. Generally, the legal dwelling of minors is the same as their parents. However, a student may establish a dwelling with someone other than the parents and attend a public school in the school district without paying tuition if the primary purpose for residing in the school district is not for the purpose of obtaining a free public education.

Each case involving the determination of residence of a student will be decided upon its individual merits by the school board. Payment of tuition will not be required in cases where the student would otherwise be denied free common school privileges. The burden of proof as to legal residence shall rest with the person claiming legal residence in the district and as approved by the board of education on an annual basis.

Legal Reference: Neb. Statute 79-215

Cross Reference: 101 District Organization and Basic Commitments

503 Student Attendance

801 Transportation

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**Nonresident Students/Option Enrollment**

Student participation in the Option Enrollment program will be determined according to the guidelines listed below, as well as those in NPS Policy 5006, Nebraska State Statute 79-232 to 79-246, and the Nebraska Department of Education rules and regulations.

The Red Cloud School Administration sets the maximum number of Option Enrollment students that can be accepted each year at the preceding May Board meeting. These determinations are based upon capacity and projected enrollment of programs, classes, grade levels, and school buildings. Once a program, class, grade level or school building reaches capacity, it is considered "closed" to Option Enrollment students. Student attrition or staffing changes shall not create Option Enrollment vacancies during the school year unless the Board of Education waives the "closed" status and considers applications on an individual basis.

An exception to the "closed" status is available to students who change to a residence outside their home district at anytime during the year, including the summer months, but are enrolled in the Red Cloud Community Schools as a resident or option student for the immediate two (2) years preceding the date the application for Option Enrollment is made. Option Enrollment paperwork must be completed, but the option will be approved.

Students who change to a residence outside their home district during the school year, that have not been enrolled in the Red Cloud Community Schools for the immediate two (2) years preceding will be allowed to finish the current school year within Red Cloud Community Schools, but will not be eligible for an exception. Option Enrollment paperwork must be completed, following our regular Option Enrollment rules and procedures.

Another exception to the "closed" status is available to Option Enrollment applicants who have siblings enrolled in the Red Cloud Community Schools. These students will be accepted as Option Enrollment students if they apply and are released from their new resident school district. Option Enrollment forms must be signed by both the resident and option school district Superintendent and submitted to Brian Hof at the Central Office Administration Building, located at 334 N. Cherry St.

Once accepted, Option Enrollment students are treated as resident students and are expected to follow all rules, regulations, and expectations set for resident students.

The student's building assignment, as well as classroom and grade level assignments, will be determined by the Administration.

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No nonresident students shall be admitted under contract option enrollment provisions or any other provisions of law without the complete school records of such child being first made available to the school district. In the event the records are not presented with the application for enrollment, the student may be, at the discretion of the superintendent, provisionally enrolled on the 20th school day next following the application if the student’s records are not provided to the district by that time. It is further provided, however, that any provision enrollment shall be based upon representations made to the superintendent of schools by the parents and by the last district of enrollment of the student. Should the records, once they are received by the school district, demonstrate that misrepresentations as to the student’s academic attainment and academic needs are different from the representations made to the superintendent of schools by a preceding district of enrollment or a parent or guardian, the provisional enrollment shall be revoked upon oral or written notice from the superintendent to the parent or guardian of such student and upon such revocation the student shall no longer be permitted to attend the district.

Nonresident students may also be admitted under a contract with the student’s resident district at the discretion of the superintendent upon application and payment of tuition as stated in the contract. The tuition rate shall be the current per-pupil cost of the school district as computed by the superintendent.

Legal Reference: Neb. Statute 79-215

79-232

NDE Rule 19

Cross Reference: 503 Student Attendance

801 Transportation

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**Admission Requirements**

**Minimum Age**:

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

Early admission based on assessment procedures is not permitted in the absence of an assessment procedure approved by the School Board. The School Board shall approve and make available a recognized assessment procedure for determining if a child is capable of carrying the work of kindergarten on or before January 1, 2012 and thereafter update the approved procedures as the School Board deems appropriate.

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

**Graduates**:

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

**Age 21**:

A student shall not be admitted for enrollment in school prior to the commencement of a school year if that student has turned 21 prior to the commencement of the school year and shall not be continued for enrollment in school after the end of a school year in which the student reaches the age of 21.

**Birth Certificate, Physical, Visual Evaluation and Immunization**:

The parents or legal guardian shall furnish:

(1) A certified copy of the student’s birth certificate issued by the state in which the child was born, upon admission of a child for the first time, shall be provided

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within 30 days of enrollment. Other reliable proof of the child’s identity and age, accompanied byan affidavit explaining the inability to produce a copy of the birth

certificate may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of a birth certificate cannot be produced. (Failure to provide a birth certificate does not result in non-enrollment or disenrollment, but does result in a referral to local law enforcement for investigation).

(2) Evidence of a physical examination by a physician, physician assistant, or nurse practitioner, within six months prior to the entrance of the child into the beginner grade and the seventh grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a physical examination.

(3) Evidence of a visual evaluation by a physician, a physician assistant, an advanced practice registered nurse, or an optometrist, within six months prior to the entrance of the child into the beginner grade or, in the case of a transfer from out of state, to any other grade, unless the parent or legal guardian submits a written statement objecting to a visual evaluation. The visual evaluation is to consist of testing for amblyopia, strabismus, and internal and external eye health, with testing sufficient to determine visual acuity.

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

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

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

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

**Enrollment of Expelled Students**:

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

**Discontinuation of the Enrollment of Students younger than Seven Years of Age**:

It is the policy of Webster County School District No. 2 to allow any person with legal or actual charge or control of a child younger than seven years of age who is enrolled in the School District to discontinue the enrollment of such child according to the following parameters.

(1) The student’s parent(s) or legal guardian shall submit a complete and accurate application form prescribed by the school board for discontinuation of enrollment. The application form shall be made available during regular business hours at the administrative offices of the district. The application shall be accompanied by a copy of the student’s birth certificate issued by the state in which the child was born or other reliable proof of the child’s identity and age, (i.e. naturalization or immigration documents showing date of birth or official hospital birth records).

(2) Within three (3) days after the submission of the application, a conference shall be held between the superintendent or the superintendent’s designee, the student’s parent(s) or guardian, and any other school district employee whose presence is requested by the

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superintendent or the superintendent’s designee. The purpose of the conference shall be to address the parties’ reasons, questions, and/or concerns regarding the request to discontinue the student’s enrollment.

(3) After the conference and verification by the board or its designee that the child is younger than seven years of age on or before October 15 of the current or upcoming school year and

enrolled at Webster County School District No. 2, the application for withdrawal shall be approved and become effective by resolution at the next board meeting following the

submission of the application form. If the child is not younger than seven years of age on or before October 15 of the current or upcoming school year or not enrolled at Webster County School District No. 2, the application shall be rejected.

(4) Webster County School District No. 2 will provide written notification to the parent(s) or legal guardian of the student by whether the application has been accepted or rejected. If the application is rejected, the rejection notice will state the reason(s) for the rejection. If accepted, the parent(s) or legal guardian shall be provided with a copy of the board resolution stating such acceptance. A copy of the resolution shall also be available during regular business hours at the administrative offices of the district.

(5) The district shall inform the student’s parent(s) or legal guardian of the student’s right to re-enroll at any time in the school, if qualified under law.

Legal Reference: Neb. Rev. Stat. §§ 43-2001 to 43-2012

Neb. Rev. Stat. § 79-214

Neb. Rev. Stat. §§ 79-217 to 79-223

Neb. Rev. Stat. § 79-266.01

173 NAC Chapters 3 and 4 (HHS Regulations)

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APPLICATION FOR THE DISCONTINUATION OF THE ENROLLMENT OF STUDENTS YOUNGER THAN SEVEN YEARS OF AGE

Webster County School District No. 2

Student’s Name Date of Birth \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grade Level \_\_\_\_\_\_\_\_\_\_\_ Teacher

Parent or Guardian’s Name

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I hereby request that my child’s enrollment at Webster County School District No. 2 be discontinued. I certify that I am the parent, guardian, or person with the legal or actual charge of control of the above named student. I further certify that my child is or will be younger than seven years of age on or before October 15 of the current or upcoming school year. To the best of my knowledge, the attached birth certificate or other attached documentation verifying my child’s age is an accurate, correct, and unaltered copy.

Parent(s) or Guardian’s Signature Date

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of

, 20\_\_\_\_\_\_.

Notary Public

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**Student Transfers In**

Children shall be accepted for enrollment in all grades of the school system at any time upon presentation of acceptable certificates of record from their former school and upon presentation of acceptable proof of their legal residence in the district. It shall be at the superintendent’s discretion to decide what constitutes acceptable proof of residence.

In addition, nonresident students meeting the requirements of the open enrollment laws and the Nonresident Students policy may transfer to this district for a minimum of one year.

Students must present evidence of physical exams, immunizations and other requirements as stated by other policies of the district.

Students expelled or suspended from their previous school will only be enrolled at the recommendation of the superintendent.

Legal Reference: Neb Statute 79-232

79-526

Cross Reference: 502 Student Admissions

508 Student Health and Well-Being

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**Exchange and Foreign Student Admissions**

The Red Cloud School District pledges its support in the form of official waivers of tuition to non-resident foreign exchange students as per the following conditions:

1. The School District will accept students from other nations who come to Red Cloud via exchange programs officially recognized by the Board of Education.

2. Acceptance is not automatically guaranteed. Applications must be made to and approval received from the Superintendent of Schools.

3. Exchange programs recognized by the Board of Education are those approved by the U.S. State Department under the Mutual Educational and Cultural Exchange Act of 1961.

The Board also recognizes that such programs are good for Red Cloud students who may wish to have similar opportunities in other countries both during the regular school year and during the summer months.

The school staff, under the direction of the administration, shall take all reasonable and prudent steps to safeguard the physical and educational welfare of participating students. Student participation in all cases shall be on a voluntary basis.

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**Assignment of New Students to Classes and Grade Levels**

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

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

Cross Reference: 601 Goals and Objectives

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**Attendance Policy and Excessive Absenteeism**

Regular and punctual student attendance is required. The Board's policies require such attendance, the administration is responsible for developing further attendance rules and regulations, and all staff are expected to implement this policy and administrative rules and regulations to encourage such regular and punctual student attendance. The Principal and teachers are required to maintain an accurate record of student attendance.

A. **Attendance and Absences**.

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

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

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

1. Attendance at a funeral for a member of the immediate family (parents, siblings, and grandparents),

2. Illness which causes a student to be absent from school,

3. Doctor or dental appointment which require student to be absent from school,

4. Court appearances that are required by a court order,

5. School sponsored activities which require students to be absent from school,

6. Family trips in which student accompanies parent(s)/legal guardian(s),

7. Other absences which have received prior approval from the Principal.

The Principal shall have the discretion to deny approval for the latter two reasons, depending on circumstances such as the student’s number of other absences, the student’s academic status, the tests or other projects which may be missed, and in the case of a family trip, whether the trip

could be taken during non-school time and the educational nature of the trip.

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(b) Unexcused Absence: An absence which is not excused is unexcused. If a student's absence is unexcused the student may receive zeros for any class work missed during the absence, and may be required to make-up work and the time missed.

A student who engages in unexcused absences may be considered truant as per state law Neb. Rev. Stat. ' 79-201. Truancy is a violation of school rules. The consequence of such action may include suspension from classes and the student may be required to make up the time missed. Students who leave the school premises without permission during the school day will be considered truant.

2. Absence Procedure: A student will not be allowed to enter class after an absence until an admit slip, based upon a written or verbal parental excuse, or a conditional admit slip, is issued by the Principal’s office. A conditional admit slip, good for one day, may be issued to allow time to bring an excuse, in case no excuse has been provided upon returning to school. Work must be made up within the time allowed on the admit slip.

For excused absences, two school days will be allowed to make up the work for each day missed with a maximum of 10 days allowed to make up work. If requested, assignment sheets will be prepared for students who are ill.

For unexcused absences in excess of 10 per quarter, the student will receive the amount of credit for the class corresponding to the percentage of days attended.

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

Attendance is not mandatory for a child who has reached the age of 6 years of age prior to January 1 of the then-current school year, but will not reach age 7 prior to January 1 of such school year, if the child’s parent or guardian has signed and filed with the school district in which the child resides an affidavit stating either:

(1) that the child is participating in an education program that the parent or guardian believes will prepare the child to enter grade one for the following school year; or

(2) that the parent or guardian intends for the child to participate in a school which has elected or will elect pursuant to law not to meet accreditation or approval requirements and the parent or guardian intends to provide the Commissioner of Education with a statement pursuant to section 79-1601(3) on or before the child’s seventh birthday.

Attendance is not mandatory for a child who:

(1) has obtained a high school diploma by meeting statutory graduation requirements;

(2) has completed the program of instruction offered by a school which elects pursuant to law not to meet accreditation or approval requirements; or

(3) has reached the age of 16 years and such child’s parent or guardian has signed a notarized release discontinuing the enrollment of the child on a form provided by the school.

4. Reporting and Responding to Truant Behavior: Any administrator, teacher, or members of the board of education who knows of any failure on the part of any child of mandatory school attendance age to attend school regularly without lawful reason, shall within three days report such violation to the superintendent. The superintendent shall immediately cause an investigation into any such report to be made. The superintendent shall also investigate any case when of his or her personal knowledge, or by report or complaint from any resident of the district, the superintendent believes that any child is unlawfully absent from school. The school shall render all services in its power to compel such child to attend some public, private, denominational, or parochial school, which the person having control of the child shall designate, in an attempt to address the problem of excessive absenteeism. Such services shall include, as appropriate, the services listed under the “Excessive Absenteeism” and “Reporting Excessive Absenteeism” policies.

5. Excessive Absenteeism: Students who accumulate five (5) unexcused absences in a quarter shall be deemed to have “excessive absences.” Such absences shall be determined on a per day basis for elementary students and on a per class basis for secondary students. When a student has excessive absences, the following procedures shall be implemented:

1. One or more meetings shall be held between a school attendance officer, school social worker, or the school principal or a member of the school administrative staff designated by the school administration, if the school does not have a school social worker, the child’s parent or guardian and the child, if necessary, to report and to attempt to solve the excessive absenteeism problem. If the parent/guardian refuses to participate in such meeting, the principal shall place in the child’s attendance records documentation of such refusal.
2. Educational counseling to determine whether curriculum changes, including but not limited to, enrolling the child in an alternative education program that meets the specific educational and behavioral needs of the child, would help solve the problem of excessive absenteeism.
3. Educational evaluation, which may include a psychological evaluation, to assist in determining the specific condition, if any, contributing to the problem of excessive absenteeism, supplemented by specific efforts by the school to help remedy any condition diagnosed.
4. Investigation of the problem of excessive absenteeism by the school social worker, or if such a school does not have a school social worker, the school principal or a member of the school administrative staff designated by the school administration, to identify conditions which may be contributing to the truancy problem. If services for the child and his or her family are determined to be needed, the person performing the investigation shall meet with the parent/guardian and the child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the problem of excessive absenteeism.

6. Reporting Excessive Absenteeism to the County Attorney: If the child is absent more than twenty days per year or the hourly equivalent, the attendance officer shall file a report with the county attorney of the county in which the person violating the compulsory attendance laws (i.e., the child, the child’s parent, or the person who has legal or active charge or control of the child) resides.

7. Reporting to the Commissioner. The Superintendent or designee shall report on a monthly basis to the Commissioner of Education as directed by the Commissioner regarding the number of and reason for any long-term suspension, expulsion, or excessive absenteeism of a student; referral of a student to the office of the county attorney for excessive absenteeism; or contacting of law enforcement officials (other than law enforcement officials employed by or contracted with by the District as school resource officers) by the District relative to a student enrolled in the District.

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

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**Student Attendance Records**

The school board shall provide for the admission to the school of all legally-entitled children at any time during the school year. It shall cause records to be kept of the progress of the child and shall secure and make available all records of children entering or leaving the school system to the proper authorities when requested to do so.

The teachers of the district shall keep the necessary records described above. Each student shall receive a grade card each nine (9) weeks, reporting pupil progress, attendance and tardiness.

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**Student Absences – Excused**

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

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

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

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

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

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

Legal Reference: Neb. Statute 79-209

NDE Rule 10.012.01B

Cross Reference: 503 Student Attendance

505 Student Discipline

506 Student Activities

507 Student Records

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**Truancy – Unexcused Absences**

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

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

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

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

1. A meeting or meetings between the attendance officer or designee, the student’s parent/guardian and the student to solve the truancy problem.

2. Educational counseling to explore alternative educational programs to solve the truancy problem.

3. Educational evaluation to assist in determining the specific condition(s) contributing to the truancy problem.

4. Investigation of the problem by a school social worker or designee to identify conditions contributing to the truancy problem, meeting(s) with the parent/guardian and referrals to appropriate agencies to remedy the conditions.

5. If the problem continues, the attendance officer shall serve written notice to the parent/guardian warning him/her of the need to comply with the compulsory attendance statute of section 79-201. If the violation continues, within one week a report shall be filed with the county attorney as required by law.

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

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

Legal Reference: Neb. Statute 79-208 and 209

NDE Rule 10.012.01B

Cross Reference: 411.03 Truancy Officer

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**Student Release during School Hours**

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

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

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

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

Cross Reference: 503.01 Compulsory Attendance

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**McKinney-Vento District Homeless Policy**

**1. General Policy Statement:**

Red Cloud Community School shall ensure that homeless children and youths shall have equal access to the same free, appropriate public education, including a public preschool education, as provided to other children and youths.

**2. Definitions:**

“School of Origin” shall mean the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. School of origin shall also include any designated receiving school for the next grade level for all feeder schools when a student completes the final grade level served by the school of origin.

“Homeless children and youths” shall mean any individuals who lack a fixed, regular, and adequate nighttime residence; and includes:

(i) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals;

(ii) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(iii) Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) Migratory children who qualify as homeless because they are living in circumstances described in (i-iii).

“Unaccompanied youth” shall mean a homeless child or youth not in the physical custody of a parent or guardian.

**3. School Stability:**

A. School Selection: Each school shall presume that keeping a homeless child or youth

enrolled in the child’s or youth’s school of origin is in the child’s or youth’s best interest,

except when doing so is contrary to the request of the child’s or youth’s parent or

guardian or, in the case of an unaccompanied youth, the youth.

To overcome the presumption that a child or youth should remain in his/her school of

origin, the school shall consider student-centered factors including; the impact of mobility on achievement, education, health, and safety of homeless children and youth,

giving priority to the request of the child’s or youth’s parent or guardian or, in the case of an unaccompanied youth, the youth.

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B. Enrollment: Once the school is selected in accordance with the child’s or youth’s best interest, that child or youth shall be immediately enrolled even if the child or youth is unable to produce records normally required for enrollment including, but not limited to, previous academic records, immunization or other health records, proof of residency or has missed any application or enrollment deadlines during any period of homelessness.

C. Transportation: If the child or youth continues to attend his or her school of origin, transportation shall be provided promptly even if there is a dispute pending regarding which school is in the child’s or youth’s best interest to attend. Transportation will continue to be provided to and from the school of origin for the remainder of any academic year during which the child or youth becomes permanently housed.

**4. Records:**

Any record ordinarily kept by the school, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained:

1. Such that all records are available, in a timely fashion, when a child or youth enrolls in a new school or school district;
2. Any information about a homeless child’s or youth’s living situation shall be treated as a confidential student education record, and shall not be deemed to be directory information; and

C. In a manner consistent with the Federal Education Rights and Privacy Act.

**5. Services:**

Local Education Agency Liaison: Red Cloud Community Schools shall identify an appropriate staff person to be the Local Educational Liaison (LEL) for all homeless children and youth attending Red Cloud Community Schools. The LEL responsibilities shall include, but are not limited to:

1. Ensure homeless children and youth are identified through outreach and coordination

activities including coordination with the Nebraska Department of Education Homeless Education Liaison, community, and school personnel responsible for education and related services to homeless children and youths;

1. Receive appropriate time and training in order to carry out the duties required by law and

this policy;

1. Ensure homeless families and homeless children and youths are referred to health care,

dental, mental health, substance abuse, housing and any other appropriate services;

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D. Ensure that homeless children and youths:

(i) Are enrolled in school which includes attending classes and participating fully in

school activities;

(ii) Have a full and equal opportunity to meet the same challenging State academic

standards as other children and youths;

(iii) Receive individualized counseling from counselors to prepare and improve their

readiness for college, including college selection, application, financial aid, and on-

campus supports.

(iv) Unaccompanied youths are informed of their status as independent students under the

The Higher Education Act of 1965 and may obtain assistance from the LEL to receive

verification of such status for purposes of the Free Application for Federal Student

Aid.

E. Ensure that public notice of the educational rights, and available transportation services,

of homeless children and youths is disseminated in locations frequented by parents or

guardians of such youths, and unaccompanied homeless youths, including schools,

shelters, public libraries, and soup kitchens, in a manner and form that is easily

understandable.

F. Ensure the dispute resolution process identified below is carried out in accordance with

the law and district policy.

**6. Dispute Resolution:**

1. The dispute procedure must be available for disputes over eligibility, as well as school selection or enrollment.
2. In the event of a dispute regarding where a child or youth should enroll the child or youth shall be immediately enrolled in the school in which enrollment is sought pending final resolution of the dispute, including all available appeals. The district shall immediately provide the child’s parent or guardian or, in the case of an unaccompanied youth, the youth a written explanation of the decision made regarding the school selection including the right to appeal such decision. Said writing shall be provided in a manner and form understandable to such parent, guardian, or unaccompanied youth and also include the LEL contact information. The LEL shall carry out the dispute resolution process within 30 calendar days from the date of said writing pursuant to 92 Nebraska Administrative Code 19-005.02.

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1. Appeals: Any parent, guardian or other person having legal or actual charge of a homeless child or youth that is dissatisfied with the decision of a school district after the dispute resolution process may file an appeal with the Commissioner within thirty calendar days of receipt of the decision by following the process in 92 Nebraska Administrative Code 19-005.03 and 19-005.03C.

**503.09**

**HOMELESS STUDENT ENROLLMENT INFORMATION**

**AND PLACEMENT REQUEST**

Child’s Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Birth Date:\_\_\_\_\_\_\_\_\_\_\_\_ Grade \_\_\_\_\_\_\_\_\_

(Last Name) (First Name) (M.I.)

Parent/Guardian Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Unaccompanied Youth\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Last) (First) (M.I.) (“Yes” or “No”)

Current Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(If phone # not available, phone # of someone who can be contacted & their relationship, if any.)

Information provided on this form is confidential.

1. **Homeless Status**

a. Do you live in any of these following situations?

\_\_\_\_\_\_ sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (example: evicted from home, cannot afford housing, etc.)

\_\_\_\_\_\_ in a motel, hotel, campground or similar setting due to lack of alternative adequate accommodations

\_\_\_\_\_\_ in emergency or transitional shelters such as domestic violence or homeless shelters or transitional housing shelter or agency

\_\_\_\_\_\_ have a primary nighttime residence that is a place not designed for or ordinarily used as a regular sleeping accommodation for humans

\_\_\_\_\_\_ in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

\_\_\_\_\_\_ None of the above

b. How long do you anticipate living in current location? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. **School Most Recently Attended**

School:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(School Name) (City) (State)

Dates of Attendance:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grade level when last attended: \_\_\_\_\_\_\_\_\_

3. **Eligible for any of these educational and school related activities and services?**

* Special Education (IDEA). If yes, please identify disability and special education services previously provided: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**503.09**

* English Language Learners (ELL) • Gifted • Vocational Education
* Other\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. **Possible Barriers to Education**

* No Birth Certificate • No immunizations or other medical records
* No School Records • Transportation • School Selection
* Other issues/barriers\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. **Requested Services and Activities to be Provided by Homeless Student Program**

* Obtaining or transferring records necessary for enrollment
* Emergency assistance related to school attendance
* Expedited evaluations
* Transportation • Clothing to meet a school requirement • School supplies
* Early childhood program • Tutoring or other instructional support
* Before/after-school, mentoring, summer programs
* Referrals for medical, dental, or other health services
* Referral to other programs/services
* Assistance with participation in school programs
* Parent education related to rights/resources
* Coordination between schools and agencies
* Counseling •Addressing needs related to domestic violence
* Staff professional development/awareness
* Other

6. **Placement**

a. School placement requested by parent/guardian or unaccompanied youth:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. Reason(s) for Request: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

c. Name of “School of Origin” \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(School of Origin means the school that the child attended when permanently housed or the school in which the child was last enrolled.)

Enrollment Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Has student been withdrawn? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If so, what was the withdraw date? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

d. Distance from:

i. Residence to the school of origin (miles): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ii. Residence to the school requested (if not school of origin): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent or Guardian or Unaccompanied Youth’s signature Date

Children living in homeless situations have certain rights under the McKinney-Vento Homeless Assistance Act under No Child Left Behind. Please contact the Homeless Coordinator with any questions.

**503.09**

**Written Notification of Enrollment/Placement**

**Decision for Homeless Student**

Child’s Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In compliance with the McKinney-Vento Homeless Assistance Act, the following written notification is provided to:

Parent/Guardian \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Unaccompanied Youth\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name) (Name)

After reviewing your request to enroll the child, the determinations are as follows:

**Homeless student program eligibility:**

\_\_\_\_\_\_\_\_\_\_ Child qualifies under the homeless student program

\_\_\_\_\_\_\_\_\_\_ Child qualifies under the homeless student program. This determination was based upon:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Placement** (if enrolled under the homeless student program) was made based on the best interest of the student. The placement will be at: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name)

Explanation for this determination (if not school of origin or the choice of parent/guardian or unaccompanied youth, give details):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If you are not satisfied with the determination, you have the right to use the dispute resolution process. Contact the Homeless Coordinator and complete a Dispute Resolution Form.

Notices:

* The student has the right to be immediately admitted in the school in which enrollment is sought pending resolution of the dispute.
* You may contact the state coordinator:

Roger Reikofski, Education Specialist & Homeless Education/NCLB Programs

Nebraska Department of Education

Telephone: 402-471-2968 Email: [roger.reikofski@nde.ne.gov](mailto:roger.reikofski@nde.ne.gov) Facsimile: 402-471-0117

* You may seek the assistance of advocates or attorneys.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Administrator Date

Written Notification Form was given to parent/guardian or unaccompanied youth on

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Date).

**503.09**

**Dispute Resolution Form**

This form should be completed when a dispute arises over school enrollment/placement.

Child’s Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Person completing form: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name) (Relation to Student)

I may be contacted at (address/phone/email): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I wish to dispute the following decision: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The decision I am disputing was wrong because (give detailed information in support of your position and use an attachment if necessary): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Persons who have information to support my position (include contact information):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I request that the following action be taken on this dispute: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Parent or Guardian or Unaccompanied Youth’s signature Date

**------------------------------------------------For School Use-----------------------------------------------**

Date received by Homeless Coordinator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

---------------------------------**Determination of Homeless Coordinator------------------------------**

In compliance with the McKinney-Vento Homeless Assistance Act, the following written notification is provided to:

Parent/Guardian \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Unaccompanied Youth\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Name) (Name)

After reviewing the information relevant to your dispute my determination follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**503.09**

Notice of Right to Appeal: If you are not satisfied with the determination on this dispute, you have the right to appeal as provided for in Nebraska Department of Education Rule 19. The appeal is to be filed with the Commissioner of Education within 30 calendar days of receipt of this decision. For information about an appeal you may contact the state coordinator:

Roger Reikofski, Education Specialist & Homeless Education/NCLB Programs

Nebraska Department of Education

Telephone: 402-471-2968 Email: [roger.reikofski@nde.ne.gov](mailto:roger.reikofski@nde.ne.gov) Facsimile: 402-476-0117

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Administrator Date

The Determination of the Homeless Coordinator on this dispute was given to parent/guardian or unaccompanied youth on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Date).

**504.01**

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**Student Due Process Rights**

Student complaints and grievances regarding board policy or administrative regulations and other matters should be addressed to the student’s specific teacher, activity sponsor or other certified employee, other than the administration, for resolution of the complaint. It is the goal of the board to resolve student complaints at the lowest organizational level.

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

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

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

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

Cross Reference: 204.10 Board Meeting Agenda

204.12 Public Participation in Board Meetings

301.04 Communication Channels

504 Student Rights and Responsibilities

506.06 Student Publications

**504.03**

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**Student Conduct**

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

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

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

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

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

Legal Reference: Goss v. Lopez, 419 U.S. 565 (1975).

Neb. Statute 79-2,114 et seq. (NE Equal Opportunity in Educ. Act)

79-254 et seq. (Student Discipline Act)

Cross Reference: 503 Student Attendance

306 Student Activities

1005.02 Communication with Parents

**504.04**

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**Student Conduct on School Buses**

Students are expected to obey the bus rules when riding the bus.

**Bus Rules**

1. Observe same conduct as in the classroom

2. Be courteous, use no profane language

3. Keep the bus clean

4. Cooperate with the driver

5. Do not be destructive

6. Sit in your seat and face the front

7. Stay in your seat

8. Keep head, hands, and feet inside the bus

9. Bus driver is authorized to assign seats

**Bus Behavior Training**

Twice a year the Red Cloud School in conjunction with the bus contractor will hold a class on bus safety. This can be done with films and/or with the actual buses to practice proper embarking and disembarking, emergency procedures, and general bus behavior.

**504.06**

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**Student Appearance**

No articles of dress will be worn that advertises, promotes, or makes reference to drugs, alcohol, violence, tobacco products or sexual acts. Hats, caps, and/or sunglasses will not be worn in the building before, during, or after school unless a special dress-up day is proclaimed. No buttons which are suggestive are to be worn on jackets or other articles of clothing. Shoes or sandals must be worn in the building. The following clothing articles will not be allowed: short mini-skirts, halter tops, mesh shirts (unless a T-shirt is worn underneath), or shirts/tops which expose the midriff. Shorts which are neat in appearance and of a proper, tasteful length may be worn by students.

Administrative Regulations:

In the event that a student’s dress or grooming might create a substantial interference with school purposes, any or all of the following may result.

1. The student may be requested to change unacceptable attire.

2. The student may be assigned detentions or suspended.

3. Other action deemed appropriate by the administration may be taken.

**504.07**

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**Care of School Property and Vandalism**

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

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

Cross Reference: 504 Student Rights and Responsibilities

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**Freedom of Expression**

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

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

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

Legal Reference: U.S. Const. Amend. I.

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

Bethel School District v. Fraser, 478 U.S. 675 (1986)

Tinker v Des Moines Ind. Comm. Sch. Dist., 393 U.S. 503 (1969)

Bystrom v Fridley High School, 822 F.2d 747 (8th Cir. 1987)

Cross Reference: 504 Student Rights and Responsibilities

506 Student Activities

604.10 Academic Freedom

1005.10 Distribution or Posting of Materials

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**Student Lockers**

Student lockers are the property of Red Cloud Community Schools under the jurisdiction of the Board of Education. They are loaned to students. Students may be asked to pay for excessive damage to lockers. They may also be asked, when the administration deems it necessary, to clean out their lockers. The administration may also inspect lockers when it is deemed necessary. Students are expected to keep lockers clean.

In individual cases, some students may want to check out locks. A deposit will be charged and kept if these locks are not returned. Only school locks will be permitted unless prior arrangements have been made.

AT NO TIME SHOULD VALUABLES OR MONEY BE STORED OR LEFT IN SCHOOL HALLWAY LOCKERS. IF VALUABLES OR MONEY ARE LEFT IN GYM LOCKERS, THE LOCKER SHOULD BE LOCKED.

**Locker/Desk/Storage Area Searches**

All lockers and other storage areas on school property remain the property of the Red Cloud Community Schools.

Lockers and storage areas are provided for the use of the students and are subject to inspection, access for maintenance, and search pursuant to this policy. No student shall lock or otherwise impede access to any locker or storage area expect with a lock provided by or approved by the principal of the school in which the locker or storage area is located. Unapproved locks shall be removed and destroyed in the process, if necessary.

1. The principal or a member of the administrative staff will search a locker and its content when the person conducting the search has reasonable cause to conduct the search.

2. The principal, a member of the administrative staff or a teacher may search a desk or any other storage area on the school premises other than a locker when the person conducting the search has reasonable cause for the search.

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**Student Use of Computers**

Internet Safety Policy

It shall be the policy of Red Cloud Community Schools that access to the Internet provided by Red Cloud Community Schools is expected to be used as an educational and/or work-related resources and that such access shall be made available subject to such rules and regulations as may be established, provided that no use shall be permitted which, in the judgment of the Board of Education of Red Cloud Community Schools, is in any way prejudicial to the best interest of or in conflict with the Red Cloud Community Schools Program of Services.

The Red Cloud Community Schools Board of Education reserves the right to refuse access to the Internet by Red Cloud Community Schools to anyone when it deems it necessary in the public interest.

Definitions

1. Access to the Internet: A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the internet.

2. Minor shall mean an individual who has not attained the age of 19.

3. Obscene shall have the meaning given such term in section 1460 of Title 18, United States Code.

4. Child pornography shall have the meaning give such term in section 2256 of Title 18, United States Code.

5. Harmful to minors shall mean any picture, image, graphic image file, or other visual depiction that:

a. taken as a whole and with respect to minors, appeals to prurient interest in nudity, sex, or excretion;

b. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

6. Hacking shall mean attempting to gain unauthorized access to computer and network systems connected to the Internet.

7. Technology protection measure shall refer to a proxy server managed by Red Cloud Community Schools that blocks and/or filters internet access or other means by which access may be blocked and/or filtered.

8. Authorized staff member as used herein shall refer to an adult staff member appointed by the Red Cloud Community Schools Technology Committee.

9. Technology Committee as used herein shall refer to a group of Red Cloud Community Schools staff including the following:

a. Administrator

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b. Technology Coordinator

c. One staff member appointed by the Administrator

d. Two teachers appointed by the Administrator

Access to Internet by Minors

Minors accessing Internet services provided by red Cloud Community Schools shall be subject to the following rules and regulations.

1. Minors shall not access material that is obscene, child pornography, harmful to minors, or otherwise inappropriate for educational use.

2. Minors shall not use Red Cloud Community Schools’ technology or Internet resources to engage in hacking or attempts to otherwise compromise any computer or network system’s security.

3. Minors shall not engage in any illegal activities on the Internet.

4. Minors should only use electronic mail and other forms of direct electronic communications for purposes related to education within the context of a school-related assignment activity.

5. Minors shall not disclose personal identification information on the Internet.

6. Minors shall be monitored while using the Internet.

Technology Protection Measure

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

1. The technology protection measure that blocks and/or filters Internet access may be disabled by an authorized staff member for bona fide research purposes with permission of the immediate supervisor of the staff member requesting said disabling or with the permission of the administrator of Red Cloud Community Schools.

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**Weapons**

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

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

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

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

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

Legal Reference: Neb. Statute 79-263

Improving America’s Schools Act of 1994, P.L. 103-382.

18 U.S.C.§ 921 (1994).

McClain v Lafayette County Bd. Of Educ., 673 F.2d 106 (5th Cir. 1982).

Cross Reference: 504.01 Student Due Process

505 Student Discipline

508 Student Health and Well-Being

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**Regulated Devices—Cell Phones, Laser Pointers & Any Electronic Devices**

Laser pointers, CD players, stereos, radios, games, iPods, mp3 players, or any other electrical device or sport/trading cards of any type are not to be brought to school.

Students in grades 7-12 may carry their cell phones with them during the day. They may not have them out to take calls, text message, or for any other purpose except as follows:

1. Before school in the lunchroom or lobby.
2. During your lunch period, but again only in the lunchroom or lobby.
3. After school is dismissed.

Any other use during the day is prohibited. This includes having it ring during a class.

Consequences for not following these rules are:

1. First Offense—1 hour detention (no warnings), and loss of the phone for the day.
2. Second Offense—2 hours detention, and loss of the phone for the day.
3. Third and subsequent Offenses—1 day in-school suspension, and loss of the phone for the day.

K-6 students need to check their cellular phones in at the office at the beginning of each day.

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**Secret Societies or Gang Activities**

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

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

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

Cross Reference: 505 Student Discipline

506 Student Activities

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**Smoking, Drinking or Drugs**

**Statement of Purpose**

All students have the right to attend school in a drug free environment conducive to good learning. The use of controlled substance, alcohol, and tobacco is not only a violation of the law, but it interferes with both effective educational activities and the healthy development of young people. The education system has a fundamental and ethical obligation to prevent drug abuse and maintain a drug free and safe educational environment, not only throughout the schools, but also in all school-related activities.

**Philosophy Statement**

The Red Cloud Community Schools recognize that the use of alcohol, tobacco, and other drugs and the problems associated with them are becoming increasingly commonplace in our society and among youth. One's own chemical use or that of a loved one can have serious and lifelong consequences.

The Red Cloud Community School also recognizes that the abuse of alcohol, tobacco, and/or other drugs often precedes the development of related problems. At some point, an individual's use of alcohol or other drugs may be deemed destructive to him/her or to others, causing problems in daily living. Where the capacity to make responsible decisions regarding alcohol and other drug use has been reduced or compromised, prompt and appropriate attention can help the vast majority of individuals involved.

The Red Cloud Community Schools recognize that students often need education, assistance, and support because of their own drug use or because of drug-related problems in those they care about. Many students will require support for their decision to remain drug-free. Since chemical dependency is preceded by the abuse of alcohol or other drugs, the school system wishes to provide education and/or support to any student displaying signs of harmful involvement.

The Red Cloud Community Schools also recognize that a person's use of alcohol or other drugs can lead to the illness of chemical dependency. Complete recovery is possible: however, if the illness is identified early and treated appropriately through referral to community agencies. The Red Cloud Community School District regards alcoholism, drug addiction, and dependency as it does any other illness or chronic behavioral/medical problems.

Our primary purpose is to provide a means for reintegration of students into the school environment without stigmatizing students with such problems.

The Red Cloud Community Schools believe that it is in the best interest of the community for it to take steps to promote, enhance, and maintain a drug-free school system and student body, and that along with parents and other segments of the community it has a role to play in helping

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students to remain drug-free. While it is the intent of the Red Cloud Community Schools to

provide a drug-free school environment for all students, individual circumstances may require intervention, appropriate disciplinary action, and recommendation for professional evaluation.

Whenever factors arise which interfere with a student's school performance, the Red Cloud Community Schools will utilize available community resources to provide a means of assistance to all those students who develop alcohol and other drug-related disabilities.

**Administrative Procedures Related to Prevention of Chemical Abuse**

Definition of Terms

Alcohol - Any alcoholic beverage including, but not limited to: beer, near-beer, wine, and liquor, or any item containing alcohol.

Controlled Substances - Drugs in any form including over-the-counter and prescription medications, steroids, marijuana, hallucinogens, mind-altering, toxic, or addictive substances such as LSD, cocaine, heroin, and other opiate derivatives, and harmful petroleum-based inhalants such as paint and lacquer, or substances propertied to be any of the above.

Drug Paraphernalia - Any implement used to ingest drugs: spoons, needles, syringes, cigarette papers, roach holders. etc.

Look-Alike Drugs - Any item passed, sold, or distributed which has been represented as a controlled substance.

In-School Suspension - Students assigned to in-school suspension will be restricted to an assigned location for the duration of the assigned day. Students must follow all specific rules established for school suspension. Students placed on in-school suspension will be prohibited from attending classes but will complete all assignments in the in-school suspension room and will receive credit for the work. Student's placed on in-school suspension will be prohibited from attending or participating in all classes, extra-curricular activities, and school-related events, home or away during the duration of the suspension.

Long-term Suspension - Students placed on long-term suspension will be suspended from school more than five but less than 20 school days. During the duration of the suspension, the involved student will be prohibited from attending or participating in all classes, extracurricular activities, and school related events, home or away. Students will not be allowed to complete makeup work missed due to suspension from school.

Out-of-School Suspension - A student placed on out-of-school suspension will be prohibited from attending or participating in all classes, extracurricular activities, and school-related events, home or away, during the duration of the suspension. Students will not be allowed to complete

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make-up work due to suspension from school.

Parent - A parent is a court appointed guardian or natural father or mother of a member of the student body.

Possession of Alcohol - A student is in possession of alcohol if alcohol is on a student's person or in a location where the student would have access: lockers, desks, vehicles, if parked on school property, or concealed, in any location of school property.

Possession of Controlled Substances - A student is in possession of a controlled substance if controlled substances are on a student's person or in a location where the student would have access: lockers, desks, vehicle, if parked on school property, or concealed in any location of school property.

School Property - Any school building and adjacent areas in the Red Cloud Community School District, including all practice fields, football fields, parking lots, tracks, or service structures. Vehicle dispatched by the School District - Any vehicle assigned to transport Red Cloud Community School District students to curricular or extracurricular activities. These may include: buses, rented vehicles, or personal motor vehicles designated by the school administration for transportation of students.

School-Sanctioned Activities - All activities of the school including, but not limited to: dances, educational trips, concerts and band activities, all sports both home and away, cheerleading, clinics or workshops.

Students - A person enrolled in Red Cloud Community Schools.

Tobacco - Any product containing tobacco in any form including, but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco, and snuff.

**Responsibilities and Procedures for Reporting**

Any student in the Red Cloud Community School District who possesses or is under the influence of alcohol, tobacco, controlled substances, “look-alike" drugs, or drug paraphernalia on school sponsored programs, or when being transported on vehicles dispatched by the school shall be handled in the following manner:

School Reporting Procedures

1. School personnel who come in contact with evidence of a student possessing or being under the influence of a controlled substance are required to notify an administrator immediately.

2. School personnel who have reasonable suspicion that a student possesses or is under the

influence of alcohol, tobacco, controlled substances, “look-alike” drugs, or drug

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paraphernalia will request that the student accompany them to the principal or designated

official. If the student refuses, the staff member will immediately notify the principal or

designated official.

Administrative Responsibilities

1. A school administrator and school nurse, if possible, will make the judgment regarding the immediate medical needs of the student. If no medical attention is required the administrator may interview the student.

2. The school administrator will attempt to obtain evidence by direct request, questioning, and through search and seizure procedures as outlined in these administrative procedures.

3. Information procured will be documented and evidence will be tagged for identification and placed in a secure area.

**Illegal Drugs and Alcohol Counseling**

Parent Notification

1. The school administrator will notify the student's parents as soon as possible.

2. The parents should be informed of the nature of the student policy violation, that (in case of illegal possession of alcohol and/or controlled substances) the appropriate law enforcement authorities will be contacted, and that the parents presence is requested, if possible, while the student is being questioned by law enforcement authorities.

Law Enforcement Notification

1. In the case of illegal possession of alcohol and/or a controlled substance, the appropriate law enforcement authorities will be contacted by a school official and requested to report to the school.

2. The school administrator will turn all confiscated contraband over to the law enforcement authorities and explain the results of the student interview.

3. With the permission of the parents or the parents present and in the presence of a school administrator, the law enforcement authorities may question the student.

**Involvement of a Law Enforcement Officer**

In those situations where the administration determines that federal or state laws have been violated, appropriate law enforcement officers shall be contacted. In all cases involving the discovery of alcohol or controlled substances, law enforcement officers will be contacted. Contraband seized from students will be made available to law enforcement personnel as need dictates. School administrators will submit personnel as need dictates. School administrators will submit to the appropriate law enforcement officials a statement outlining the specifics of the involved case, when so required.

It shall be the policy of Red Cloud Community Schools District No. 2 to provide information to

all students concerning available drug and alcohol counseling, rehabilitation, and re-entry programs within fifty miles of the administrative offices of the District or, where no such

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services are found, within the State of Nebraska. Information concerning such resources shall be presented to all of the students of the District.

In the event of disciplinary proceedings against any student for any District policies pertaining to the prohibition against the unlawful possession, use, or distribution of illicit drugs and alcohol, appropriate school personnel shall confer with any such student and his or her parents or guardian concerning available drug and alcohol counseling, rehabilitation, and re-entry programs

that appropriate school personnel shall consider to be of benefit to any such student and his or her parent or parents or guardian.

**Illegal Drugs and Alcohol Standards of Conduct**

It shall be the policy of Red Cloud Community Schools District No. 2 to provide each student of the District a copy of the standards of conduct for student behavior in the District which prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the school’s activities. Such standards of conduct and the District’s policy of disciplinary sanctions that may be taken for violation of such standards of conduct shall be given to each student and his/her parent or parents or guardian prior to the commencement of each school year on a form to be developed by the administration or Board of Education.

It shall be the further policy of the District to keep a file showing receipt of standards of conduct and a statement of disciplinary sanctions that may be taken for violations of such standards of conduct. The receipt shall be issued in duplicate and shall contain in prominent letter using the following language: “THIS RECEIPT SHALL SERVE TO DEMONSTRATE THAT YOU AS PARENT OR GUARDIAN OF A STUDENT RECEIVED NOTICE OF THE STANDARDS OF CONDUCT OF THIS DISTRICT EXACTED OF STUDENTS CONCERNING THE ABSOLUTE PROHIBITION OF ILLICIT DRUGS AND ALCOHOL ON SCHOOL PREMISES OR AS A PART OF OR ANY OF THE SCHOOL’S ACTIVITIES AS DESCRIBED IN BOARD POLICY OR ADMINISTRATIVE REGULATION. THIS NOTICE IS BEING PROVIDED TO YOU PURSUANT TO P.L. 101-226 AND 34 C.F.R. PART 86, BOTH FEDERAL LEGAL REQUIREMENTS FOR THE DISTRICT TO OBTAIN ANY RECEIPT ACKNOWLEDGES THAT YOU AND YOUR CHILD OR CHILDREN WHO ARE STUDENTS ATTENDING THIS DISTRICT FULLY UNDERSTAND THE DISTRICT’S POSITION ABSOLUTELY PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL ON SCHOOL PREMISES OR AS A PART OF THE SCHOOL’S ACTIVITIES AS HEREIN ABOVE DESCRIBED AND THAT COMPLIANCE WITH THESE STANDARDS IS MANDATORY. ANY NONCOMPLIANCE WITH THESE STANDARDS CAN AND WILL RESULT IN PUNITIVE MEASURES BEING STANDARDS AGAINST ANY STUDENT FAILING TO COMPLY WITH THESE STANDARDS.”

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**Board Policy Relating to Standards of Student Conduct Pertaining to the Unlawful Possession, Use, or Distribution of Illicit Drugs or Alcohol on School Premises or as a Part of the School’s Activities**

It shall be the policy of Red Cloud Community Schools District No. 2, in addition to the standards of student conduct elsewhere adopted by board policy or administrative regulation to absolutelyprohibit the unlawful possession, use, or distribution of illicit drugs or alcohol on

school premises or as a part of any of the school’s activities. This shall include such unlawful possession, use, or distribution of illicit drugs and alcohol by any student of the District during

regular school hours or after school hours at school sponsored activities on school premises, at school sponsored activities off school premises. Conduct prohibited at places and activities as herein above described shall include, but not be limited to, the following:

1. Possession of any controlled substance, possession of which is prohibited by law.

2. Possession of any prescription drug in an unlawful fashion.

3. Possession of alcohol on school premises or as a part of any of the school’s activities.

4. Use of any illegal drug.

5. Distribution of any illegal drug.

6. Use of any drug in an unlawful fashion.

7. Distribution of any drug or controlled substance when such distribution is unlawful.

8. The possession, use, or distribution of alcohol.

It shall further be the policy of the District that violation of any of the above prohibited acts will result in disciplinary sanctions being taken within the bounds of applicable law, up to and including short term suspension, long term suspension, expulsion, referral to appropriate authorities for criminal prosecution, and completion of an appropriate rehabilitation program.

**Illegal Drugs and Alcohol, Appropriate Age**

It shall be the policy of Red Cloud Community Schools District No. 2 to provide age appropriate, developmentally based drug and alcohol education and prevention program for all students of the schools. It shall be the policy of the District to require instruction at each grade level concerning the adverse effects resulting from the use of illicit drugs and alcohol. Such instruction shall be designed by affected classroom teachers or as otherwise directed by the Board to be appropriate to the age of the student exposed to such instruction. Such instruction should be described in any curriculum guide of the District and should have as one of its primary objectives preventing the use of illicit drugs and alcohol by such students. It shall further be the policy of the District to encourage the use of outside resource personnel, and experts on the subject of drug and alcohol abuse, so that its economic, social, educational, and physiological consequences may be made known to the students of the district.

It shall further be the policy of the district through the instruction earlier herein referred to as well by information and consistent enforcement of the Board’s policy pertaining to student conduct as it relates to the use of illicit drugs and the unlawful possession and use of alcohol, that

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drug and alcohol abuse is wrong and is harmful both to the student and District, and its

educational programs.

**Activity Rules for Red Cloud School**

All Red Cloud Community School students must adhere to all school policies in order to take part in the activities program. Each participant is governed by the following rules.

Alcohol, Tobacco, Illegal Drugs:

Student use, possession, distribution, or sale of alcohol, tobacco, narcotics, other drugs, "look-

alike" drugs, steroids, or drug paraphernalia is prohibited.

Students are not permitted to smoke or drink alcoholic beverages on the school grounds. Smoking or possession of tobacco, chewing tobacco, or drinking, is just case for suspension and/or expulsion. The possession or use of drugs on school grounds or simulated intoxication as a result of drugs, are also cause for suspension and/or expulsion.

Proof of Violations:

Proof of Violations shall be defined as follows:

1. Admission of a violation to a sponsor, activity director, or Red Cloud School administrator.

2. Being observed in violation of Red Cloud activity rules by any employee of the Red Cloud School.

3. Being observed or cited by a law enforcement officer.

Penalties for Offenses:

Possession of/or under the influence of illegal Drugs and/or Alcohol on or off school grounds.

First Offense (with student self-reporting within 72 hours) -- will result in the forfeiture of participation in all activities for twenty (20) school days, but the student will be given the option of having the suspension reduced to ten (10) school days if they successfully complete an anti-smoking unit or undergo a diagnostic evaluation for substance abuse and follow those recommendations made by a certified substance abuse evaluator at the expense of the parent. Upon completion of the evaluation the student may return to competition on the tenth (10) school day following suspension from participation. The student will be required to practice during the suspension unless excused by the sponsor/coach.

First Offense (without self-reporting) -- will result in the forfeiture of participation in all activities for thirty (30) school days, without the possibility of reduction.

Second Offense -- will result in the forfeiture of all privileges of activity participation, for seventy (70) school days from the date disciplinary action was imposed for said offense.

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Third Offense -- will result in the forfeiture of all privileges of activity participation for one (1) year from the day disciplinary action was imposed for said offense.

Fourth Offense – will result in the loss of all privileges of activity participation for the remainder of the student’s high school career.

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**Searches, Seizures and Arrests**

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

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

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

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

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

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

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

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Legal Reference: Neb. Statute 79-294

New Jersey v T.L.O., 469 U.S. 325 (1985).

Cason v Cook, 810 F.2d 188 (8th Cir. 1987),

cert. den., 482 U.S. 930 (1987)

Cross Reference: 504 Student Rights and Responsibilities

505 Student Discipline

508.10 Referral of Students to Other Agencies

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**Questioning of Students by Outside Agencies**

Should law enforcement officers wish to interview any student during school hours, the school officials shall contact the student's parents before such interview shall be allowed unless they have a warrant for arrest.

Any person, other than a school employee or parent/guardian who wishes to contact a student either by telephone or in person, must first obtain permission from the building principal or other person in authority before doing so. Such permission shall not be granted unless the person making the request can present acceptable reasons for contacting the student.

Under no circumstances will permission be granted for taking a student from school unless the person making such a request can prove to the Principal or Superintendent their identity, relationship to the student, and adequate justification for the action.

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**Harassment by Students**

Harassment of students, staff or visitors by other students will not be tolerated in the school district. This policy is in effect while students are on school grounds, school district property, or on property within the jurisdiction of the school district; while on school-owned and/or school-operated transportation; while attending or engaged in school activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school district.

Harassment prohibited by the school district includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, suspension and expulsion.

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

* Submission to such conduct is made either explicitly or implicitly a term or condition of a student’s education or of an individual’s participation in school programs or activities;
* Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
* Such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, offensive or hostile learning or work environment.

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

* verbal or written harassment or abuse, or unwelcome communication implying sexual motives or intentions;
* Pressure for sexual activity; repeated remarks to a person with sexual or demeaning implications;
* unwelcome touching;
* unwelcome and offensive public sexual display of affection;
* suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one’s grades, achievements, etc.

Harassment on the basis of race, creed, color, religion, national origin, marital status or disability means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble individuals when:

* submission to such conduct is made either explicitly or implicitly a term or condition of a student’s education or of an individual’s participation in school programs or activities;
* submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or

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* such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or
* creating an intimidating, offensive or hostile learning or work environment.

Harassment as set forth above may include, but is not limited to the following:

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

The district will promptly and reasonably investigate allegations of harassment. The building principal will be responsible for handling all complaints by students alleging harassment.

Retaliation against an individual because the individual has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. A student who is found to have retaliated against an individual in violation of this policy will be subject to discipline, up to and including, suspension and expulsion.

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

Legal References: 20 U.S.C. §§ 1221-1234i (1994)

20 U.S.C. § 1681 et. seq.

29 U.S.C. § 794 (1994)

42 U.S.C. § 1983

42 U.S. C. §§ 2000d-2000d-7 (1994).

42 U.S.C. §§ 12101 et. seq. (1994).

Cross References: 404.06 Harassment

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**Student Fees**

The board realizes some activities may require additional expenditures which are properly to be borne by students as a separate charge. Such charges may be waived as specified below depending upon the student’s eligibility for the free and reduced-price lunch program. No fees, specialized or non-specialized attire, or equipment shall be required of students outside this policy. This policy does not apply to tuition payments by nonresident students.

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

1. Extracurricular activities means student activities or organizations which are supervised or administered by the school district, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the school district;

2. Postsecondary education costs means tuition and other fees associated with obtaining credit from a postsecondary educational institution.

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

1. Participation in extracurricular activities, including extracurricular music courses;

2. Admission fees and transportation charges for spectators attending extracurricular activities;

3. Postsecondary education costs, limited to tuition and fees associated with obtaining credits from the postsecondary institution;

4. Transportation fees for option students not qualifying for free lunches and nonresident students as allowed by state statute;

5. Copies of student files or records as allowed by state statute;

6. Reimbursement to the district for property lost or damaged by the student;

7. Before-and-after-school or pre kindergarten services in accordance with state statute;

8 Summer school or night school; and

9. Breakfast and lunch programs.

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

Waivers shall be provided to students who qualify for free or reduced-price lunches for fees, specialized equipment and specialized attire required for participation in extracurricular activities.

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

* Participation in extracurricular activities;
* Postsecondary education costs; and
* Summer school or night school.

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

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

1. Any non-specialized clothing required for specified courses and activities;

2. Any personal or consumable items a student will be required to furnish for specified activities; and

3. Any specialized equipment or specialized attire which a student will be required to provide for any extracurricular activity, including extracurricular music courses.

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

1. All fees to be collected within the nine numbered areas of the third paragraph of this policy;

2. Any other types of specialized equipment or attire to be provided by all students in the nine numbered areas of the third paragraph of this policy;

3. Procedures and forms for students or parents/guardians to apply for waivers under this policy.

4. Deadlines for waivers for all types of fees.

5. Procedures to avoid the direct handling of fees for students receiving postsecondary education credits.

6. Procedures for handling of fees related to summer school or night school; and

7. Attendance requirements and procedures in connection with evening, weekend or summer use of facilities related to all extracurricular activities to avoid conflict with this policy.

The maximum dollar amount of each fee must be specified as part of this policy.

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

This policy will be reviewed and re-adopted annually by August 1 at a regular or special meeting of the board. This shall include a review of the amount of money collected under this policy and the use of waivers as provided by this policy. The policy shall be published in the student handbook provided at no cost to each household.

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Legal Reference: Neb. Constitution, Art VII, Sect. 1

Neb. Statute 79-215 (tuition)

79-241 (option student busing)

79-605 (nonresident busing)

79-611 (transportation fees)

79-734 (books, equipment and supplies)

79-2,104 (student files)

79-2,125 to 2,134 (student fees law)

79-1104 (before-and-after-school services)

79-1106 to 1108 (learners with high ability)

Cross Reference: 505.05 Fines for Lost or Damaged Items

506 Student Activities

507.01 Student Records Access

801 Transportation

802.05 Free or Reduced Cost Meals Eligibility

1005.01 Public Complaints

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**Anti-Bullying Policy**

One of the missions of the District is to provide a physically safe and emotionally secure environment for students and staff,

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

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

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

Legal Reference: Laws 2008, LB 205

Student Discipline Act, Neb. Rev. Stat. §§79-254 to 79-296

NDE February 2003 State Board Action; Reaffirmed December 2005

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**Dating Violence**

Red Cloud Community Schools strives to provide a physically safe and emotionally secure environment for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Dating violence will not be tolerated.

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

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

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

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

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

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

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**Pregnant and Parenting Students**

Red Cloud Community Schools recognizes that pregnant and parenting students have the right and responsibility to attend school. This attendance right and responsibility applies to students regardless of their marital or parental status. Further, the district will educate pregnant and parenting students and will provide reasonable accommodations to support and encourage all pregnant and parenting students to obtain their high school diploma. No student will be excluded from, denied the benefit of, or discriminated against under any educational program because of pregnancy or parenting responsibilities.

Attendance and Leave of Absences

Pregnant and parenting students will be permitted to attend to their own health care, their child’s medical care, or other pregnancy- or parenting- related appointments with the benefit of having any such absences or tardiness excused. A student will be permitted to take a leave of absence for pregnancy, childbirth, and any other pre- and post-natal related medical needs, along with recovery there from for the duration that is deemed medically necessary by the student’s licensed health care provider. At the conclusion of the leave of absence, a student will be immediately enrolled in the district at the same grade and status as when the leave began. Pregnant and parenting students shall be allowed to participate in all activities including extracurricular activities throughout the student’s pregnancy and thereafter unless the district deems such participation poses a substantial risk of injury to the student or to others. A pregnant and parenting student may be asked to obtain certification from the student’s licensed healthcare provider regarding the student’s safe participation in an extracurricular activity when such certification is required of students for other conditions, which require the attention of a licensed healthcare provider.

Any absences accumulated due to pregnancy or pregnancy-related conditions, or care for an ill child, should not count towards any district policies in effect under compulsory attendance requirements. Pregnant and parenting students with excused absences or tardiness shall be treated like all other students with excused absences or tardiness for any other medical reasons.

Pregnant and parenting students will be provided with assignments, classwork and any additional support needed to ensure that the student can keep up with class requirements when absent for pregnancy or parenting-related absences.

Alternative Means to Complete Course Work

The district will provide at least one alternate method, in addition to traditional classroom instruction, to keep pregnant and parenting students in school. Such accommodation(s) may include accessing coursework online, or home-based independent study. Alternative methods of instruction or other alternative program for pregnant and parenting students are voluntary for the student who may elect whether to engage in an alternative method of instruction or the traditional methods of instruction available to their peers. Pregnant and parenting students shall be allowed to attend their regular classrooms and complete regular coursework.

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Lactation

The district will provide reasonable time and space to accommodate lactating students to express breast milk or breastfeed during the school day. Such accommodations will be in a location, other than a bathroom or closet that is private, clean, has an electrical outlet, a chair and is reasonably accessible. Students shall also be provided a food safe refrigerator to store breast milk safely.

Child Care

If in-school childcare is not provided, a list of qualified licensed childcare providers will be provided upon request to pregnant or parenting students. Such list will be updated annually and include providers that participate in the quality rating and improvement system and meet all of the quality rating criteria for at least a step­three rating pursuant to the Step Up to Quality Child Care Act. Nothing in this policy is intended to prohibit or limit any referral for a student or a student’s child to an early head start program or any other available community resources.

Privacy and Confidentiality

Pregnant and parenting students have the right to have their health and personal information kept confidential in accordance with law. School staff will make every effort to keep personal information and health records confidential and in compliance with Nebraska and federal law.

Information about students’ pregnancies and related conditions will not appear in their cumulative records and will not be used when they are being considered for educational or job opportunities, awards or scholarships.

Other Accommodations

Pregnant and parenting students may request additional reasonable accommodations to ensure continued participation and enrollment in school. Accommodation requests will be evaluated on a case-by-case basis. Such accommodations may include but are not limited to: additional frequency allowed for bathroom breaks, additional time allowed in between class periods, a larger desk or additional work space, and adjustments to requirements for physical education as needed. Students seeking additional reasonable accommodation should make such requests to the building principal.

Bullying and Harassment

Pregnant and parenting students have the same rights as other students to be free from discrimination, bullying, and harassment. Such school policies are incorporated herein and apply to all students.

Policy Dissemination

This policy will be available at the beginning of each school year on the district’s website and will be incorporated into the student handbook.

Legal Reference: Neb. Rev. Stat. §§ 79-2149 to 79-2152; 79-2,114 to 79-2,124 (Nebraska Equal Opportunity in Education Act); 20 USC §1681 (Title IX); 34 C.F.R. §106.40 (Title IX)

Cross-Reference: Non-discrimination policies

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**Detention of Students**

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

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

Cross Reference: 504.01 Student Due Process Rights

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**Suspension of Students**

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

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

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

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

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

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time delay is necessary between the time a pupil is notified of the charges and the time of the hearing before the principal.

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

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

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

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

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

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

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

20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities Educ. Act)

34 C.F.R. §§ 140.1 et seq.

34 C.F. R. §§ 300 et seq.

Cross Reference: 504.01 Student Due Process Rights

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**Expulsion of Students**

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

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

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

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

When a student is expelled, the student shall be provided with:

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

Supplemental to these procedures, a special education student must be provided with additional procedures. A determination should be made of whether the student is actually guilty of the misconduct. A staffing team should determine whether the student’s behavior is caused by the

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student’s disability and whether the conduct is the result of inappropriate placement. Discussions and conclusions of this meeting should be recorded.

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

Legal Reference: Neb. Statute 28-1204.04

79-245 et seq.

Goss v. Lopez, 419 U.S. 565 (1975)

Wood V. Strickland, 420 U.S. 308 (1975)

20 U.S.C. §§ 1400 et seq. (Individuals with Disabilities Education Act)

34 C.F.R. §§ 104.1 et seq.

34 C.F.R. §§ 300 et seq.

Cross Reference: 504 Student Rights and Responsibilities

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**Fines for Lost or Damaged Items**

The board believes students should respect school district property and assist in its preservation for future use by others. Students may be assessed fines for damage beyond normal wear to the materials needed in a course, for overdue school materials, or for misuse of school property. The charges shall not exceed the actual cost of the materials or equipment incurring damage.

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

Legal Reference: Neb. Statute 79-2,127

79-734

Cross Reference: 504 Student Rights and Responsibilities

505 Student Discipline

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**Corporal Punishment**

Corporal Punishment shall not be permitted in the Red Cloud Public Schools. However, nothing in this policy shall be construed to prohibit the use of reasonable force in accordance with Nebraska Statute Neb. Rev. Stat. § 28-1413.

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**Restraint and Seclusion**

The board prohibits the use of seclusion and restraint by school personnel except as implemented consistent with this policy. Restraint or seclusion of students will not be used solely as a disciplinary consequence or when a known medical or psychological condition makes its use inadvisable. The superintendent will ensure that district guidelines relating to restraint and seclusion are communicated to school personnel and parents/guardians at the beginning of each school year.

Except in the case of an emergency, only school personnel who have received systematic training in the use of restraint and seclusion in accordance with the district’s policy will implement physical restraint or seclusion with a student. In an emergency, a district employee may use physical restraint or seclusion as necessary to maintain order or to prevent a student from causing physical harm to self, other students, and school staff or property. School personnel will continuously monitor a student’s status during any physical restraint or seclusion.

1. Physical Restraint

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student’s body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

(a) as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;

(b) as reasonably needed to maintain order or to prevent or break up a fight;

(c) as reasonably needed for self-defense;

(d) as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;

(e) as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;

(f) as reasonably needed to escort a student safely from one area to another;

(g) if used as provided for in an IEP, Section 504, or behavior intervention plan; or

(h) as reasonably needed to prevent imminent destruction to school or another person’s property.

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2. Mechanical Restraint

Mechanical restraint means the use of any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove. Mechanical restraint includes the tying down, taping, or strapping down of a student.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

(a) when properly used as an assistive technology device included in the student’s IEP, Section 504, or behavior intervention plan or as otherwise prescribed by a medical or related service provider;

(b) when using seat belts or other safety restraints to secure students during transportation;

(c) as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;

(d) as reasonably needed for self-defense;

(e) as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

3. Seclusion

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving; or (b) incapable of leaving due to physical or intellectual capacity. Seclusion is different than in-school suspension in which other students or adults may be present but in which students are not physically prevented from leaving.

Seclusion of a student by school personnel may be used in the following circumstances:

(a) as reasonably needed to respond to a person in control of a weapon or other dangerous object;

(b) as reasonably needed to maintain order or prevent or break up a fight;

(c) as reasonably needed for self-defense;

(d) as reasonably needed when a student’s behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person’s property; or

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(e) when used as specified in the student's IEP, Section 504, or behavior intervention plan; and

1. the student is constantly monitored by an adult in close proximity who is able to see and hear the student at all times;

2. the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student’s IEP, Section 504, or behavior intervention plan;

3. the confining space has been approved for such use by the local education agency;

4. the space is appropriately lighted, ventilated, and heated or cooled; and

5. the space is free from objects that unreasonably expose the student or others to harm.

4. Isolation

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving. Isolation is different than seclusion.

Isolation is permitted as a behavior management technique provided that:

(a) the isolation space is appropriately lighted, ventilated and heated or cooled;

(b) the duration of the isolation is reasonable in light of the purpose for the isolation;

(c) the student is reasonably monitored; and

(d) the isolation space is free from objects that unreasonably expose the student or others to harm.

5. Time-Out

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

6. Notice, Reporting and Documentation

(a) A district Restraint or Seclusion Report must be completed for each incident of restraint or seclusion other than normal use of mechanical restraint for transportation safety. Each record shall include:

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* Name of the student
* Name of the staff member(s) administering the physical restraint or seclusion;
* Date of the incident and the time the restraint of seclusion began and ended;
* Location of the restraint or seclusion;
* A description of the restraint or seclusion;
* A description of the student’s activity immediately preceding the behavior that prompted the use of restraint or seclusion
* A description of the behavior that prompted the use of restraint or seclusion;
* Efforts to de-escalate the situation and alternatives to restraint or seclusion that were attempted; and
* Information documenting parent contact and notification

(b) Notice to Administrators

The principal or designee shall be notified of the incident as soon as possible, but no later than the end of the same school day.

(c) Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed above, he or she shall promptly notify the student’s parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

(d) Written Report to Parents

Within a reasonable period of time not to exceed 30 days after the incident, the principal or designee shall also provide the parent or guardian with a written incident report. This report must include the following:

1. the date, time of day, location, duration, and description of the incident and interventions;

2. the events or events that led up to the incident;

3. the nature and extent of any injury to the student; and

4. the name of a school employee the parent or guardian can contact regarding the incident.

Cross Reference: 404.03 Abuse of students by School District Employees

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**Student Activity Eligibility**

In order to be eligible for inter-school activities a student must not be failing more than one class.

Students must also meet the requirements of the Nebraska School Activities Association.

Administrative regulations:

Any student in grades 7-12 failing more than one class for the week will be placed on probation the next week. He/She will be eligible to participate in extracurricular activities. However, if at the end of the probationary week the student is still failing more than one class he/she will then be ineligible for the upcoming week. For example: a weekly “grade report” is turned in on Friday, September 3 at which time a student is failing more than one class. During the week of September 6-10 the student will be placed on probation but will be eligible for extra-curricular activities. However, on September 10 the new “grade report” still lists the student failing more than one class; the student is then ineligible for the week of September 13-17.

Pupils in kindergarten through sixth grade do not participate in any kinds of athletic contests between schools within a school system or between school systems except that sixth grade boys or girls may participate when the combined enrollment for seventh and eighth grade becomes fewer than 12 boys or 12 girls and if the school board approves the participation for sixth graders prior to each athletic season. Annual field or play days are excluded from this regulation.

 When sixth grade students are allowed to participate in athletic contests between schools, all eligibility rules found in board policies and the student handbook apply to them as well.

THE STUDENT SHALL BE REQUIRED TO PRACTICE EXCEPT DURING EXPULSION OR SUSPENSION

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**Student Organizations**

The Red Cloud Board of Education recognizes that student organizations, which are organized for the purpose of furthering leadership and offering participatory opportunities for students, supplement and complement the regular school curricula.

The Board does not authorize or allow student organizations which are:

(1) sectarian

(2) partisan

(3) or denominated nature

In addition, state statute (79-4125) identifies the fact that it is unlawful for students to organize a secret fraternity or a secret organization.

In accordance with federal legislation related to limited open forums, non-curriculum related student groups may meet with the written permission of the principal or the principal's designee, subject to the following:\*

a. The meeting will be held during non-instructional time.

b. Facilities are available to accommodate the meeting without interfering with other school activities.

c. The meeting is voluntary and student-initiated.

d. There is no sponsorship of the meeting by the school district or its employees or by any other governmental body or its employees.

e. Employees of the school district shall be present only in a non-participating capacity.

f. The meeting will not materially and substantially interfere with the orderly conduct of educational activities within the school.

g. Persons who are not regularly enrolled students or employees of the District in the Red Cloud Schools will not direct, conduct, control or regularly attend meetings held on the school premises.

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\*For purposes of this Policy:

1. "Limited Open Forum" means: The opportunity, in Junior and Senior High School, for non-curriculum related student groups to meet on school premises during the school day.

2. "Curriculum Related Student Groups" means: Any group sponsored by the District or by the

individual school or to which the Principal assigns a staff member as sponsor on either a pay or non-pay basis. A Curriculum Related Student Group shall not include any student group which has a religious or political affiliation or purpose.

3. "Non-Curriculum Related Student Groups" shall mean: Any student group which is not a curriculum related student group.

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**Student FundRaising**

Money raising activities, unless instituted by the board, must have the sanction of the administration each time.

Money raising activities during school hours are discouraged. If approved, the reason for such an activity should have a clearly related educational purpose.

No outside organizations will be in competition with school organizations for the opportunity to have fundraisers at the Red Cloud Jr.-Sr. School events.

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**Student Activities Funds**

Purchases made by classes or other organizations must have the approval of the sponsor prior to the approval of the principal.

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**Student Physicals for Athletics**

Students taking part in competitive athletics shall be required to undergo an annual physical examination. Said students shall not be allowed to practice or participate in any contests until record of this examination and the doctor’s approval is on file in the principal’s office.

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**Concussions**

1. Training.

The Superintendent or designee shall make available training approved by the chief medical officer of the State on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches of school athletic teams.

2. Education.

The Superintendent or designee shall require that concussion and brain injury information

be provided on an annual basis to students and the students’ parents or guardians prior to

such students initiating practice or competition. The information provided to students and

the students’ parents or guardians shall include, but need not be limited to:

1. the signs and symptoms of a concussion;
2. the risks posed by sustaining a concussion; and
3. the actions a student should take in response to sustaining a concussion, including the notification of his or her coaches.

3. Response to Concussions.

1. Removal. A student who participates on a school athletic team shall be removed from a practice or game when he or she is reasonably suspected of having sustained a concussion or brain injury in such practice or game after observation by a coach or a licensed healthcare professional who is professionally affiliated with or contracted by the school.
2. Return-to-Play. A student who has been removed from a practice or game as a result of being reasonably suspected of having sustained a concussion or brain injury student shall not be permitted to participate in any school supervised team athletic activities involving physical exertion, including, but not limited to, practices or games, until the student: (i) has been evaluated by a licensed healthcare professional, (ii) has received written and signed clearance to resume participation in athletic activities from the licensed healthcare professional, (iii) has submitted the written and signed clearance to resume participation in athletic activities to the school accompanied by written permission to resume participation from the student’s parent or guardian, (iv) the student passes a current ImPACT test, (v) and the coach deems the student is fit for participation.

The coach or administration may require that the student’s return to full activities be on a

stepwise progression back to full participation, or otherwise establish

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conditions for return to participation that are more restrictive than those defined by the

licensed health care professional if the coach or an administrator reasonably deems such

to be appropriate.

The signature of an individual who represents that he or she is a licensed healthcare professional on a written clearance to resume participation that is provided to the school shall be deemed to be conclusive and reliable evidence that the individual who signed the clearance is a licensed healthcare professional. The school is not required to determine or verify the individual’s qualifications.

4. Parent Notification.

If a student is reasonably suspected after observation of

having sustained a concussion or brain injury and is removed from an athletic

activity per the preceding paragraph, the parent or guardian of the student shall be

notified by the Superintendent or designee of the date and approximate time of the

injury suffered by the student, the signs and symptoms of a concussion or brain

injury that were observed, and any actions taken to treat the student. Such

notification shall be made by the school to the parent or guardian in accordance

with Nebraska School Activity Association Guidelines.

5. Responsibility of Coaches.

Coaches shall comply with this policy and apply their safety and injury prevention

training. A coach who fails to do is subject to disciplinary action, including but not limited to termination of employment.

6. Students and Parents.

It is recognized that coaches cannot be aware of every incident in which a student has symptoms of a possible concussion or brain injury. As such, students and their parents have a responsibility to honestly report symptoms of a possible concussion or brain injury to the student’s coaches on a timely basis.

7. Effective Date.

This policy becomes operative on July 1, 2012. The administration may, but shall not be required to implement provisions of this policy prior to such date as it determines appropriate.

Legal Reference: Laws 2011, LB 260

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**Student Records**

School staff shall maintain student records in compliance with state and federal law.

**Confidentiality of Student Records**

Student files and other education records shall not be released or divulged except in compliance with state and federal law.

School Officials may have access to only those education records in which they have a legitimate educational interest, unless the parent has given written and dated consent for the access. A school official who violates this restriction shall be subject to disciplinary action up to and including termination.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility and effectively provide the function or service for which they are responsible.

A school official for purposes of access to education records is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee or assisting another school official in performing his or her tasks.

To the extent permitted by law, contractors, consultants and volunteers may be permitted to have access to education records where they are performing a function or service that would otherwise be done by a school employee. Their access is limited to education records in which they have a legitimate educational interest; which means records needed to effectively provide the function or service for which they are responsible.

**Student and Parent Access to Student Records**

A parent or guardian of a student or former student, and a student or former student who is eighteen (18) years of age or older, shall be given the opportunity upon request to inspect and review the education records of the student or former student. Non-custodial parents will be provided full and equal access to the education records of his or her child unless there is a court order to the contrary.

**Maintenance and Destruction**

Student files or records shall be maintained so as to separate academic and disciplinary matters. All disciplinary material in a student’s file shall be removed and destroyed after the student’s continuous absence from the school for a period of three (3) years.

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**Amendment of Student Records**

Parents and eligible students (a student who has reached 18 years of age or is attending an institution of postsecondary education) have the right to challenge any information contained in the records that they believe is inaccurate, misleading or violates the privacy rights of the student. Such a challenge may be made by making a written request to the Principal to amend the records. If a decision is made not to amend the education records in accordance with the request, the Principal shall inform the parents of the student and the Superintendent. The parent shall be advised of the right to a hearing.

If a hearing is requested, the Superintendent shall conduct a hearing (or delegate the role to another school official who does not have a direct interest in the outcome of the hearing) and provide the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in conformance with applicable law.

Legal Reference: Neb. Rev. Stat. §§42-364(4) & 42-381; Neb. Rev. Stat. §43-3001

Neb. Rev. Stat. §§79-2,104 & 79-2,105; Neb. Rev. Stat. §79-539

Neb. Rev. Stat. §§84-1201 to 84-1220

Family Educational Rights and Privacy Act of 1974

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**Notification of Rights Under FERPA**

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

1. **The right to inspect and review the student’s education records within 45 days of the day the district receives a request for access.** Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. **The right to request the amendment of the student’s education records that the parent or eligible student believes are inaccurate or misleading.** Parents or eligible students may ask the school district to amend a record that they believe is inaccurate or misleading. They should write to the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the district decides not to amend the record as requested by the parent or eligible student, the district will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. **The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.** One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the district as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the school board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility and effectively provide the function or service for which they are responsible.

Contractors, consultants and volunteers are permitted to have access to education records where they are performing a function or service that would otherwise be done by a school employee. Their access is limited to education records in which they have a legitimate educational interest; which means records needed to effectively provide the function or service for which they are responsible.

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The District forwards education records (may include academic, health and discipline records) to schools that have requested the records and in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer.

4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with the requirements of FERPA.** The name and address of the office that administers FERPA is: Family Policy Compliance Office; U. S. Department of Education; 400 Maryland Avenue, S.W.; Washington, D.C. 20202-4605.

**Notice Concerning Directory Information**

The District may disclose directory information. The types of personally identifiable information that the district has designated as directory information are as follows: student’s name, address, telephone listing, electronic mail address, photograph, date of and place of birth, major fields of study, dates of attendance, grade level, enrollment status (e.g., full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and most recent previous school attended. A parent or eligible student has the right to refuse to let the District designate any or all of those types of information about the student as directory information. The period of time within which a parent or eligible student has to notify the District in writing that he or she does not want any or all of those types of information about the student designated as directory information is as follows: two weeks from the time this information is first received. The district may disclose information about former students without meeting the conditions in this section.

**Additional Notice Concerning Directory Information**

The district’s policy is for education records to be kept confidential except as permitted by the FERPA law, and the district does not approve any practice which involves an unauthorized disclosure of education records. In some courses student work may be displayed or made available to others. Also, some teachers may have persons other than the teacher or school staff, such as volunteers or fellow students, assist with the task of grading student work and returning graded work to students. The District designates such student work as directory information and as non-educational records. Each parent and eligible student giving notification to the District in writing in the manner set forth above pertaining to the designation of directory information. Consent will be presumed to have been given in the absence of such a notification form the parent or eligible student.

**Notice Concerning Designation of Law Enforcement Unit**

The District designates the Red Cloud Police Department as the District’s “law enforcement unit” for purposes of (1) enforcing any and all federal, state or local law, (2) maintaining the physical security and safety of the schools in the District, and (3) maintaining safe and drug free schools.

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**Student Directory Information**

School personnel shall not provide lists of names of graduating seniors, or school students, or school personnel to any agencies outside the school.

The Administration may provide a list to non-profit institutions of higher learning.

Pupil records, grades, test results, ratings, etc. will be forwarded to schools, colleges, universities, scholarship agencies and/or other party, as per state and federal law.

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**Student Health and Immunization Checkups**

Physical examinations & immunizations

Students enrolling in kindergarten (or the beginning grade), students entering the seventh grade or students transferring to any grade in the district from out of state shall have a physical examination by a licensed physician within six months prior to entrance and provide proof of such an examination to the school district.

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

Students enrolling in the school district shall also submit proof of immunization against measles, mumps, rubella, poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and chicken pox (varicella) as required by law. The student may be admitted conditionally to the attendance center if the student has not yet completed the immunization process but is in the process of doing so. Failure to meet the immunization requirement will be grounds for suspension, expulsion or denial of admission.

The superintendent shall annually file a report on behalf of the board by November 15 to the Department of Health and Human Services summarizing the immunization status of the district’s students as required.

Visual evaluation

Students enrolling in kindergarten (or the beginning grade) or students transferring to any grade in the district from out of state shall also have a visual examination, including tests for amblyopia, strabismus, and internal and external eye health, and visual acuity. The visual evaluation must be completed within six months prior to entrance and proof of such evaluation shall be provided to the school district.

A certificate of health, or other form, stating the results of the visual evaluation and signed by a physician, optometrist, physician assistant, or advanced practice registered nurse shall be on file at the attendance center.

Notifications to parents

The student’s parent or guardian shall be notified in writing of their right to submit a written statement refusing such physical or visual examinations or immunizations for the student and

shall be provided with a telephone number or other contact information to assist the parent or

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guardian in receiving information regarding free or reduced-cost visual evaluations for low-income families who qualify.

Parents will be promptly notified of any condition requiring professional attention.

Other health inspections

During the first quarter of each school year the district will provide for inspections of all students for defective sight and hearing, dental defects and any other conditions as specified by the Department of Health and Human Services. Parents will be promptly notified of any condition requiring professional attention.

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

Legal Reference: Neb. Statute 79-214

79-217 to 223

79-248 et seq.

Title 173 NAC 3

Cross Reference: 402.02 Child Abuse Reporting

503 Student Attendance

506.10 Student Physicals for Athletics

508 Student Health and Well-/Being

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**Administration of Medications to Students**

Students may be required to take medication during the school day. The district shall establish procedures which may allow students to self-administer medications for diabetes and asthma/anaphylaxis. Other medications shall be administered by the school nurse, a registered Medication Aide, or other school staff member meeting the minimum competency standards for the Medication Aide Act.

Self-Management of Diabetes and Asthma/Anaphylaxis

Upon completion of required procedures, the district and parent or guardian, in consultation with the student’s physician, will develop diabetes or asthma/anaphylaxis medical management plan for the current school year. The plan shall:

(1) Identify the health care services the student may receive at the school relating to the condition;

(2) Evaluate the student’s understanding of and ability to self-manage his/her condition;

(3) Permit regular monitoring of the student’s self-management of his/her condition; an appropriately credentialed health care professional; and

(4) Be signed by the student’s parent or guardian and the physician responsible for treatment of the student’s condition.

**For asthma/anaphylaxis the plan will also:**

(1) Include the name, purpose, and dosage of the prescription medication prescribed for such student; and

(2) Include procedures for storage and access to backup supplies of such prescription medication.

**The parent or guardian shall sign a statement that:**

(1) The district and its employees and agents are not liable for any injury or death arising from a student’s self-management of his/her condition; and

(2) Shall indemnify and hold harmless the district and its employees and agents against a claim arising from a student’s self-management of his/her condition.

(3) Any injury to others as a result of the student’s self-medication shall be the parents’ responsibility.

The student shall promptly notify the person designated in the student’s self-management plan when the student has self-medicated.

The superintendent shall develop all necessary procedures and forms to implement the self-management plans and student disciplinary procedures regarding the misuse or threatened misuse of medications and supplies. The school will promptly notify the parent/guardian of such disciplinary action.

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Medication for Conditions other than Diabetes or Asthma/Anaphylaxis

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

Written authorization will also be secured when the parent requests student co-administration of medication for other than diabetes or asthma/anaphylaxis when competency is demonstrated. When administration of the medication requires ongoing professional health judgment, an individual health plan will be developed by the licensed health personnel with the student and the student’s parents.

A written record of the administration of medication procedure must be kept for each child receiving any medication including the date; student’s name; prescriber or person authorizing the administration; the medication and its dosage; the name, signature and title of the person administering the medication; and the time and method of administration and any unusual circumstances, actions or omissions. Administration of medication records shall be kept confidential.

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

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

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

Legal Reference: 34 C.R.F. §99.1 to 99.67 (1994)

Neb. Statute 71-6718 (Medication Aide Act)

79-249

173 N.A.C. ch.3, sect. 001-009.04

Cross Reference: 507 Student Records

508 Student Health and Well-Being

604.03 Special Education

608.02 Student Health Services

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**Communicable or Infectious Disease**

The Board of Education of Red Cloud Community Schools will follow, as closely as possible, the recommended guidelines of the National Center for Disease Control in making decisions concerning illness and disease.

The information and administrative guidelines below will be procedures used in handling the serious illness or disease by the school.

Information and Procedure on Serious Illness and Disease such as Acquired Immunity Deficiency Syndrome (AIDS)

1. The information and procedures to be followed in dealing with alleged AIDS cases are basically those recommended by the National Educational Association. They were developed and compiled by the Centers for Disease Control (CDC) in consultation with representatives of the following groups or persons: Conference of State and Territorial Epidemiologists, Association of State and Territorial Health Officers, National Association of County Health Officers, Division of Maternal and Child Health (Health Resources and Services Administration), National Association of Elementary School Principals, National Association of State School Nurse consultants, National Congress of Parents and Teachers, Children's Aid Society, Mother of an AIDS child, legal advisor to a state education department, and several pediatricians, expert in pediatric AIDS.

2. These guidelines are complementary and supplementary to policies and rules relating to (1) health assessments and immunizations.

3. CDC reports that none of the identified cases of AIDS infection in the United States are

known to have been transmitted in any school, day-care, or foster-care setting (on toilet

seats, water coolers, or through the aid) or through casual person-to-person contact.

4. The statement says that the majority of infected children contracted the disease from their

infected mothers in the prenatal period. Another 20% of infected children acquired the

disease through blood transfusions.

5. None of the family members (other than the sexual partners) of over 12,000 AIDS patients

reported to CDC have been reported to have AIDS.

6. Casual person-to-person contact as would occur between school children appears to present no risk. Therefore, they discourage the practice of mandatory screening as a condition for

school entry.

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7. However, a "theoretical potential" for transmission exists through contact between younger

children and neurologically handicapped children who lack control of their body secretions.

CDC says that any theoretical transmission would most likely involve "exposure of open skin

lesions or mucous membranes to blood" and possible other body fluids of an infected

person.

**Guidelines** : The school establishes these guidelines for dealing with the problems presented by students and school employees who have or could transmit Aids to other students or school employees. The guidelines are to be reviewed periodically, and revised as necessary to reflect new medical information regarding AIDS.

On the basis of present knowledge of the symptoms of AIDS:

1. (a) Infected neurologically handicapped student who lacks control of their bodily

secretions, or who display behavior such as biting, vomiting, etc. (note 1), and infected

students who have un-coverable oozing lesions, should not be permitted to attend

classes or participate in school activities with other students.

(b) The determination of whether an infected student who is not excluded pursuant Section

1

(a) above shall be permitted to attend or participate in school activities with other students shall be made on a case-by-case basis by a team composed of public health

personnel the student’s physician, the student's parents or guardian, and appropriate

school personnel, which shall include the infected student's primary teacher(s). In making this determination, the team shall consider:

(1) the behavior, neurological development,

and physical condition of the student: (2) the expected type of interaction with others in

the school setting; and (3) the impact on both the infected student and others in that

setting.

(c) The determination of whether an infected school employee should be permitted to remain

employed in a capacity that involves contact with students or other employees shall be

made on a case-by-case basis by a team composed of public health personnel, the

employee's physical, the employee and/or his/her representative, and appropriate

personnel. In making this determination, the team shall consider (1) the physical

condition of the employee; (2) the expected type of interaction with others in the system;

and (3) the impact on both the infected employee and others in that setting.

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2. (a) if a school district has reasonable cause to believe that a student or employee is an

infected individual (note 2), the employer may require said individual to submit to an

appropriate medical evaluation.

(b) The sexual orientation of a student or employee shall not constitute reasonable cause to

believe that he/she is an infected individual. No student, employee or potential unit employee shall be required to provide information as to his/her sexual orientation.

3. (a) If an infected student in grades K through 12 is not permitted to attend classes or

participate in school activities with other students, the district shall make very reasonable effort to provide said student with an adequate alternative education. To

the extent that this requires personal contact between the student and employees,

only those employees who volunteer shall be utilized.

(b) If the employment of an infected employee is discontinued, said employee shall be

entitled to use any available medical leave and receive any available medical disability

benefits (note 2).

4. An employee shall not be required to teach or provide other personal contact to

an infected student, or to work with an infected employee, unless a determination has

been made pursuant to Section I above, to permit said individual to remain in the

school setting.

**Note 1**: This refers to infected students who suffer from a disorder of the nervous system that is the cause of the indicated symptoms. For information, see the federal Centers for Disease Control recommendations regarding education for children with AIDS.

**Note 2**: "Reasonable cause" would exist, for example, if the spouse of a district employee has AIDS , or if an employee recently has given birth to a child who has AIDS.

**Recommendations** : These recommendations apply to all children known to be infected with human T-CELL leukemia virus type III/lymphadenopathy associated virus (HTLV-III/LAV) including children:

(1) with AIDS as defined for reporting purposes;

(2) diagnosed as having an illness due to infection with HTLV-III/LAV but who do not meet case definition (eg., generalized lymphadenopathy, or splenomegaly) which has been called AIDS Related Complex (ARC); and

(3) who are symptomatic but have virologic or serologic evidence of infection with HTLV-III/LAV.

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1. Most school-age children and adolescents infected with HTLV-III should be allowed to

attend school in an unrestricted manner with the approval of the student's physician. HTLV- III infection, in these recommendations, includes cases of AIDS, ARC and seropositivity since the potential for transmission of the virus is present in any of these three clinical

conditions. Based on present data, the benefits of unrestricted school attendance of these students outweigh the possibility that they will transmit the infection in the school environment.

2. Some infected students may pose a greater risk to others in school. Students who lack

control of their body secretions, who display behavior such as biting, or have open skin

sores which cannot be covered, require a more restricted school environment until more is

known about the transmission of the virus under these conditions. Special education

should be provided in these instances as required by P.L. 94-142.

3. The school should identify individuals, including the student's physician, who have the

qualifications to evaluate whether an infected student poses a risk to others. Evaluations

to assess the need for alternatives to continuing in school should be performed regularly.

Hygienic practices of an infected student may improve with maturation or deteriorate if the

condition worsens. If it is determined that a risk exists, the student shall be removed from

the classroom, and an appropriate alternative education program be established until a

subsequent review determines that the risk has abated. A plan for periodic review should

be established at the time a decision has been made to exclude a child.

4. The number of personnel aware of the child's condition should be kept to the minimum

needed to assure proper care of the child and to detect situations where the potential for

transmission may increase. It is essential that persons involved in the care and education

of an infected student respect the student's right to privacy. Confidential records should

be maintained.

5. Students infected with HTLV-III may develop immunodeficiency, which places them at

increased risk of experiencing severe complications from infections such as chickenpox,

tuberculosis, measles, cytomegalovirus, and herpes simplex. Known infected students will

be excused from regulations which mandate these vaccines as a condition for school

attendance. The student's physician should regularly assess the risk of an unrestricted

environment on the health of the HTLV-III infected student.

6. All schools will adopt routine procedures for handling blood or body fluids, including

sanitary napkins, regardless whether students with HTLV-III infection are known to be in

attendance. Unit health care workers, teachers, administrators, and other employees will be

educated about those procedures which have been established by local codes. For

example, soiled surfaces should be promptly cleaned with disinfectants, such as household

bleach, diluted one (1) part bleach to ten (10) parts water. Persons involved in such

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cleaning should avoid exposure to open skin lesions or mucous membranes to blood or

body fluids. complete sanitation procedures are on file in the unit office.

7. Screening for HTLV-III of all children will not be undertaken. Screening of normal blood donors have had a very small yield of positives. Screening of school children would have an even lower yield, since it would exclude individuals who might be motivated to donate

blood and who might also be in a high risk group (e.g., intravenous drug abusers). The low

yield would not make this cost effective.

**Verification**: Verification of AIDS, AIDS Related Complex (ARC) or Human Immunodeficiency Virus (HIV) infection:

It is important to know what stage of HIV infection has come to your attention. Regardless, the current body of scientific evidence indicates that HIV is not transmitted by casual contact. To verify and differentiate between the different consequences of infection with the AIDS virus (HIV, ARC -AIDS Related Complex, and AIDS) the school district should contact the local health department for assistance. Local public health or the State Health Department can assist with criteria for diagnosis. For your information, the following explanations of HIV infection, ARC, and AIDS are provided.

**HIV-Infected** : Human Immunodeficiency Virus (HIV) is the virus that causes AIDS. The virus is also known as Human T Cell Lymphadenopathy Virus (HTLV-III), Lymphadenopathy

Associated Virus (LAV) and AIDS Related Virus (ARV). Two blood tests, ELISHA and the

confirmatory Western Blot, determine the presence of antibodies to the virus (HIV) associated

with AIDS. If both are positive, the individual has been exposed to the HIV at some time and is considered to be infected with HIV. Infection with this virus does not mean a person has AIDS or will develop AIDS. It is common for individuals infected with HIV to be completely asymptomatic. No legal report is required.

**ARC-AIDS Related Complex** : A condition caused by the HIV virus but not meeting all the diagnostic criteria for AIDS. It is estimated that 20 to 40% of individuals will eventually develop AIDS. NO legal report is required.

It is important to achieve the physician's and family's cooperation should the school district learn of a student or employee with HIV infection or ARC. HIV infection and ARC are not conditions that are reportable to public health officials, but they should be in a position to assist the school in determining the appropriate response to these situations should they occur.

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**AIDS - Acquired Immune Deficiency Syndrome** : The syndrome resulting from infection with the Human Immuno-deficiency Virus (HIV). A person diagnosed with AIDS has a suppressed immune system, leaving the individual with or vulnerable to specific kinds of infections and tumors that characterize AIDS. Individuals infected with AIDS meet a rigid set of criteria established by the Centers for Disease Control. AIDS is a reportable disease in Nebraska.

**Handling Body Fluids in the School** : The body fluids of all persons should be considered to contain potentially infectious agents (germs). The term "body fluids" includes; blood, semen, drainage from scrapes and cuts, feces, urine, vomit, respiratory secretions (e.g., nasal discharge) and saliva

A. Use Disposable Gloves: When possible, direct skin contact with body fluids should be

avoided. Disposable gloves will be available to all staff. Gloves are recommended when direct hand contact with body fluids is anticipated (e.g., treating bloody noses, handling clothes soiled by incontinence, cleaning small spills by hand). If extensive contact is made with fluids, hands should be washed afterwards. Gloves for this purpose should be put in a plastic bag or lined trash can, secured, and disposed of daily.

B. Unanticipated Skin Contact: In many instances, unanticipated skin contact with body fluids may occur in situations where gloves may not be immediately available (e.g., when wiping a runny rose, applying pressure to a bleeding injury outside the classroom, helping a child in the bathroom). In these instances hands and other affected skin areas of all exposed persons should be routinely washed with soap and water after direct contact is ceased.

C. Handling Clothing and Non-disposable Items: Clothing and other non-disposable items (e.g., towels used to clean up body fluid) that are soaked through with body fluids should be placed in plastic bags. If presoaking is required to remove stains, (e.g., blood, feces), use gloves to rinse or soak the cold water prior to bagging. Clothing should be sent home with appropriate laundry instructions to parents and/or teachers (below). Contaminated disposable items (e.g., tissues, paper, diapers) should be put in a plastic bag or lined trash can, and disposed of daily.

D. Removing Spilled Body Fluids From the Environment: Place solid materials in a plastic bag, secure, and dispose of immediately. Disposable gloves should be worn when using these agents. The dry material is applied to the area, left for a few minutes to absorb the fluid, and then swept up. The sweepings should be disposed of in a plastic bag. Broom and dustpan should be rinsed in a disinfectant.

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E. Disinfectants: An intermediate level disinfectant should be used to clean surfaces contaminated with body fluids. Such disinfectants will kill vegetative bacteria, fungi, tubercle bacillus and viruses. The disinfectant should be registered by the U.S. Environmental Protection Agency (for use as a disinfectant in medical facilities and hospitals. The disinfectant should be used in accordance with manufacturer's directions for disinfecting.

Hypochlorite solution (bleach, such as Clorox\*) is preferred for objects that may be put in the mouth.

F. Disinfection of Hard Surfaces and Care of Equipment: Disposable gloves should be worn. After removing the soil, a disinfectant is applied. Mops should be soaked in disinfectant after use and rinsed thoroughly or washed in hot water cycle before rinse. Disposable cleaning equipment and water should be placed in a toilet or plastic bag as appropriate. Non-disposable cleaning equipment (dust pans, buckets) should be thoroughly rinsed in the disinfectant The disinfectant solution should be promptly disposed of down a drain pipe. Remove gloves and discard in appropriate receptacles.

G. Disinfection of Rugs: Disposable gloves should be worn. Apply sanitary absorbent agent and let dry. Remove with dustpan and broom, then apply disinfectant with a sprayer and allow to dry. Rinse dustpan and broom in disinfectant. Dispose of non-reusable cleaning equipment and gloves as noted above. Vacuum if necessary after disinfectant is dry.

H. Laundry Instructions for Clothing Soiled with Body Fluids: The most important factor in laundering clothing contaminated in the school setting is the elimination of potentially infectious agents by soap and water. Addition of bleach will further reduce the number of potentially infectious agents. Clothing soaked with body fluids should be washed separately from other items. Presoaking may be required by heavily soiled clothing. Otherwise, wash and dry as usual. If the material is bleachable, add 1/2 cup household bleach (Clorox\*) to the wash cycle. If material is not colorfast add 1/2 cup non-clorox bleach (e.g., Clorox II\*, Borateem\*) to the wash cycle.

\*Brand names used only for examples and should not be considered an endorsement of a specific product.

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**Student Illness or Injury at School**

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

The school district, while not responsible for medical treatment of an ill or injured student, will have employees present administer emergency or minor first aid if possible. An ill or injured child will be turned over to the care of the parents or qualified medical employees as quickly as possible.

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

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

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

Cross Reference: 508 Student Health and Well-Being

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**Student Insurance**

A student participating in competitive athletics is required to have an emergency release form on file in the school office. This form shall be signed by the parent/guardian. A place should be made available on the form to list the name of the insurance company that covers the student. The form should also state that students are not covered for accidents or injuries under the Red Cloud Community Schools policy. The school will not be liable for the treatment or ambulance transportation for injuries.

A student and their parent/s will be provided an option with purchasing accident insurance through a local insurance agent.

Parents are given the option of not buying health insurance to cover their son/daughter.

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**Custody and Parental Rights**

Students being released before the end of the school day will only be released to immediate family members or individuals authorized by parents or legal guardians, and identification is required when an adult picking up the student is unfamiliar to staff or volunteers.

Disagreements between family members are not the responsibility of the school district. The school district will not take the “side” of one family member over another in a disagreement about custody or parental rights. Court orders that have been issued shall be followed by the school district. It shall be the responsibility of the person requesting an action by the school district to inform and provide the school district the court order allowing such action.

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

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

Legal Reference: 34 C.F.R. §99.4 (1995)

Neb. Statute 42-364

42-381

43-2,902

Cross Reference: 507 Student Records

508 Student Health and Well Being

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**Drug and Alcohol Education**

It shall be the policy of the Red Cloud Community Schools, District No. 2 to provide an age appropriate, developmentally, based drug and alcohol education and prevention program for all students of the schools. It shall be the policy of the District to require instruction at each grade level concerning the adverse effects resulting from the use of illicit drugs and alcohol. Such instruction shall be designed by affected classroom teachers or as otherwise directed by the board to be appropriate to the age of the student exposed to such instruction. Such instruction should be described in any curriculum guides of the District and should have as one of its primary objectives preventing the use of illicit drugs and alcohol by such students. It shall further be the policy of the District to encourage the use of outside resource personnel such as law enforcement officers, medical personnel, and experts on the subject of drug and alcohol abuse, so that its economic, social, educational, and physiological consequences may be made known to the students of the district.

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**Asthma and Allergic Reaction Protocol**

The district will adopt and implement the Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocol as required by the Nebraska Department of Education.

The superintendent, in conjunction with licensed health personnel, shall establish administrative regulations for the implementation of this policy during regular hours while school classes are in session. The regulations established shall comply with NDE rules regarding the protocol to follow in case of a life-threatening asthma or systemic allergic reaction and use of an EpiPen and albuterol. Also, these shall ensure that each school building will procure and maintain the equipment and medications necessary under the protocol in the case of any student or school staff emergency. Staff training in using the protocol shall occur periodically. Records of such training and occurrences of administering medication under the protocol shall be maintained.

The parent or guardian of a student of minority age may sign a waiver requesting that their student not receive emergency treatment under this protocol. Information about the waiver shall be provided to parents in the student handbook.

Legal Reference: NDE Rule 59.006

Cross Reference: 508.02 Administration of Medication to Students

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Students

**School Wellness Policy**

A mission of Red Cloud Community Schools Public Schools (“District”) is to provide curriculum, instruction, and experiences in a health-promoting school environment to instill habits of lifelong learning and health. Therefore, the Board adopts the following School Wellness Policy.

**1.** **District Wellness Committee**

**Committee Role and Membership**

The District will convene a representative District Wellness Committee (“DWC”) or work within an existing school health committee that meets at least four times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation and periodic review and update of this District wellness policy.

The DWC membership will represent all school levels and include (to the extent possible), but not be limited to: parents and caregivers; students; representatives of the school nutrition program; physical education teachers; health education teachers; school health professionals or staff; mental health and social services staff; school administrators; school board members; and the general public. When possible, membership will also include Supplemental Nutrition Assistance Program Education coordinators. To the extent possible, the DWC will include representatives from each school building and reflect the diversity of the community.

***Leadership***

The Superintendent or designee(s) will convene the DWC and facilitate the development of and updates to the wellness policy, and will ensure each school’s compliance with the policy.

Each school will designate a school wellness policy coordinator, who will ensure compliance with the policy.

**2.** **Wellness Policy Implementation, Monitoring, Accountability and Community Engagement**

***Implementation Plan***

The District will develop and maintain a plan for implementation to manage and coordinate the execution of this wellness policy. The plan delineates roles, responsibilities, actions and timelines specific to each school; and includes information about who will be responsible to make what change, by how much, where and when; as well as specific goals and objectives for nutrition standards for all foods and beverages available on the school campus, food and beverage marketing, nutrition promotion and education, physical activity, physical education and

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other school-based activities that promote student wellness. It is recommended that the school use the Healthy Schools Program online tools to complete a school-level assessment based on the

Centers for Disease Control and Prevention’s School Health Index, create an action plan that fosters implementation and generate an annual progress report.

This wellness policy and the progress reports can be found at the District’s website.

***Recordkeeping***

The District will retain records to document compliance with the requirements of the wellness policy at the Superintendent’s office and/or on the District’s computer network. Documentation maintained in this location will include but will not be limited to:

The written wellness policy;

* Documentation demonstrating that the policy has been made available to the public;
* Documentation of efforts to review and update the Local Schools Wellness Policy; including an indication of who is involved in the update and methods the district uses to make stakeholders aware of their ability to participate on the DWC;
* Documentation to demonstrate compliance with the annual public notification requirements;
* The most recent assessment on the implementation of the local school wellness policy;
* Documentation demonstrating the most recent assessment on the implementation of the Local School Wellness Policy has been made available to the public.

***Annual Notification of Policy***

The District will actively inform families and the public each year of basic information about this policy, including its content, any updates to the policy and implementation status. The District will make this information available via the District website and/or district-wide communications. The District will provide as much information as possible about the school nutrition environment. This will include a summary of the District’s events or activities related to wellness policy implementation. Annually, the District will also publicize the name and contact information of the District officials leading and coordinating committee, as well as information on how the public can get involved with the school wellness committee.

***Triennial Progress Assessments***

At least once every three years, the District will evaluate compliance with the wellness policy to assess the implementation of the policy and include:

* The extent to which the District’s schools are in compliance with the wellness policy;
* The extent to which the District’s wellness policy compares to [a] the Alliance for a Healthier Generation’s model wellness policy; and
* A description of the progress made in attaining the goals of the District’s wellness policy.

The position/person responsible for managing the triennial assessment and contact information is the Superintendent or the Superintendent’s designee.

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The DWC, in collaboration with individual schools, will monitor schools’ compliance with this wellness policy.

The District will actively notify households/families of the availability of the triennial progress report.

***Revisions and Updating the Policy***

The DWC will update or modify the wellness policy based on the results of the annual School Health Index and triennial assessments and/or as District priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. The wellness policy will be assessed and updated as indicated at least every three years, following the triennial assessment.

***Community Involvement, Outreach and Communications***

The District is committed to being responsive to community input, which begins with awareness of the wellness policy. The District will actively communicate ways in which representatives of DWC and others can participate in the development, implementation and periodic review and update of the wellness policy through a variety of means appropriate for that district. The District will also inform parents of the improvements that have been made to school meals and compliance with school meal standards, availability of child nutrition programs and how to apply, and a description of and compliance with Smart Snacks in School nutrition standards. The District will use electronic mechanisms, such as email or displaying notices on the District’s website, as well as non-electronic mechanisms, such as newsletters, presentations to parents, or sending information home to parents, to ensure that all families are actively notified of the content of, implementation of, and updates to the wellness policy, as well as how to get involved and support the policy. The District will ensure that communications are culturally and linguistically appropriate to the community, and accomplished through means similar to other ways that the District and individual schools are communicating important school information with parents.

The District will actively notify the public about the content of or any updates to the wellness policy annually, at a minimum. The District will also use these mechanisms to inform the community about the availability of the annual and triennial reports.

**2.** **Nutrition**

***School Meals***

The District is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; that are moderate in sodium, low in saturated fat, and have zero grams *trans* fat per serving (nutrition label or manufacturer’s specification); and to meet the nutrition needs of school children within their calorie requirements. The school meal programs aim to improve the diet and health of school children, help mitigate childhood obesity,

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model healthy eating to support the development of lifelong healthy eating patterns and support healthy choices while accommodating cultural food preferences and special dietary needs.

All schools within the District that participate in USDA child nutrition programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and any

additional Federal child nutrition programs will meet the nutrition requirements of such programs.The District may also operate additional nutrition-related programs and activities. All schools within the District are committed to offering school meals through the NSLP and SBP programs, and other applicable Federal child nutrition programs, that:

* Are accessible to all students;
* Are appealing and attractive to children;
* Are served in clean and pleasant settings;
* Meet or exceed current nutrition requirements established by local, state, and Federal statutes and regulations. (The District offers reimbursable school meals that meet USDA nutrition standards.)
* Promote healthy food and beverage choices using at least ten of the following Smarter Lunchroom techniques:
  + Whole fruit options are displayed in attractive bowls or baskets (instead of chafing dishes or hotel pans).
  + Sliced or cut fruit is available daily.
  + Daily fruit options are displayed in a location in the line of sight and reach of students.
  + All available vegetable options have been given creative or descriptive names.
  + Daily vegetable options are bundled into all grab-and-go meals available to students.
  + All staff members, especially those serving, have been trained to politely prompt students to select and consume the daily vegetable options with their meal.
  + White milk is placed in front of other beverages in all coolers.
  + Alternative entrée options (e.g., salad bar, yogurt parfaits, etc.) are highlighted on posters or signs within all service and dining areas.
  + A reimbursable meal can be created in any service area available to students (e.g., salad bars, snack rooms, etc.).
  + Student surveys and taste testing opportunities are used to inform menu development, dining space decor and promotional ideas.
  + Student artwork is displayed in the service and/or dining areas.
  + Daily announcements are used to promote and market menu options.

***Staff Qualifications and Professional Development***

All school nutrition program directors, managers and staff will meet or exceed hiring and annual continuing education/training requirements in the USDA professional standards for child nutrition professionals. These school nutrition personnel will refer to USDA’s Professional Standards for School Nutrition Standards website to search for training that meets their learning needs.

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***Water***

To promote hydration, free, safe, unflavored drinking water will be available to all students throughout the school day and throughout every school campus (“school campus” and “school day” are defined in the glossary). The District will make drinking water available where school meals are served during mealtimes.

***Competitive Foods and Beverages***

The District is committed to ensuring that all foods and beverages available to students on the school campus during the school day support healthy eating. The foods and beverages sold and served outside of the school meal programs (e.g., “competitive” foods and beverages) will meet the USDA Smart Snacks in School nutrition standards, at a minimum. Smart Snacks aim to improve student health and well-being, increase consumption of healthful foods during the school day and create an environment that reinforces the development of healthy eating habits. A summary of the standards and information, as well as a Guide to Smart Snacks in Schools are available at: <http://www.fns.usda.gov/healthierschoolday/tools-schools-smart-snacks>. The Alliance for a Healthier Generation provides a set of tools to assist with implementation of Smart Snacks available at [www.food planner.healthiergeneration.org](http://www.foodplanner.healthiergeneration.org).

To support healthy food choices and improve student health and well-being, all foods and beverages outside the reimbursable school meal programs that are sold to students on the school campus during the school day will meet or exceed the USDA Smart Snacks nutrition standards or, if the state policy is stronger, will meet or exceed state nutrition standards. These standards will apply in all locations and through all services where foods and beverages are sold, which may include, but are not limited to, à la carte options in cafeterias, vending machines, school stores and snack or food carts.

***Celebrations and Rewards***

All foods offered on the school campus will meet or exceed the USDA Smart Snacks in School nutrition standards or, if the state policy is stronger, will meet or exceed state nutrition standards, including through:

1. Celebrations and parties. The District will provide a list of healthy party ideas to parents and teachers, including non-food celebration ideas.
2. Classroom snacks brought by parents. The District will provide or make available to parents a [list of foods and beverages that meet Smart Snacks](https://www.healthiergeneration.org/live_healthier/eat_healthier/alliance_product_navigator/browse_products/?product_category_id=720) nutrition standards.
3. Rewards and incentives. The District will provide teachers and other relevant school staff a [list of alternative ways to reward children](https://www.healthiergeneration.org/take_action/schools/snacks_and_beverages/non-food_rewards/) or other comparable resources. Food and beverages will not be used as a reward, or withheld as punishment for any reason, such as for performance or behavior.

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***Fundraising***

Foods and beverages that meet or exceed the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day. The District will make available to parents and teachers a list of healthy fundraising ideas or comparable resources.

***Nutrition Promotion***

Nutrition promotion and education positively influence lifelong eating behaviors by using evidence-based techniques and nutrition messages, and by creating food environments that encourage healthy nutrition choices and encourage participation in school meal programs. Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Nutrition promotion also includes marketing and advertising nutritious foods and beverages to students and is most effective when implemented consistently

through a comprehensive and multi-channel approach by school staff, teachers, parents, students and the community.

The District will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs. This promotion will occur through:

* Implementing at least ten or more evidence-based healthy food promotion techniques through the school meal programs using Smarter Lunchroom techniques; and
* Ensuring 100% of foods and beverages promoted to students meet the USDA Smart Snacks in School nutrition standards.

***Nutrition Education***

The District will teach, model, encourage and support healthy eating by all students. Schools will provide nutrition education and engage in nutrition promotion that:

* Is designed to provide students with the knowledge and skills necessary to promote and protect their health;
* Is part of not only health education classes, but also integrated into other classroom instruction through subjects such as math, science, language arts, social sciences and elective subjects;
* Includes enjoyable, developmentally-appropriate, culturally-relevant and participatory activities, such as cooking demonstrations or lessons, promotions, taste-testing, farm visits and school gardens;
* Promotes fruits, vegetables, whole-grain products, low-fat and fat-free dairy products and healthy food preparation methods;
* Emphasizes caloric balance between food intake and energy expenditure (promotes physical activity/exercise);
* Links with school meal programs, cafeteria nutrition promotion activities, school gardens, Farm to School programs, other school foods and nutrition-related community services;
* Teaches media literacy with an emphasis on food and beverage marketing; and
* Includes nutrition education training for teachers and other staff.

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***Essential Healthy Eating Topics in Health Education***

The District will include in the health education curriculum a minimum of 12 of the following essential topics on healthy eating:

* Relationship between healthy eating and personal health and disease prevention
* Food guidance from MyPlate
* Reading and using FDA's nutrition fact labels
* Eating a variety of foods every day
* Balancing food intake and physical activity
* Eating more fruits, vegetables and whole grain products
* Choosing foods that are low in fat, saturated fat, and cholesterol and do not contain *trans* fat
* Choosing foods and beverages with little added sugars
* Eating more calcium-rich foods
* Preparing healthy meals and snacks
* Risks of unhealthy weight control practices
* Accepting body size differences
* Food safety
* Importance of water consumption
* Importance of eating breakfast
* Making healthy choices when eating at restaurants
* Eating disorders
* The Dietary Guidelines for Americans
* Reducing sodium intake
* Social influences on healthy eating, including media, family, peers and culture
* How to find valid information or services related to nutrition and dietary behavior
* How to develop a plan and track progress toward achieving a personal goal to eat healthfully
* Resisting peer pressure related to unhealthy dietary behavior
* Influencing, supporting, or advocating for others’ healthy dietary behavior

***Food and Beverage Marketing in Schools***

The District is committed to providing a school environment that ensures opportunities for all students to practice healthy eating and physical activity behaviors throughout the school day while minimizing commercial distractions. The District strives to teach students how to make informed choices about nutrition, health and physical activity. These efforts will be weakened if students are subjected to advertising on District property that contains messages inconsistent with the health information the District is imparting through nutrition education and health promotion efforts. It is the intent of the District to protect and promote student’s health by permitting advertising and marketing for only those foods and beverages that are permitted to be sold on the school campus, consistent with the District’s wellness policy.

Any foods and beverages marketed or promoted to students on the school campus during the school day will meet or exceed the USDA Smart Snacks in School nutrition standards or, if

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stronger, state nutrition standards, such that only those foods that comply with or exceed those nutrition standards are permitted to be marketed or promoted to students.

Food and beverage marketing is defined as advertising and other promotions in schools. Food and beverage marketing often includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller

or any other entity with a commercial interest in the product. This term includes, but is not limited to the following:

* Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
* Displays, such as on vending machine exteriors
* Corporate brand, logo, name or trademark on school equipment, such as marquees, message boards, scoreboards or backboards (Note: immediate replacement of these items are not required; however, districts will replace or update scoreboards or other durable equipment when existing contracts are up for renewal or to the extent that it is financially possible over time so that items are in compliance with the marketing policy.)
* Corporate brand, logo, name or trademark on cups used for beverage dispensing, menu boards, coolers, trash cans and other food service equipment; as well as on posters, book covers, pupil assignment books or school supplies displayed, distributed, offered or sold by the District.
* Advertisements in school publications or school mailings.
* Free product samples, taste tests or coupons for a product, or free samples displaying advertising of a product.

As the District/school nutrition services/Athletics Department/PTA/PTO reviews existing contracts and considers new contracts, equipment and product purchasing (and replacement) decisions should reflect the applicable marketing guidelines established by the District wellness policy.

1. **Physical Activity**

Children and adolescents should participate in at least 60 minutes of physical activity every day. A substantial percentage of students’ physical activity can be provided through a comprehensive school physical activity program (CSPAP). A CSPAP reflects strong coordination and synergy across all of the components: quality physical education as the foundation; physical activity before, during and after school; staff involvement and family and community engagement and the District is committed to providing these opportunities. Schools will ensure that these varied physical activity opportunities are in addition to, and not as a substitute for, physical education (addressed in “Physical Education” subsection). All schools in the District will be encouraged to

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participate in *Let’s Move!* Active Schools ([www.letsmoveschools.org](http://www.letsmoveschools.org)), or comparable program, in order to successfully address all CSPAP areas.

Physical activity during the school day (including but not limited to recess, classroom physical activity breaks or physical education) will not be withheld as punishment. The District will

provide teachers and other school staff with a list of ideas or resources for alternative ways to discipline students.

To the extent practicable, the District will ensure that its grounds and facilities are safe and that equipment is available to students to be active. The District will conduct necessary inspections and repairs.

***Physical Education***

The District will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical

education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts (discussed in the “*Essential Physical Activity Topics in Health Education*” subsection). The curriculum will support the essential components of physical education.

All students will be provided an equal opportunity to participate in physical education classes. The District will make appropriate accommodations to allow for equitable participation for all students and will adapt physical education classes and equipment as necessary.

All elementary students in each grade will receive physical education for at least 60-89 minutes per week throughout the school year.

All secondary students (middle and high school) are required to take the equivalent of one academic year of physical education.

The District’s physical education program will promote student physical fitness through individualized fitness and activity assessments (via the Presidential Youth Fitness Program or other appropriate assessment tool) and will use criterion-based reporting for each student.

***Essential Physical Activity Topics in Health Education***

Health education will be required in all elementary grades and the District will require middle and high school students to take and pass at least one health education course. The District will include in the health education curriculum a minimum of 12 of the following essential topics on physical activity:

* The physical, psychological, or social benefits of physical activity
* How physical activity can contribute to a healthy weight
* How physical activity can contribute to the academic learning process

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* How an inactive lifestyle contributes to chronic disease
* Health-related fitness, that is, cardiovascular endurance, muscular endurance, muscular strength, flexibility, and body composition
* Differences between physical activity, exercise and fitness
* Phases of an exercise session, that is, warm up, workout and cool down
* Overcoming barriers to physical activity
* Decreasing sedentary activities, such as TV watching
* Opportunities for physical activity in the community
* Preventing injury during physical activity
* Weather-related safety, for example, avoiding heat stroke, hypothermia and sunburn while being physically active
* How much physical activity is enough, that is, determining frequency, intensity, time and type of physical activity
* Developing an individualized physical activity and fitness plan
* Monitoring progress toward reaching goals in an individualized physical activity plan
* Dangers of using performance-enhancing drugs, such as steroids
* Social influences on physical activity, including media, family, peers and culture
* How to find valid information or services related to physical activity and fitness
* How to influence, support, or advocate for others to engage in physical activity
* How to resist peer pressure that discourages physical activity.

***Recess (Elementary)***

All elementary schools will offer at least 20 minutes of recesson all days during the school year. Exceptions may be made as appropriate, such as on early dismissal or late arrival days. If recess

is offered before lunch, schools will have appropriate hand-washing facilities and/or hand-sanitizing mechanisms located just inside/outside the cafeteria to ensure proper hygiene prior to eating and students are required to use these mechanisms before eating. Hand-washing time, as well as time to put away coats/hats/gloves, will be built in to the recess transition period/time frame before students enter the cafeteria.

Outdoor recess will be offered when the weather and other conditions make it feasible for outdoor play.

In the event that recess must be held indoors, teachers and staff will follow the indoor recess guidelines that promote physical activity for students, to the extent practicable.

Recess will complement, not substitute, physical education class. Recess monitors or teachers will encourage students to be active, and will serve as role models by being physically active alongside the students whenever feasible.

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***Classroom Physical Activity Breaks (Elementary and Secondary)***

Students will be offered periodic opportunities to be active or to stretch throughout the day on all or most days during a typical school week. The District recommends teachers provide short (3-5-minute) physical activity breaks to students during and between classroom time at least three days per week. These physical activity breaks will complement, not substitute, for physical education class, recess, and class transition periods.

The District will provide resources and links to resources, tools, and technology with ideas for classroom physical activity breaks. Resources and ideas are available through the USDA and the Alliance for a Healthier Generation.

***Active Academics***

Teachers will incorporate movement and kinesthetic learning approaches into “core” subject instruction when possible (e.g., science, math, language arts, social studies and others) and do their part to limit sedentary behavior during the school day.

The District will support classroom teachers incorporating physical activity and employing kinesthetic learning approaches into core subjects by providing annual professional development opportunities and resources, including information on leading activities, activity options, as well as making available background material on the connections between learning and movement.

Teachers will serve as role models by being physically active alongside the students whenever feasible.

***Before and After School Activities***

The District offers opportunities for students to participate in physical activity either before and/or after the school day through a variety of methods. The District will encourage students to be physically active before and after school by sponsoring or permitting: physical activity clubs and physical activity in aftercare, intramurals or interscholastic sports*.*

***Active Transport***

The District will support active transport to and from school, such as walking or biking. The District will encourage this behavior by requiring that its schools engage in six or more of the activities below, to be selected by each school administration; including but not limited to:

* Designate safe or preferred routes to school
* Promote activities such as participation in International Walk to School Week and National Walk and Bike to School Week
* Secure storage facilities for bicycles and helmets (e.g., shed, cage, fenced area)
* Instruction on walking/bicycling safety provided to students
* Promote safe routes program to students, staff, and parents via newsletters, websites, local newspaper
* Use crossing guards

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* Use crosswalks on streets leading to schools
* Use walking school buses
* Document the number of children walking and or biking to and from school
* Create and distribute maps of school environment (e.g., sidewalks, crosswalks, roads, pathways, bike racks, etc.)

1. **Other Activities that Promote Student Wellness**

The District will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues and physical activity facilities. The District will

coordinate and integrate other initiatives related to physical activity, physical education, nutrition and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development and strong educational outcomes.

Schools in the District are encouraged to coordinate content across curricular areas that promote student health, such as teaching nutrition concepts in mathematics, with consultation provided by either the school or the District’s curriculum experts.

All efforts related to obtaining federal, state or association recognition for efforts, or grants/funding opportunities for healthy school environments will be coordinated with and complimentary of the wellness policy, including but not limited to ensuring the involvement of the DWC.

All school-sponsored events will adhere to the wellness policy guidelines. All school-sponsored wellness events will include physical activity and healthy eating opportunities when appropriate.

***Community Partnerships***

The District will develop, enhance, or continue relationships with community partners (e.g., hospitals, universities/colleges, local businesses, SNAP-Ed providers and coordinators, etc.) in support of this wellness policy’s implementation. Existing and new community partnerships and sponsorships will be evaluated to ensure that they are consistent with the wellness policy and its goals.

***Community Health Promotion and Family Engagement***

The District will promote to parents/caregivers, families, and the general community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be informed and invited to participate in school-sponsored activities and will receive information about health promotion efforts.

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As described in the “Community Involvement, Outreach, and Communications” subsection,the District will use electronic mechanisms (e.g., email or displaying notices on the District’s website), as well as non-electronic mechanisms, (e.g., newsletters, presentations to parents or sending information home to parents), to ensure that all families are actively notified of opportunities to participate in school-sponsored activities and receive information about health promotion efforts.

***Staff Wellness and Health Promotion***

The DWC will have a staff wellness subcommittee that focuses on staff wellness issues, identifies and disseminates wellness resources and performs other functions that support staff wellness in coordination with human resources staff.

Schools in the District will implement strategies to support staff in actively promoting and modeling healthy eating and physical activity behaviors. The District promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management that are accessible and free or low-cost.

***Professional Learning***

When feasible, the District will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school (e.g., increasing the use of kinesthetic teaching approaches or incorporating nutrition lessons into math class). Professional learning will help District staff understand the connections between academics and health and the ways in which health and wellness are integrated into ongoing district reform or academic improvement plans/efforts.

***Glossary***

**School Campus**:areas that are owned or leased by the school and used at any time for school-related activities, including on the outside of the school building, school buses or other vehicles used to transport students, athletic fields and stadiums (e.g., on scoreboards, coolers, cups, and water bottles), or parking lots.

**School Day**:the time between midnight the night before to 30 minutes after the end of the instructional day.

**Triennial –** recurring every three years.

Legal Reference:

Healthy, Hunger-Free Kids Act of 2010, 42 U.S.C. section 1758b; 7 CFR sections 210.11 and 210.30; National School Lunch Program, 42 U.S.C sections 1751-1760, 1770; Regulations and Procedures for Accreditation of Schools, NDE Rule 1

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**Class or Student Group Gifts**

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

No principal, teacher, or other employee of the Board will accept money as a gift from any student. Gifts of appreciation given by a class to a principal, teacher, or other employee of the Board will not exceed $10.00 in value.

Cross Reference: 705.04 Gifts, Grants and Bequests