

**POLICIES AND REGULATIONS**

**of**

**DOUGLAS COUNTY SCHOOL DISTRICT NO. 0001**

**OMAHA PUBLIC SCHOOLS**

**BOARD OF EDUCATION  
Omaha, Nebraska**



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Community RelationsStatement of Intent

It is the desire and intent of the Board of Education that there be continuous planned public relations activities for all participants in the school community - for students, staff, parents and for the public at large. The public relations efforts should typically originate from the school, as well as from the District's Administrative Office using the District's Communications Department.

Because the Board is proud of the staff, students and the school, public relations activities should encompass all areas of school life, including regular instructional activities, special events, extra-curricular activities, accomplishments of students and staff and Board of Education activities.

The purpose of the public relations activities shall be to inform so that all participants in the public education endeavor may gain pride in and understanding of their schools.

**Methods of Communication:**

The Board of Education, through the District's Communications Department, will use various media to keep the public informed including, but not limited to, news releases to the area newspapers, issuance of newsletters, school newspapers, presentations before parent groups and other community organizations.

All Board of Education publicity releases shall be made through the Superintendent or his/her designee. The Superintendent or his/her designee shall establish procedures for the dissemination of information regarding deliberations and decisions of the Board of Education. The Superintendent or his/her designee shall also establish procedures for the dissemination of local school news, emphasizing student and staff activities and achievements.

Date of Adoption: July 18, 2016







Community RelationsCitizen Communication to the Board of Education

The Board of Education recognizes the necessity for open communication with students, parents, patrons and staff but is also aware that a procedure for processing concerns and complaints is imperative to the normal operations of the District. It is the intent of the Board that concerns and complaints be resolved at the lowest possible level.

**Complaints Made to Individual Board Members:**

Members of the Board of Education have no authority or power to act on behalf of the Board or the District except when acting as a member of the entire Board at a duly called board meeting or when acting with express, specific authority granted by the Board or by law. Should any member of the Board be approached by a student, parent, patron or staff member who has a concern or complaint, the member should:

1. Listen attentively to the concerns but not take any inflexible position.
2. Instruct the individual about the District's process for resolving concerns and complaints and direct the individual to the appropriate complaint or grievance procedure or to the Secretary to the Board of Education for information concerning such procedures. If the concern or complaint involves a teacher, the individual should be informed to discuss the matter with the teacher first.
3. Inform the Superintendent or the Secretary to Board of Education of the concern. The Superintendent or Secretary to the Board of Education may refer matters to appropriate administrators.

The Board and the District shall not be bound in any way by the action or statement on the part of any individual Board member or committee, except when such statement or action is taken or made in conformance with express, specific authority granted by the Board or by law.

**Complaints Made to the Board:**

Concerns or complaints may be made to the Board of Education at a duly called Board meeting at such time as the agenda provides for public participation or comment. The Board will not engage in conversation/dialogue with members of the public during public comment to avoid violation of the open meetings law.

In the event the complaint involves a personnel matter relating to an employee of the District, the individual raising the complaint shall be directed by the Board President to first exhaust the appropriate complaint or grievance procedure. The board shall not respond or take action on such a complaint until such complaint or grievance procedure has been exhausted.

Individuals raising concerns or complaints involving non-personnel matters which may be the subject of a complaint or grievance procedure may also be directed to first use such complaint or grievance procedure.

Date of Adoption: May 2, 2016



Community RelationsAnnual Report

The Omaha Public Schools shall prepare and distribute to the residents of Omaha Public Schools an annual report that provides information regarding student performance, District demographics and the financial status of the District. The annual report must meet all requirements of Nebraska Department of Education Rule 10. In the reporting of student performance, steps will be taken to insure the confidentiality of the performance of individual students.

Legal Reference: NDE Rule 10.5.02; 10.9 and 10.10

Date of Adoption: May 2, 2016



Community RelationsPublic Access to School Records - Examination, Making Memoranda, and Copying

- A. The School District, through the Superintendent, shall provide interested persons access to the records of the School District as required by law. Such access shall include the opportunity to examine, make memoranda and copy School District records. The School District shall not make records of individual students or personnel available except as allowed by law or compelled by court order.
- B. Records may be examined at the School District offices during the hours such offices are open for the ordinary transaction of business. School district offices will be open for the ordinary transaction of business Monday through Friday, except legal holidays.
- C. Records may be obtained in the form in which the record is maintained including, but not limited to, printouts, electronic data, disc, video or audio tapes, and photocopies. The School District will not be required to produce or generate any record in a new or different form or format modified from that of the original School District record. Copies of records may be made as follows:
1. Copies may be made by persons using their own copying or photocopying equipment, provided that such copies shall be made on the premises of the School District offices or at a location mutually agreed to by the requester and the School District.
  2. Copies may be obtained from the School District if the School District has copying equipment reasonably available, and upon payment of a fee for providing copies. The Superintendent shall establish a fee schedule for the copying of school district records, provided that such fee is not to exceed the actual cost of making the copies available. Actual costs of making copies available include: (i) for photocopies, a reasonably apportioned cost of the supplies, such as paper, toner and equipment, used in preparing the copies, as well as any additional payment obligation of the custodian for time of contractors necessarily incurred to comply with the request for copies, (ii) for printouts of computerized data on paper, the cost of computer run time and the cost of materials for making the copy, and (iii) for electronic data, the actual cost of the computer run time, any necessary analysis and programming, and the production of the report in the form furnished to the requester. If the copies requested are estimated by the School District to be more than fifty dollars (\$50.00), the School District may require the requester to furnish a deposit prior to fulfilling such request.

The actual cost will not include any charge for the salary of District personnel with respect to the first four cumulative hours of searching for, identifying, physically redacting, or copying public records for a particular records request. An estimate of costs for time in excess of four cumulative hours can be imposed for providing copies of public records.

- D. Upon written request for access to records, the School District will provide to the requester as soon as is practicable and without delay, but not more than four (4) business days after actual receipt of the request:
1. Access to or, if copying equipment is reasonably available, copies of the school district records requested;
  2. A written denial of the request, or portion thereof, if there is a legal basis for such denial of access to school district records on a written form from the school district.;  
or
  3. If the entire request cannot with reasonable good faith efforts be fulfilled within four (4) business days after actual receipt of the request due to the significant difficulty or extensiveness of the request, the school district shall provide a written explanation, including the earliest practicable date for fulfilling the request, and estimate of the expected cost of any copies, and an opportunity to modify or prioritize the items within the request.

Legal Reference: Neb. Rev. Stat. 84-712 et seq.

Date of Adoption: May 2, 2016

Community Relations

Advertising and Promotion

Neither the facilities, the staff, nor the children of the school district shall be used in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual, or organization, except that:

1. District staff may cooperate in furthering the work of any non-profit, community-wide social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or diminish the amount of time devoted thereto.
2. The schools may use films or other educational materials bearing mention of the producing firm or sponsor, providing such materials can be justified on the basis of their actual educational value.
3. Any person or organization seeking to distribute flyers of announcements concerning non-school events to a class or school must receive approval from the Office of District Communications. All flyers are to be distributed through the online Community Opportunities. A single flyer may be posted in the building common place, at the discretion of the building leadership.
4. The administration may, at its discretion, announce, or authorize to be announced, any lecture, community activity, or film which it feels has educational merit.
5. School representatives may, upon approval of the board of education, cooperate with any agency in promoting activities in the general public interest, and which promotes education that is in the best interest of the students.
6. Elementary and middle schools may produce school newsletters and/or newspapers, but may not sell advertising for these publications. However, because of some secondary specialized curriculum areas (e.g., journalism, theatre, performing arts, etc.) advertising space for publications such as student newspapers, sports rosters, theatre productions, and yearbooks is permitted. The middle/high school principal will have the final approval of all advertising in all school publications.
7. With the exception of district-approved Adopt-A-School partners, Office of District Communications initiatives or sports advertising agreements entered into with the Omaha Schools Foundation and approved by the Superintendent or his or her designee, no school district property, equipment, facility, or space may be utilized for advertising purposes.

Legal Reference:      Neb. Rev. Stat. 79-526      Board Authority for Supervision and Control  
                                  Neb. Rev. Stat. 79-8,100      Teachers, Solicitation by Agents

Date of Adoption:      August 21, 2017



Community RelationsCooperation with the Media

The Omaha Public Schools wishes to cooperate with the news media. In some instances, however, the information we are able to disclose is limited by FERPA and other federal and state privacy laws. For these reasons, media requests for student or employee specific information other than routine directory information should be directed to District Communications.

Staff members and students who intend to communicate to the media as representatives of the Omaha Public Schools should coordinate such communication with their Principal prior to communicating with the media. The Principal should notify District Communications of any such media inquiries.

The principal may assign the responsibility to a staff member for informing communications media of all worthwhile school activities. Other staff members should be informed that suggestions for such releases must be channeled through this individual.

The Communications Department will assist staff members in contacting news media representatives upon request and will provide technical assistance as needed. That office will be the primary source of news media contact regarding Board of Education and central administration activities.

Appropriate parental permission must be obtained prior to permitting the use of student pictures and/or news media interviews. Principals may exercise their judgement to restrict media access to the building to ensure that it does not interfere with student learning and classroom instructional activities.

Date of Adoption: May 2, 2016



Community RelationsSchool Directory

A school may publish a student directory upon authorization of the Principal or Superintendent. A school directory may be published by a school's Parent Teacher Association (PTA) or Parent Teacher Organization (PTO). A PTA/PTO may obtain information for a school directory in one of two ways.

1. The PTA/PTO may request information directly from parents, including both specific information needed and permission to publish that information in a school directory.
2. The PTA/PTO may request information from the school principal. If approved, the principal will request the information from Student Information Services (SIS) on behalf of the PTA/PTO.

Because FERPA allows parents the opportunity to consent to disclosure of personally identifiable information, requested information for a school directory will only be available after SIS has completed the annual update of parent preferences related to the release of "directory information" as defined by the School District and FERPA and the "limited release of non-directory information" including the release of addresses, parents' names and phone numbers. Once parent preferences have been recorded, SIS will generate the data as permitted by parents.

Legal Reference: 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, 20 U.S.C. 1232g

Date of Adoption: May 2, 2016



Community RelationsCommunity Use of School Facilities

School facilities are primarily intended for the District's educational and extracurricular activity programs. School facilities are, however, made available for use by outside groups to further the interests of the District and the community. Use by non-school groups is allowed pursuant to an application process and is subject to the terms and conditions set forth in this policy.

**A. Application for Use:**

Outside groups that wish to use school facilities must submit a completed Application for Use form signed by a representative of the outside group who has authority to commit the outside group to the terms and conditions of the Application. The outside group, as Applicant, shall specify the nature of the intended use, the dates and times of the requested use, and the facilities for which use is requested.

The form shall be developed by the administration. The form shall include the statement that:

Applicant will comply with all applicable federal, state, and local laws, ordinances and regulations affecting the facility or affecting any use of the facility. Applicant shall also comply with all Omaha Public Schools' policies, rules, regulations, practices and procedures that govern the use of this facility and which are in effect at the time of such use. Applicant acknowledges receipt of the Omaha Public Schools pamphlet "Community Use of Facilities." The terms of such pamphlet that are in effect at the time of use of the facility are incorporated in this application, and Applicant agrees to comply with its terms.

**B. Acceptance of Application for Use:**

Acceptance or rejection of applications shall be the responsibility of the Superintendent or the Superintendent's designee.

Applications shall not be rejected for any unlawful reason, including unlawful discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status and including the applicant's legally protected exercise of constitutional or statutory rights.

The District's facilities are designated as nonpublic forums. Accordingly, applications shall not be accepted for:

1. Uses that may conflict with or that disrupt the District's educational or extracurricular activity programs.
2. Uses inconsistent with the mission of the District.
3. Uses that present an unacceptable risk that the conditions of use set forth in this policy will not be adhered to; either due to the nature of the requested use or the

- character of the group or individuals within the group.
4. Uses that present an unacceptable risk of damage or unacceptable wear and tear to facilities or equipment.
  5. Uses for outside commercial activities except with approval of the Board; and except for camps and other activities for high school students subject to and consistent with Bylaws of the Nebraska School Activities Association.
  6. Uses that involves gambling or games of chance.
  7. Uses that involves a group or activity which advocates or condones the violent overthrow of the Constitution or of the government.
  8. Uses that involve the meetings of secret clubs not open to members of the public.
  9. Non-community type uses such as wedding receptions, slumber parties, personal use and similar activities.

Applications for use of facilities may be denied based on unsuitability of the date or time of the requested use. Facilities will generally not be available for community use at times when school staff are not available to monitor the Applicant's use, such as on legal holidays; before 7:00 a.m.; after 10:00 p.m. and Sunday mornings prior to Noon.

Leases of school facilities require approval of the Board. As such, Applications that request long-term use of facilities in the nature of a lease will be denied.

Applications may be denied based on the determination of the Superintendent or the Superintendent's designee that the Applicant does not have the financial ability or financial responsibility to pay fees or expenses or to reimburse the District for any damages that may be sustained to facilities or equipment or any liability that may be created by the use.

When an Application conflicts with another Application, the Applications will be accepted according to the following priority order:

1. Events or activities that are designed to service students of the District or which are related to any function of the District, including approved school-community associations and school-affiliated non-profit groups.
2. Tax-supported agencies such as educational entities or units of city, county or state government.
3. Nonprofit community agencies such as private educational agencies.
4. Groups where the majority of the members reside within the District.

For use conflicts within each group, priority will be given to the first to submit their Application; provided that the Superintendent or the Superintendent's designee may approve an Application that is not first-filed if the other Applicant's use could be feasibly changed to a non-conflicting time or area.

Applications that are accepted may not be assigned or transferred to another outside group.

Applications that are accepted are subject to cancellation by the Superintendent or the Superintendent's designee. Cancellation will occur in the event the administration reasonably

determines:

1. Any of the reasons for non-acceptance of an application exist.
2. The Applicant fails to meet any term or condition required prior to the use. This includes but is not limited to failure of the Applicant to pay required fees or deposits or failure to show evidence that any required insurance is in place.
3. Circumstances make the use unsuitable. This includes but is not limited to:
  - a. The condition of the facilities being unsafe. For example, the presence of snow, ice, fallen limbs or other potential hazards that the school would not otherwise clear prior to the activity or event. The Applicant may request that the District clear the hazards such that it may proceed with its activity or event. If the District agrees to do so, the Applicant shall be responsible for all costs incurred by the District in clearing the hazard.
  - b. School staff being unavailable to monitor the use or to provide set-up or clean-up services where the District has accepted responsibility for such.
  - c. The need to use the facilities for a school activity or purpose.
4. Generally, if school is closed on the date of the Applicant's intended use due to inclement weather or hazardous conditions, the Applicant's use will be cancelled.

The Applicant shall remain responsible for fees or expenses, and any deposit that has been received by the District shall be forfeited and be kept by the District, if cancellation occurs because of the fault of the Applicant. Otherwise, the District will return any deposit that has been received by the District. The District will in no event be responsible for any damages, expenses, or losses incurred by the Applicant or any person arising from the cancellation.

An Applicant may withdraw its Application at any time prior to acceptance. An accepted application may be withdrawn by the Applicant, subject to approval of the Superintendent or the Superintendent's designee. Approval is subject to the conditions that the Applicant has given reasonable advance notice (ordinarily, at least 48 hours) and that the Applicant reimburse the District for any expense the District has incurred.

**C. Conditions of Use:**

The conditions for use are as follows:

1. Compliance - Applicant agrees to:
  - a. Comply with all local, state and federal laws, including health and fire codes.
  - b. Comply with Board policies concerning non-discrimination and the use of school facilities.
  - c. Comply with reasonable administrative rules related to use of facilities

and the requests of school officials related to the Applicant's use of the facility.

2. Disclaim School Sponsorship - The District does not sponsor or endorse the Applicant or the activity or event conducted by the Applicant. To ensure that the public understands this fact, the Applicant agrees to not make any statements suggesting such sponsorship and to publish statements of non-school sponsorship in such form and manner as the administration may request.
3. Supervision - Applicant agrees to provide appropriate supervision of the activity or event in all respects, including supervision reasonably necessary to ensure that no person participating in or attending the activity or event:
  - a. Is presented with conditions that pose an unreasonable risk of personal injury or damage to personal property.
  - b. Enters any area of the school facilities that the Applicant has not been given permission to use, or accesses any school records.
  - c. Engages in the use of tobacco, alcohol, or illegal drugs, or is under the influence of alcohol or illegal drugs.
  - d. Possesses a firearm or a weapon.
  - e. Engages in disorderly, lewd, or lascivious conduct.
  - f. Engages in any criminal behavior.

Applicant shall remove any person from the activity or event who engages in any of the above listed conduct. Applicant agrees to report to the school administration by the close of the next business day the identity of any person who engaged in any of the above listed conduct and the details of the conduct. If the offending person is a student, the report shall be made immediately.

Security Personnel - Uniformed security personnel approved and secured by Omaha Public Schools must be on duty when so directed by the principal or Office of the Chief Operations Officer and will be computed in the fee.

Applicant agrees to ensure that all persons attending its activity or event are off school grounds at the end of its time of permitted use, except for students or school staff who are authorized to remain for a school-related purpose.

4. Condition of Premises - Applicant agrees to:
  - a. Conduct a reasonable inspection of the premises prior to the activity or event to ensure that the premises are safe for the intended use. In the event of any unsafe condition, Applicant shall notify an administrator. In the event the unsafe condition is not corrected prior to the activity or event, the Applicant shall postpone or cancel the activity or event.
  - b. Not use or allow any school equipment to be used without express approval of school administration.

- c. Not bring or allow others to bring food or beverages on to school grounds without express approval of school administration.
  - d. Not bring or allow others to bring or use any flammable items (including candles or incense) or any volatile chemical or any explosive.
  - e. Not use any electrical equipment that has been brought onto the premises without express approval of school administration.
  - f. Not allow the wearing of street shoes on gym floors or other protected surfaces.
  - g. Not park or allow others to park in fire lanes or reserved spaces or in any manner inconsistent with the school's parking rules.
  - h. Not cause or allow others to cause damage to school facilities or equipment.
    - i. In the event damages are sustained, Applicant accepts responsibility for reimbursing the District for the cost of repair or replacement.
    - ii. Applicant agrees that the school administration's determination that damage was sustained in connection with the Applicant's use, and of the cost of repair or replacement, is controlling.
    - iii. Applicant shall immediately report to the school administration any damage to school facilities or equipment that occurs during the Applicant's use of school facilities that may present a risk of injury to students or any subsequent users. Any other damage shall be reported by the close of the next business day.
  - i. Return the facilities in as good a condition as it was prior to use. This includes, without limitation, cleaning, removal of trash, and returning tables and chairs and other school property to their proper location. The clean-up shall be promptly completed. In the event the District provides the clean-up service, Applicant agrees to reimburse the District for the cost of such clean-up.
  - j. Remove any property brought in by the Applicant and by any person attending the activity or event. The District is not responsible for any personal property that is left on the premises.
5. Financial Responsibility - Applicant agrees to:
- a. Procure, at its own expense, a Comprehensive General Liability insurance policy naming the District as an additional insured. This policy shall be written with a minimum of \$1,000,000 Combined Single Limit per occurrence. A Certificate of Insurance evidencing coverage must be submitted prior to the Applicant's use.
  - b. The insurance requirement is subject to waiver by the Superintendent or the Superintendent's designee only in circumstances where the intended use presents very little potential for injury or damage and the activity or

event is designed to serve the District's students or staff.

- c. Indemnify and hold the District, the Board, school employees and agents of the District harmless from any and all claims, demands, causes of action, or lawsuits for any death or personal injury or damage to property sustained during, caused by or arising out of the Applicant's use of school facilities.

**D. Fees for Use:**

The Superintendent or Superintendent's designee shall establish a daily use fee schedule that establishes rates for specific parts of the school facilities (that is, kitchen, auditorium, gymnasium, athletic field, classrooms, meeting rooms). The rates shall be reviewed on a periodic basis; with the review to occur no less than every two years.

The fee rates shall be in an amount sufficient to cover estimated staff time and direct costs associated with:

1. Access - Cost of providing access; such as unlocking doors before use and locking after use, turning lights on and off, and disarming/re-arming security systems.
2. Custodial - Cost of providing custodial or maintenance services to prepare the facility for the use and for clean-up after the use.
3. Kitchen - Cost of providing access to the kitchen facilities; as ordinarily any permitted use of the kitchen will require the presence of a member of the school's food service staff.
4. Special Equipment - Cost of making special equipment available such as sound and lighting set-up; as ordinarily any permitted use of special equipment will require the presence of a member of the school's staff who is familiar with proper use of the equipment.
5. Monitoring - Cost of administrative or other professional staff to monitor the Applicant's use to ensure compliance with the terms and conditions of the permitted use.
6. Security - Cost of providing security services when determined to be needed for the activity or event.

The fee schedule shall be applied evenly to all Applicants, with two exceptions:

1. A different fee may be assessed where the Superintendent or Superintendent's designee reasonably determines that the Applicant's use will require staff time or cause direct costs different than those used in establishing the fee schedule.
2. A fee waiver or reduced fee rate shall be given for use where the activity or event is designed to serve students of the District or children; such as approved school-community associations and school-affiliated non-profit groups and summertime sports leagues, sports camps, etc., that are subject to NSAA regulations.

**E. Use Consistent with NSAA Bylaws:**

Use of school facilities for activities that are subject to the Bylaws of the Nebraska School Activities Association (NSAA) shall be permitted subject to and in accordance with the NSAA Bylaws. Such use shall be consistent with this policy for non-school groups. Examples of acceptable use of school facilities for activities are:

1. Summer Leagues - There must be evidence that the organization or individual conducting the league has rented or leased the facility (for example, via an Application for Use) to prove the school is not involved in its sponsorship or funding.
2. Commercial Sport Camps/Clinics - School facilities for use by individuals, including the District's own coaches or other organizations for commercial camps/clinics or schools. Camps conducted by high school coaches shall be publicized as open to all area individuals wishing to attend and not limited to students from the coach's high school.
3. All-Star competition that involves graduated seniors.
4. Competitive meets and contests sponsored by non-school groups.
5. Facilities approved under the above stipulations include: gymnasiums, tracks, swimming pools, tennis courts, athletic playing fields, and baseball and softball diamonds.

Date of Adoption: May 2, 2016



Community Relations

Use of School Facilities: Student Groups and Boy Scouts

A. Equal Access to Student Groups: In the event any of the secondary schools have a limited open forum as defined in the Equal Access Act, such school(s) shall not deny equal access or a fair opportunity to, or discriminate against, any students who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical, or other content of the speech at such meetings. A limited open forum for this purpose exists if the secondary school grants an offering to or opportunity for one or more noncurriculum related student groups to meet on school premises during noninstructional time.

All such student meetings at school are subject to the following requirements:

1. the meeting must be voluntary and student-initiated;
2. there must be no sponsorship of the meeting by the school or its agents or employees;
3. employees or agents of the school are present at religious meetings only in a nonparticipatory capacity;
4. the meeting must not materially and substantially interfere with the orderly conduct of educational activities within the school; and
5. non-school persons may not direct, conduct, control, or regularly attend activities of the student group.

The administration shall in all respects maintain the District in compliance with the Equal Access Act.

B. Equal Access to Boy Scouts: If the District provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours, the District shall not deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America. The same principles apply to any other youth group listed in Title 36 of the United States Code as a “patriotic society.” The administration shall in all respects maintain the District in compliance with the Boy Scouts of America Equal Access Act.

The use of school facilities for student meetings and Boy Scouts as provided above shall be subject to the same provisions as other community, non-school groups and may be required to complete a community use application as and to the same extent as other noncurriculum related student groups (in the case of student meetings) and other outside youth or community groups (in the case of the Boy Scouts).

Legal Reference: 20 U.S.C. 4071-4074 (Equal Access Act)  
20 U.S.C. 7905 (Boy Scouts of America Equal Access Act) & 34 CFR Part 108

Date of Adoption: May 2, 2016



Community Relations

Bulletin Boards, Display Case, and Posted Material

School bulletin boards, display cases, and posting areas are for the purposes of conveying information about school activities and programs to students, staff, and the visiting public as deemed appropriate by the respective principals (for external agencies desiring to post materials, the principal's decision shall be made after consultation with the District Communications Office); however, building principals may use their discretion on posting or displaying non-school related information which is not political or commercial in nature.

Legal Reference:      Neb. Rev. Stat. 79-526      Board Authority for Supervision and Control

Date of Adoption:      May 2, 2016



Community RelationsSmoking and Use of Drugs, Tobacco, e-Cigarettes Related Products, Alcohol or Other Prohibited Substances

Smoking of any drugs, use of tobacco in any form, use of vapor products or alternative nicotine products shall be prohibited in all buildings, on all grounds, and in all vehicles owned or leased by the Omaha Public Schools.

The Omaha Public Schools is committed to providing a safe and healthy environment for our students and staff. In keeping with this philosophy, we maintain a drug, e-cigarette related products, alcohol, and tobacco free work and living environment, and prohibit weapons or firearms anywhere on the premises. This policy also applies to any visitors on District property.

Any individual, other than students, who is observed smoking or using tobacco products in any form, drugs, alcohol or vapor products, or alternative nicotine products type products in violation of District policies shall be asked to refrain from such activity. If the individual fails to comply with the request the violation may be referred to the principal or District supervisory personnel responsible for the area or the program. The supervisor shall make a decision on further action, which may include a directive to leave school property. Repeated violations may result in a recommendation to the Superintendent to prohibit the individual from entering District property for a specified period of time. If deemed necessary by school administration, the local law enforcement agency may be called upon to assist with enforcement of this policy. This does not preclude adults from wearing non-visible nicotine patches, or using nicotine gum without displaying the product container, as part of a smoking cessation program.

Date of Adoption: May 2, 2016



Community RelationsAnti-discrimination, Anti-harassment, and Anti-retaliation**A. Elimination of Discrimination:**

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

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to accept allegations regarding non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-0310). The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director for the Office of Equity and Diversity, 3215 Cuming St, Omaha, NE 68131 (531-299-0307).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Administrator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at One Petticoat Lane, 1010 Walnut Street, 3<sup>rd</sup> Floor, Suite 320, Kansas City, MO 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

Date of Adoption: September 7, 2016



Community RelationsTitle IX

Omaha Public Schools, in response to federal and state regulations for Title IX of the Education Amendments of 1972 - Prohibiting Sex Discrimination in Education, hereby adopts and re-affirms the following policy:

- A. The Board of Education affirms its intent to comply with provisions of Title IX regulation implementing the Education Amendments of 1972 - Prohibiting Sex Discrimination in Education.
- B. The publication of this statement re-affirms the District's efforts to comply with the Title IX regulations to inform citizens of non-discriminatory practices in the dissemination process.
- C. The Board of Education hereby affirms its intent to adopt and publish grievance procedures providing for prompt and equitable resolution of written complaints. Such guidelines shall be developed as part of the administrative procedures, and such forms as needed shall be developed and made available to the public.
- D. The Board of Education will implement specific and continuing steps to notify the public of its intent for compliance with nondiscriminatory practices. Self-evaluation and a continual assessment of the educational program will be implemented through regular administrative procedures.
- E. Pursuant to this intent the Board of Education, as of this date, appoints the board policy committee to address these issues, as needed.
- F. The Board of Education hereby designates the Director of Equity and Diversity as the Lead Title IX Coordinator for the Omaha Public Schools. The Board of Education may, upon recommendation of the Title IX Coordinator, appoint additional Title IX Coordinators as may be necessary to comply with the requirements of Title IX.

**Grievance Procedure:**

In accordance with Title IX, the Board of Education of Omaha Public Schools, hereby adopts the following grievance procedure for handling complaints alleging a violation of Title IX.

## Procedure:

- A. A written complaint must be presented to the Lead Title IX Coordinator on a form available at the school office and on the district website.

- B. The Lead Title IX Coordinator may request an informal conference to present information relative to the complaint, or to request further information relative to the specific nature of the complaint.
- C. If the complaint is not resolved in the first informal conference an informal hearing will be arranged at the convenience of both parties.
- D. The Lead Title IX Coordinator will plan the details of the hearing based upon the nature of the complaint and the number of persons involved. This hearing will be conducted by a Hearing Officer designated by the Superintendent or by the Board of Education.
- E. The complainant will be notified in writing of the time and place of the hearing.
- F. Witnesses and/or advisors may be called by either party within limits established by the Hearing Officer.
- G. Upon completion of this hearing, the Hearing Officer will make a report in writing to the Superintendent within ten (10) school days of conclusion of the hearing, with a copy to the complainant. The Superintendent shall within five (5) school days determine whether to accept the recommended action of the Hearing Officer and notify the complainant of the Superintendent's decision. The complainant shall within five (5) school days notify the Superintendent whether the complainant accepts the decision; failure to identify any points of the decision with which the complainant does not agree shall be considered to be acceptance of the decision or the points with which the complainant has not identified disagreement.
- H. If the above process does not resolve the complaint, an appeal may be made to the Board of Education through the Superintendent by filing a notice of appeal with the Superintendent within ten (10) school days of the Superintendent's notification.

Legal Reference: Title IX  
Date of Adoption: May 2, 2016

Community RelationsDesignation of Coordinator

Omaha Public Schools does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

The Board of Education hereby designates the Director of Special Education as the ADA and Section 504 Coordinator to coordinate Omaha Public School's compliance with the requirements of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, as amended (ADA and Section 504).

The ADA and Section 504 Coordinator shall take such actions as required to maintain compliance with such laws; to provide information concerning such laws and their applicability to the services, programs, or activities of the District; and to resolve any complaints or grievances related to alleged non-compliance by the District with such laws.

In the event an employee has a disability and is in need of a reasonable accommodation to perform the employee's duties or to otherwise receive benefits and privileges of employment equal to those enjoyed by similarly-situated employees without a disability, the employee is to inform their supervisor and request a meeting with the Chief Human Resources Officer to discuss the provision of reasonable accommodations.

In the event a student has a disability and needs or is believed to need special education or related services, the ADA and Section 504 Coordinator shall initiate the 504 evaluation and eligibility process.

Comments or complaints regarding the accessibility of district facilities shall be made to the ADA and Section 504 Coordinator for resolution in accordance with the following Grievance Procedure.

**Grievance Procedure:**

In accordance with the ADA and Section 504, the Board of Education of Omaha Public Schools, hereby adopts the following grievance procedure for handling complaints alleging a violation of the ADA or Section 504:

- A. A written complaint must be presented to the ADA and Section 504 Coordinator on a form available at the school office.
- B. The ADA and Section 504 Coordinator may request an informal conference to present information relative to the complaint, or to request further information relative to the specific nature of the complaint.
- C. If the complaint is not resolved in the first informal conference an informal hearing will be arranged at the convenience of both parties.

- D. The ADA and Section 504 Coordinator will plan the details of the hearing based upon the nature of the complaint and the number of persons involved. This hearing will be conducted by a Hearing Officer designated by the Superintendent or by the Board of Education.
- E. The complainant will be notified in writing of the time and place of the hearing.
- F. Witnesses and/or advisors may be called by either party within limits established by the Hearing Officer.
- G. Upon completion of this hearing, the Hearing Officer will make a report in writing to the Superintendent within ten (10) school days of conclusion of the hearing, with a copy to the complainant. The Superintendent shall within five (5) school days determine whether to accept the recommended action of the Hearing Officer and notify the complainant of the Superintendent's decision. The complainant shall within five (5) school days notify the Superintendent whether the complainant accepts the decision; failure to identify any points of the decision with which the complainant does not agree shall be considered to be acceptance of the decision or the points with which the complainant has not identified disagreement.
- H. If the above process does not resolve the complaint, an appeal may be made to the Board of Education through the Superintendent by filing a notice of appeal with the Superintendent within ten (10) school days of the Superintendent's notification.

Legal Reference: Americans with Disabilities Act of 1990 (ADA)  
Section 504 of the Rehabilitation Act of 1973 (Section 504)

Date of Adoption: August 21, 2017

Community Relations

School and Community Organizations

The board of education regards school and community organizations as a valuable dimension of the educational environment and encourages all employees and employee groups to support their existence and programs.

Date of Adoption: May 2, 2016



Community RelationsCommunity Partnership Proposal Policy

The Omaha Public Schools (OPS) recognizes that Community Partnerships play an increasingly significant role in assisting OPS as it strives to provide its students with the highest quality education. OPS also recognizes that, as funding for special projects diminishes, it becomes increasingly important to enter only into those Community Partnerships that demonstrate the greatest potential for success. This policy does not apply to capital improvements addressed under Policy 1402.

Individuals or organizations seeking to enter into a partnership with Omaha Public Schools, designed to support improved student achievement, must submit a Community Partner Request to Provide Services to the Community Partnership Review Committee (CPRC).

For the purposes of this policy, Community Partnership shall mean any project or program provided by an organization not affiliated with OPS. Such programs must be designed to support increased student achievement and meet district identified needs. This policy shall not apply to programs funded through grant applications submitted by OPS regardless of whether such application was initiated by OPS or the granting organization.

The CPRC will review requests monthly. Any request for District allocation of funds must be reviewed by the Chief Financial Officer (CFO). The committee will forward all final recommendations to the Superintendent or his/her designee. The Superintendent or his/her designee shall approve, reject, or seek modification of the CPRC's recommendations.

An additional step shall be required for any accepted Community Partnership Proposal, in which individual(s) and/or organization(s) are requesting an expenditure from Omaha Public Schools in excess of \$50,000 or physical changes to any District facility which exceed an expenditure of \$50,000. Those proposals shall go to the Board of Education to accept, reject, or to seek modification of the proposed Community Partnership. Upon completion of the recommendation review, either by the Superintendent or the Board of Education, the individual(s) and/or organization(s) will receive notice as to whether their request has been accepted or denied.

Date of Adoption: September 7, 2016



Community PoliciesUse of Grants and Donations by Individual Schools for Capital Improvements

Any grant or donation of a capital improvement to any school property or any transfer of real property to the district, regardless of the amount of the improvement or value of the property, shall require prior approval by the Board of Education. Any contracts or professional services, which could include but are not limited to architects and engineers, must meet professional standards of the Omaha Public Schools. All capital improvement projects must be coordinated with Omaha Public Schools, District Operational Services.

Date of Adoption: September 7, 2016



Community RelationsParent Organizations

The Board of Education encourages the establishment of parent organizations in the school. Such organizations are vital factors in establishing and maintaining positive home-community-school relationships and their value is recognized by the Board. Parent organizations should coordinate their efforts through the Principal prior to planning events or activities.

The Board of Education supports the concept of using parents and others as volunteers in the school, not to replace professional staff, but to enrich the educational opportunities for the students. Volunteers may be subject to screening for appropriate qualifications and background to perform assigned tasks.

Date of Adoption: May 2, 2016



Community Relations

School Personnel and the Public

While it is the superintendent of school's responsibility for district-wide public relations, it is the board's belief that all school employees are obligated to promote a positive image of the school district, its programs, and students. To that end, all employees are encouraged to use tact, patience, and courtesy in their relationships with students, parents, and district patrons and to serve as good role models in their personal conduct.

Date of Adoption: May 2, 2016



Community Relations

Student Production of Goods and Services

Students may produce services and materials for community organizations or groups only to the extent that such production furthers such students' educational development. Such activity is to be authorized by the building principal and supervised by assigned staff.

Date of Adoption: May 2, 2016



**Series 2000**  
**Administration**



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AdministrationOrganization of School Governance and Functional Principle of Administration

- A. The organization of the school district staff, other than staff that report directly to the Board of Education, shall be unified and directed by a single executive head, the Superintendent of Schools, who shall function as the chief executive officer of the school district and Educational Service Unit 19.
- B. The organization of central administration shall be set by the Superintendent of Schools, pursuant to the policies herein, and subject to the approval of the Board of Education. Staff organization shall be based upon a functional analysis of the services to be rendered by the school system and the educational service unit. The organizational chart and job descriptions for each position within central administration shall be kept current and shall be available to the public.
- C. To demonstrate leadership, to resolve the inevitable problems, and to overcome obstacles which will arise both inside the school system and in its relations with the community, the Board expects the administration to specialize in:
  - 1. decision making and communication.
  - 2. strategic planning, organizing, implementing and evaluating.
  - 3. coordinating and guiding the various centers of authority and responsibility within the school system and the community so as to enable people to do things together for education that they might not be able to do separately.

Date of Adoption: July 6, 2015



Administration

The Central Administration

- A. The administrative personnel, authority, and services that are concerned with the school system as a whole or with one or more of its major divisions of service shall be known and referred to as the central administration of the school system.
- B. The officers of the central administrative system shall include the superintendent, and may include associate and assistant superintendents, directors of divisions, coordinators, and supervisors operating under the direction of the superintendent, together with such technical, secretarial, and clerical assistants as may be employed to assist these officers.
- C. The function of the central administration shall be to plan for and to control, coordinate, supervise, direct, and evaluate the whole school system as a unified enterprise in accordance with the purposes, policies, plans, procedures, and programs authorized by the Board of Education.

Date of Adoption: July 6, 2015



Administration

Organization Plan

The Omaha Public School District is administered in accordance with a staff organizational plan, developed by the staff and approved by the Omaha Public Schools Board of Education.

The organizational plan shall have the following characteristics:

1. The plan will consist of a table of organization.
2. The plan must include positions for all administrative staff.
3. The plan shall be published and made available to the public upon request.
4. The plan shall be reviewed annually with changes adopted by the Board as necessary.

Date of Adoption: May 21, 2018



AdministrationThe Superintendent of Schools

The Superintendent of Schools shall be the chief administrative officer of the school district in the administration of the schools and the Educational Service Unit 19. Coordination and supervision of the central administrative service are primary responsibilities of the Superintendent of Schools. As chief administrative officer of the school district, the Superintendent shall have general oversight of the school system and the service unit, and shall be responsible for the efficient operation of the system in all its divisions. The Superintendent of Schools shall also exercise those duties which are defined by the Superintendent's contract, those mandated by the statutes and those which are specifically designated in the Policies and Regulations of the Board of Education. The superintendent is accountable to the Board of Education and is responsible for managing the schools in compliance with the board policies. The Superintendent of Schools may delegate powers and duties to other school personnel. Delegating power or duties, however, shall not relieve the superintendent of responsibility for any action taken.

Date Approved: July 6, 2015



AdministrationDuties of the Superintendent of Schools

- A. The Superintendent of schools is the chief administrative officer of the school district.
- B. The Superintendent shall perform such duties as assigned by the Board and be subject to the directions given by the Board.
- C. Serves as the educational leader of the Omaha Public Schools.
- D. Whenever possible, the superintendent shall attend all meetings of the board and such meetings of board committees deemed desirable, except when the superintendent's efficiency or salary is under consideration.
- E. The superintendent shall enforce the policies and regulations of the Board of Education, submit for adoption by the Board of Education the annual school calendar, present administrative recommendations for board policy, make a continuous study of the development and needs of the schools, and prepare reports to the Board of Education on the condition and development of the schools. This person shall also acquaint the public with the activities and needs of the schools.
- F. The superintendent shall recommend to the Board of Education for appointment all personnel, including those required for teaching, supervision, clerical work, maintenance of buildings, custodial service, or any other type of service which may be necessary for the operation of the schools.
- G. The superintendent shall be responsible for the assignment, alteration of assignment, transfer, suspension, and recommendation for promotion or dismissal of any employee of the Board of Education, with the exception of those positions that report directly to the Board of Education, and the superintendent position itself.
- H. The superintendent shall be responsible for the conduct of the instructional program and shall provide courses of study, textbooks, supplies, and supervision for the instructional program.
- I. The superintendent shall have the right to consolidate classes, assign students to buildings and classes, or transfer them from one attendance unit to another. Establishing or altering the attendance boundaries for all the schools, with Board approval, and in the interest of sound administration of the instructional program of the school is also a responsibility of this office.
- J. The superintendent shall be responsible for the development, maintenance, and operation of a constructive program of staff development for all employees of the school system, and for this service shall have power under budget control to employ lecturers, grant temporary

leaves from work, and develop professional library facilities as required, pursuant to Board policy.

- K. The superintendent shall have power to control and shall exercise general supervision of the policies and management of the individual schools and divisions of the school system by granting or withholding approval of policies, plans, and procedures as these may be prepared by the central administration or proposed by principals and the administrative heads of the divisions or managements of their respective units.
- L. The superintendent shall maintain a continuous study of the problems confronting the schools, evaluate the quality and efficiency of all departments, and report in writing to the Board of Education findings and recommendations as required.
- M. The superintendent shall have the responsibility of the formation of school policies, plans, and programs, and by the preparation and presentation of facts, explanations, and recommendations shall assist the Board of Education in its duties of legislation and policymaking for the schools and the educational service unit.

Date of Adoption: July 6, 2015

AdministrationLine of Authority

The main line of organization for the Omaha Public Schools runs from the Superintendent's Office through the five divisions – Curriculum and Instruction Support (Chief Academic Officer), District Operational Services (Chief Operations Officer), General Administration (Chief Financial Officer), Human Resource (Chief Human Resources Officer) and the School Support and Supervision (Executive Directors of School Support.) If, for any reason, it is necessary to define an order of rank in the temporary absence of the Superintendent, then the following order shall prevail, so long the holders of such positions have the necessary endorsement, provisional or otherwise, under Nebraska Law: Secretary to the Board of Education, Chief Academic Officer, Chief Operations Officer, Chief Financial Officer, Chief Human Resources Officer, Executive Directors of School Support and Supervision.

Date of Adoption: July 6, 2015



AdministrationDelegation of Authority

The Superintendent of Schools may delegate to other staff members any of the powers and duties that the Board has entrusted to him/her. However, he/she is responsible to the Board for proper execution of matters and cannot delegate responsibility.

The Superintendent shall have authority to implement his/her responsibility through:

1. requiring reports from all staff members as necessary.
2. assigning, or transferring staff members in accordance with Board policies and/or contracted agreements.
3. forming committees or task forces to make plans or recommended procedures.
4. directing the work of all staff members in accordance with the organizational plan.

Administrative and supervisory positions in the school system are recommended by the Superintendent and approved by the Board. In addition, some positions are required by state law. It is the intent of the Board to activate a sufficient number of such positions to promote the attainment of the School District's goals and provide for the effective management of the District.

The Board instructs the Superintendent to maintain a comprehensive set of job descriptions for all such positions.

All reports or recommendations to the board from any officer or employee under the direction of the superintendent shall be made to the Office of the Superintendent unless otherwise directed by the Board of Education.

Date of Adoption: August 3, 2015



Administration

Advisory Committees

The superintendent shall have power to form advisory committees or councils, including members who are not employees of the Board of Education, to advise and assist in formulating policies and plans for carrying on the work of the schools. The work of such committees shall be advisory only and with minimum or no expense to the school district.

Date of Adoption: July 6, 2015



AdministrationSchool Year

A standard school year shall consist of a maximum of 190 teaching days exclusive of all vacations, or such number of teaching days not to exceed 190 as may be approved by the Board of Education.

The superintendent of schools or designee shall present annually or biennially as deemed advisable, a calendar for the coming school year or years for the approval of the Board of Education. The superintendent or designee shall develop a calendar or calendars which meets all provisions included in board policy, state statutes, and the rules and regulations of the state Board of Education. The annual calendar developed shall be divided into two semesters, each divided into two quarters.

Such calendars shall be designed to meet the goals and objectives of the Board of Education and shall accommodate all experiences and activities provided by the school district.

The Board of Education recognizes that instructional hours include class sessions, homeroom periods, study halls, assemblies, recess periods, field trips, passing time, and other planned instructional activities in order to provide students a balanced and complete school experience. The Board of Education further recognizes the importance of maintaining quality instructional time for all students. The superintendent shall be responsible for monitoring the allocation and use of staff and student time and shall make adjustments when necessary to insure the integrity of the instructional hour and to accommodate unforeseen circumstances. Time scheduled for student lunch periods shall not be counted as instructional time.

Students enrolled in non-traditional programs may have fewer instructional hours than those in the regular K-12 program. Students may be assigned to such programs as a result of an Individualized Educational Plan (IEP), due process in accordance with the discipline code described in policy, or the recommendation of the principal and the superintendent's designee.

The board-approved calendar/s shall make provision/s for the opening and closing of school and the length of the authorized recess periods during the standard school year Thanksgiving, winter recess and spring recess. Before final adoption, the proposed calendar shall be made available to representatives of school employees and/or the community for feedback or suggestions.

Date of Adoption: May 1, 2017



Administration

The Principalship

- A. Each individual school or combination of schools, as may be authorized by the superintendent of schools upon approval of the Board of Education, shall be under the direct administration and supervisory control of a principal and such necessary assistants as may be determined by the needs of the schools and with reference to the general policies of the school district.
- B. Principals and their assistants shall perform all duties pertaining to their positions under the immediate supervision of the executive directors of school support and designated assistants with final authority residing with the superintendent of schools.

Date of Adoption: July 6, 2015



AdministrationDuties of the Principal

- A. Within limits of the law, board regulations, and instructions from the superintendent and assistants, the principal shall be the administrative authority of assigned school. The principal is responsible for a thorough knowledge of all laws, regulations, and instructions governing the position. The principal shall coordinate all administrative and supervisory activities which occur in the building. The principal shall be responsible for the coordination of the work of supervisors, custodians, officials of the business department, health officers, and all others who work in relationship to the school and to the teachers. The principal shall be responsible for the administration of school policies in the assigned school and for making available to building staff a knowledge of such regulations as they are enacted by the Board of Education or formulated by the central administration. The principal shall keep superior officers fully advised as to the condition of the school. The principal is responsible for the detailed organization of the school, the assignment of duties of staff members within the school, and the administration of the instructional program.
- B. The principal shall be the instructional leader. This includes writing, implementing and monitoring the building school improvement plan to insure the highest level of proven best practices in the areas of curriculum, instruction and assessment.
- C. The principal shall, in alignment with Board Policies and law, handle all complaints from patrons or parents which affect the school, investigate the same, and refer to the central administration all cases which cannot be adjusted satisfactorily.
- D. The principal may not be absent from school without notifying the superintendent's office and without leaving someone in charge to assume responsibilities during absence.
- E. The principal is responsible for the efficiency of teachers and other staff members within the building and shall evaluate them in accordance with established procedures as may be defined by the central administration.
- F. The principal shall have the power to suspend students temporarily and make recommendations for reassignment, long-term suspension, or expulsion pursuant to policy. The principal may assign this duty to the assistant principal/s. In matters of attendance and suspension, the principal shall enforce the requirements of the compulsory attendance laws.
- G. The principal shall have immediate supervision of custodians in the discharge and scheduling of their duties and shall have the assistance of the custodians on the playgrounds, in the play rooms, in the halls at the time of the opening and closing of school and whenever their services are required. However, custodians shall not be placed in charge of students.

Date of Adoption: July 6, 2015



AdministrationLegal Services

The primary provider of legal services to the Board, the Superintendent and the Administration shall be the In-House Counsel. The In-House Counsel shall advise the Board, Superintendent and Administration on questions of law affecting the operation of the schools. The In-House Counsel shall also provide legal services to Educational Service Unit No. 19. The Board may retain outside legal counsel to assist the In-House Counsel in the provision of such legal services.

- A. Outside legal counsel shall serve at the pleasure of the Board for such compensation as agreed upon.
- B. Outside legal counsel will generally be directed by the In-House Counsel and/or Superintendent but shall ultimately be responsible to the Board.
- C. Members of the Administration other than the In-House Counsel and Superintendent may only access outside legal counsel with the approval of the In-House Legal Counsel or Superintendent.



AdministrationSafety Provisions for Students and Staff

It is the goal of the Board of Education, the administration and staff of the school district to promote through its policies and regulations, the highest possible standards of conduct and atmosphere for good instruction throughout the system. The board affirms its concern for all of its students and employees and agrees to strive continually to provide working conditions free of hazards which endanger their health, safety, or well-being. The board pledges itself to use every practical and reasonable means at its disposal to protect its students and staff from harm.

**Employees:**

Assistance and advice will be rendered to any employee physically assaulted in securing legal redress, law enforcement, and prosecution of complaints, or in defense against any charges arising out of any disciplinary action taken by an employee against any student in the school district, while acting in the discharge of duties, within the scope of employment and under the policies and regulations of the School District of Omaha.

**Students:**

Guidelines relative to the protection and safety of students are included under the section of the *Policies and Regulations* which pertains to students (Series 5000).

Date of Adoption: July 6, 2015



AdministrationSmoking and Use of Drugs, Tobacco, e-Cigarettes Related Products, Alcohol or Other Prohibited Substances

Smoking of any drugs, use of tobacco in any form, use of vapor products or alternative nicotine products shall be prohibited in all buildings, on all grounds, and in all vehicles owned or leased by the Omaha Public Schools.

The Omaha Public Schools is committed to providing a safe and healthy environment for our students and staff. In keeping with this philosophy, we maintain a drug, e-cigarette related products, alcohol, and tobacco free work and living environment, and prohibit weapons or firearms anywhere on the premises. This policy also applies to any visitors on District property.

Any individual, other than students, who is observed smoking or using tobacco products in any form, drugs, alcohol or vapor products, or alternative nicotine products type products in violation of District policies shall be asked to refrain from such activity. If the individual fails to comply with the request the violation may be referred to the principal or District supervisory personnel responsible for the area or the program. The supervisor shall make a decision on further action, which may include a directive to leave school property. Repeated violations may result in a recommendation to the Superintendent to prohibit the individual from entering District property for a specified period of time. If deemed necessary by school administration, the local law enforcement agency may be called upon to assist with enforcement of this policy. This does not preclude adults from wearing non-visible nicotine patches, or using nicotine gum without displaying the product container, as part of a smoking cessation program.

Date of Adoption: July 6, 2015



AdministrationSubstance Abuse (Drug Free Schools and Communities, Drug Free Workplaces, Drug and Alcohol Testing)

The illegal use of drugs and/or alcohol is determined by the Omaha Public Schools to be one of the greatest potential threats to the educational process and to the community. It is determined to be the educational policy of the Omaha Public Schools to prohibit the use of alcohol and illegal drugs among the student population, and to effectively promote this educational policy, Omaha Public Schools staff members serve as role models and support the Omaha Public Schools in this endeavor.

For the following reasons, Omaha Public Schools is committed to the prevention of alcohol or drug abuse by its employees. Compliance with this policy is mandatory.

- A. alcohol or drug abuse by employees of the Omaha Public Schools, whether on or off the job, presents a variety of risks which are unacceptable.
- B. Risk of harm to students, who may be injured due to a lack of supervision or alertness on the part of Omaha Public Schools' employees.
- C. Risk of harm to co-workers, who similarly may be injured by accidents resulting from a lack of supervision or alertness on the part of Omaha Public Schools' employees.
- D. Risk that students will be improperly influenced by Omaha Public Schools' staff members who use or promote the use of illegal drugs or alcohol.
- E. Risk of harm to the Omaha Public Schools through low productivity, high absenteeism, or damage to the reputation of the Omaha Public Schools as a public educational institution.
- F. Risk of physical, mental, spiritual, and economic harm to the employee who is abusing drugs or alcohol.

**Drug Free Workplace:**

- A. Prohibited Conduct On or Off-Duty

The unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance by an Omaha Public Schools' employee is strictly prohibited at any time or place whether on or off duty.

- B. Notification of Conviction

As a condition of employment, all employees must notify the assistant superintendent for Human Resources of any conviction for violating federal, state, or local criminal laws

regarding controlled substances. Such notifications must be made within five days after such conviction.

Failure to notify as required under this policy may subject the employee to disciplinary action, up to and including termination.

**Alcohol:****A. Use or Possession at Work**

The use or possession of alcoholic beverages while on Omaha Public Schools' premises or at student/related activities is prohibited.

**B. Intoxication/Impairment**

Appearing for work or performing any job duties or Omaha Public Schools business while intoxicated or impaired by alcohol is prohibited.

**Legal Drugs:**

The use of legal drugs (over-the-counter or prescription medications) in accordance with doctors' orders or manufacturers' recommendations is not prohibited. Excessive use or abuse of such drugs shall be considered use of illegal drugs under this policy. If use of legal drugs in accordance with doctors' orders or manufacturers' recommendations may impair the employee's ability to safely and effectively perform his/her job, the employee must so notify his/her supervisor so that any necessary arrangements to protect safety and productivity can be made. Failure to properly inform the supervisor or to cooperate in any necessary arrangements to protect safety and productivity will result in disciplinary action.

**Discipline:**

As a condition of continued employment, all employees must abide by the terms of this Substance Abuse policy. Any employee violating this policy shall be subject to disciplinary action, up to and including discharge and referral to law enforcement authorities.

**Drug and Alcohol Testing - Bus, Van, and Commercial Drivers:**

The Federal Department of Transportation/Federal Highway Administration mandates drug and alcohol testing for all drivers required to possess a commercial driver's license, including drivers of vehicles weighing over 26,001 pounds or designed to transport 16 or more passengers, such as school buses. The Omaha Public Schools is thus required by federal regulation to implement drug and alcohol testing of all school bus drivers and other employees driving commercial vehicles. The Omaha Public Schools, by its own authority, also requires the testing of those employees who drive vans designed for less than 16 passengers. All bus and van drivers hold the same safety sensitive positions in that they are all responsible for the safe transportation of students. Individuals employed by the Omaha Public Schools as bus or van drivers hold great responsibility for student

life. Students' lives depend upon the bus or van driver to be alert and physically fit at all times. A momentary lapse in judgment could result in tragedy. Therefore, the Omaha Public Schools will conduct pre-employment, reasonable suspicion, random, post-accident, and return-to-duty testing of all bus and van drivers, and all drivers required to have a commercial driver's license. All such drivers shall be required to submit to such testing.

**Prohibited Conduct: Bus, Van, and Commercial Drivers:**

The federal Department of Transportation/federal Highway Administration has issued certain conduct rules for all drivers of vehicles with 16 or more passengers and commercial drivers. The Omaha Public Schools also applies these conduct rules to drivers of vans with less than 16 passengers. Thus, all drivers employed by the Omaha Public Schools are required to have a commercial driver's license and all bus and van drivers must comply with the following:

- A. No driver shall use alcohol within four hours of reporting to work. Drivers should be aware, however, that alcohol consumed ten or more hours prior to work may result in a positive breath test.
- B. No driver shall possess alcohol (including medicine, food, or other products containing alcohol) while on duty.
- C. No driver shall use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- D. No driver shall report for duty or remain on duty when using any controlled substance, except when the use is pursuant to a licensed physician's prescription and the physician has advised the driver that the substance will not adversely affect the driver's ability to safely operate a motor vehicle. Any driver who has been prescribed a controlled substance which would impact his/her ability to drive shall immediately notify his/her supervisor and shall not drive while under the influence of such substance.

**Reasonable Suspicion Testing - All Employees:**

Omaha Public Schools may require any employee to be tested upon reasonable suspicion, for the use of controlled substances or alcohol in violation of this policy. Refusal to submit to the test or testing positive for drugs or alcohol will result in disciplinary action up to and including termination of employment.

**Employee Assistance Program:**

The Omaha Public Schools maintains an employee assistance program to help employees with personal concerns. Any employee with a drug or alcohol problem is encouraged to contact an employee assistance counselor.

**Rehabilitation:**

It is the policy of the Omaha Public Schools to provide current employees, in appropriate cases, the opportunity to take part in rehabilitation as an alternative to discharge. Such opportunity shall be granted at the sole discretion of the Omaha Public Schools based on the circumstances of each individual case. The treatment program shall be subject to approval by the Omaha Public Schools, but shall be the financial responsibility of the employee. Where appropriate, conditions of continuing employment may include a stated period of sobriety following discharge from treatment, continuation, and active participation in a recovery program, job reassignment or restructuring, periodic chemical testing or professional evaluation, and probation.

**Training:**

All employees shall attend a drug-free awareness program, which shall provide information on:

- A. the dangers of drug abuse;
- B. the Substance Abuse policy of Omaha Public Schools;
- C. available rehabilitation and employee assistance programs; and
- D. the disciplinary penalties which may be imposed for violations of the Substance Abuse policy.

All supervisors shall receive training on identifying the signs of drug or alcohol abuse among employees.

**Notification of Employees:**

All employees shall receive a separate copy of this policy.

Date of Adoption: July 6, 2015

**Series 3000**  
**Business**  
**Operations**



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Business OperationsFund Balance Reporting

Fund balance classification shall be recorded in accordance with governmental accounting standards as promulgated by the Governmental Accounting Standards Board (GASB), including GASB #54.

The order of spending and availability of the fund balance shall be to reduce funds from the listed areas in the following order: restricted, committed, assigned, and unassigned. Negative amounts shall not be reported for restricted, committed, or assigned funds.

Fund Balance shall mean the gross difference between governmental fund assets and liabilities reflected on the balance sheet. Governmental fund assets are those of the General Fund, Special Revenue Funds, Debt Service Funds, and Capital Project Funds.

The fund balance of the general fund finances most functions in the District. The fund balance of the general fund shall mean the gross difference between general fund assets and liabilities reflected on the balance sheet.

The five classifications of governmental fund balances are as follows:

1. Non-spendable fund balance means the portion of the gross fund balance that is not expendable (such as inventories) or is legally earmarked for a specific use (such as the self-funded reserves program).

Examples of non-spendable fund balance reserves for which fund balance shall not be available for financing general operating expenditures include: inventories, prepaid items, deferred expenditures, long-term receivables, and outstanding encumbrances.

2. Restricted fund balance includes amounts constrained to a specific purpose by the provider, such as a grantor. Examples of restricted fund balances include: child nutrition programs, technology programs, construction programs, and resources from other granting agencies.
3. Committed fund balance means that portion of the fund balance that is constrained to a specific purpose by the Board. Examples include: potential litigation, claims, and judgments and activity funds.
4. Assigned fund balance means that portion of the fund balance that is spendable or available for appropriation but has been tentatively earmarked for some specific purpose by the Superintendent or designee. Such plans or intent may change and may never be budgeted, or may result in expenditures in future periods of time. Examples include: insurance deductibles program start-up costs; and other legal uses.

5. Unassigned fund balance includes amounts available for any legal purpose. This portion of the total fund balance in the general fund is available to finance operating expenditures.

The unassigned fund balance shall be the difference between the total fund balance and the total of the non-spendable fund balance, restricted fund balance, committed fund balance, and assigned fund balance.

**Minimal Fund Balance:**

As defined by Governmental Accounting Standards Board Statement No. 54, the unassigned fund balance is equal to the amount of fund balance which is not classified as restricted, committed or assigned. The unassigned fund balance for the general fund shall be maintained at a level between 10% and 20% of the prior year's expenditures of the general fund per the audited financial statements. In any instance, unassigned fund balance shall be maintained at a level which is compliant with Nebraska Revised Statute Section 79-1027. The purpose of the unassigned fund balance is to maintain sufficient cash flow, maintain investment grade bond ratings, offset revenue shortfalls and provide funds for unforeseen expenditures related to emergencies.

Fund balance calculations shall be made on an annual basis and reported in the District's audited financial statements. Should the unassigned general fund balance as reported on the audited financial statements fall below the minimum 10%, the District will budget to replenish the shortfall through reducing recurring expenditures or increasing revenues in next available budget cycle plans not to exceed three years. Should the unassigned general fund balance as reported on the audited financial statements fall above the maximum 20% for two consecutive years, the District will consider such fund balance surplus for one-time expenditures that are nonrecurring in nature in the next available budget cycle plans. The unassigned fund balance may be expended below the minimum 10% for an extraordinary circumstance or nonrecurring emergency that the District's Board of Education authorizes. Administrative staff recommendations related to the fund balance shall occur throughout the budget development process. The annual fund balance plan is approved by the Board of Education with the annual approval of the School District budget.

Date of Adoption: May 1, 2017

Business Operations

Public Review of Budget

The Superintendent or designee shall make the tentative budget conveniently available for public inspection and arrange for a public hearing on the tentative budget as required by law. At least one public hearing shall be held regarding the tentative budget prior to the final action by the board. Notice and time of such hearing together with a summary of the proposed budget statement, shall be published as required by law.

Legal Reference: Neb. Rev. Stat. 13-501 to 13-513

Date of Adoption: January 21, 2015



Business Operations

Transfer of Funds Between Categories

All transfers of funds between the major classifications of the budget shall be according to law and upon approval of the Board. The board may make transfers of monies between the various items within the General Fund without a rehearing on the budget. Monies may be borrowed from one fund into another as allowed by law as long as such funds are replaced as soon as revenues are available.

Legal Reference: Neb. Rev. Stat. 13-501 to 13-513

Date of Adoption: January 21, 2015



Business Operations

Budget as Spending Plan - Budgeted Items

After the budget has been adopted, the Superintendent shall be responsible for the proper use of the budget by all personnel. The Superintendent shall establish and operate budget controls for all schools and departments and shall ensure that the administration of the budget is in conformity with the legal requirements as well as the policies and actions of the Board.

Date of Adoption: January 21, 2015



Business Operations

Tuition Fees

The Board may at its sole discretion allow non-resident students to attend Omaha Public Schools upon payment of tuition in an amount established by the Board, and paid in advance, as and to the extent required by law.

Legal Reference: Neb. Rev. Stat. 79-215

Date of Adoption: January 21, 2015



Business Operations

Materials Fees

Each principal is responsible, in cooperation with teachers, coaches and other instructional personnel for planning and requesting budgetary provision for all materials and activities recognized as part of the total school program.

Date of Adoption: January 21, 2015



Business Operations

Summer School Fees

Students who fail classes and are required to take summer school classes out of the District shall be expected to pay their own tuition and travel expenses. If Omaha Public Schools provides summer school instruction, the tuition charges shall be based upon the actual costs incurred in operation and will not be intended to provide a financial profit for the district.

Date of Adoption: January 21, 2015



Business Operations

Federal Funds

The Superintendent or designee shall recommend to the Board approval of application for federal assistance under the provisions of federal laws if the use of such funds is not contrary to the educational goals and policies of the District.

Date of Adoption: January 21, 2015



Business OperationsSales and Disposal of Books, Equipment and Supplies

The Superintendent of Schools or designee is authorized and directed to dispose of books, furniture, equipment and other property that is obsolete or no longer needed for school operations. Any sale of school property is contingent on approval by the vote of a majority of a quorum of the Board.

Such disposal may be by public or private sale, or by taking bids and selling to the highest or most responsible bidder. The following procedures shall be followed:

1. The intention to sell shall be publicized, via school newsletter, website, a weekly memo, a bulletin posting, a newspaper advertisement, or other means suitable to the value and nature of the property.
2. Items which are offered for sale in an approved manner which are not sold after a reasonable period of time may be considered to have no value and may be disposed of as determined by the Superintendent or designee and reported to the Board.

Legal Reference: Neb. Rev. Stat. 79-10,114

Date of Adoption: January 21, 2015



Business Operations

Leasing

When inadequate space exists for the proper function of the educational program or for administrative needs, the Board may use funds to lease additional space. When the board determines that space within its buildings is in excess of that required for the proper functioning of the educational program or for administrative needs, the Board may lease space to another party, providing the business of the leasing party does not distract from the reputation, education or administration of the schools.

Date of Adoption: January 21, 2015



Business Operations

Short-Term Investing

The Superintendent or designee has the responsibility of investing funds in savings accounts, certificates of deposit, United States Government Securities and other legally approved investments. The interest received on any investments shall be credited to the fund from which the money was taken to make the investment, or in such other manner as may be permitted by law and in the best interests of the District's financial responsibilities.

Legal Reference: Neb. Rev. Stat. 79-1043

Date of Adoption: January 21, 2015



Business Operations

Depository

The Treasurer of the Board shall deposit the funds received in a bank situated within the boundaries of the district.

The depository bank or banks shall be, from time to time, designated by the Board by formal resolution. Such designation may be withdrawn at any time by the Board by formal resolution entered upon its records.

Legal Reference: Neb. Rev. Stat. 77-2350 and 77-2350.1

Date of Adoption: January 21, 2015



**RESOLUTION**

**RESOLVED**, that the official depository of school funds for this School District is hereby designated to be \_\_\_\_\_, and that the designation of any other institution as the depository of school funds is hereby withdrawn.

The above Resolution, having been read in its entirety, member \_\_\_\_\_ moved for its passage and adoption, and member \_\_\_\_\_ seconded the same. After discussion and on roll call vote, the following members voted in favor of passage and adoption of the above Resolution: \_\_\_\_\_

\_\_\_\_\_

The following members voted against the same: \_\_\_\_\_

\_\_\_\_\_

The following members were absent or not voting: \_\_\_\_\_

\_\_\_\_\_

The above Resolution, having been consented to and approved by more than a majority of the members of the School Board of this School District, was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska open meetings law.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Omaha Public Schools

**BY:** \_\_\_\_\_  
President

Attest:

\_\_\_\_\_  
Secretary

Legal Reference: Neb. Rev. Stat. 77-2350 and 77-2350.01

Date of Adoption: January 21, 2015



Business Operations

Report of Treasurer

The Treasurer or designee shall submit a monthly reconciliation to the Board which shall include:

1. Balances
2. Receipts
3. Disbursements
4. Investments

Date of Adoption: January 21, 2015



Business Operations

Periodic Audit

An audit of the accounts of the school district component units shall be made annually by a certified public accounting firm selected by the Board. The audit examination shall be conducted in accordance with generally accepted auditing standards, shall comply with the current rules and regulations approved by the State Board of Education, and shall include all funds over which the Board has direct or supervisory control.

Legal Reference: Neb. Rev. Stat. 79-1089  
NDE Rule 1

Date of Adoption: January 21, 2015



Business Operations

Inventory of Equipment

An inventory of equipment shall be maintained by the Superintendent or designee and shall serve the functions of property control and determination of necessary insurance coverage.

Date of Adoption: January 21, 2015



Business OperationsMonies in School Buildings

Monies collected by school district employees shall be managed in a good and prudent business manner.

All monies collected shall be receipted and accounted for and directed without delay to the proper location of deposit.

**Safeguarding of School Monies:**

Any individual responsible for the handling of school monies or assets which may come into the possession of a school is required to deposit all such funds and assets in a bank approved by the Chief Financial Officer or his/her designee in an account designated as a school account. Such funds must be held in the name of the principal of such school or the school treasurer, separate from any personal account and shall be transferable to their successor upon resignation, retirement or death. It is the intent of this regulation that elementary school principals shall act as treasurers for their extra-curricular accounts under the provision of the rule. In the middle level and high schools, school treasurers or clerks appointed by the principals shall perform these duties subject to the supervision and control of the principal.

**Accounting of Student and School Funds:**

All monies, including fines and fees collected or disbursed by school employees, shall be accounted for, and all student activity accounts shall be maintained in accordance with the accounting system required and authorized by the superintendent of schools. Such accounting shall include monthly financial statements of expenditures and receipts. A final annual report shall be subject to an audit by the Board of Education. The Chief Financial Officer shall have the power to require a bond from any official to protect school funds if, in the judgment of the Chief Financial Officer, the amount of money handled by an individual may require bonding.

Date of Adoption: January 8, 2018



Business OperationsBonds

The Treasurer shall give a bond or equivalent insurance coverage payable to the District in such amount as required by law and determined appropriate by the Board. The Board may require that other school officials whose duties require the handling of funds be bonded or obtain insurance coverage including, but not limited to, the bookkeeper, activities director, Secretary to the Board of Education, Superintendent and director of nutrition services. The cost of such bonds or equivalent insurance coverage shall be paid by the District.

Legal Reference: Neb. Rev. Stat. 79-592

Date of Adoption: January 21, 2015



Business Operations

Trust Funds

All funds, trust and public, in special accounts in all schools shall be subject to supervision and audit by the Board of Education. All such funds shall be deposited in approved banks and shall be credited to the school district in the name of the treasurer of the Board of Education.

Legal Reference: Neb. Rev. Stat. 79-592

Date of Adoption: January 8, 2018



Business Operations

Educational Service Units - Designated Representative

The Superintendent of Schools is the designated representative of this District for purposes of indicating the approval or disapproval of the District of proposals of core services offerings and the use of the property tax levy of the educational service unit of which the school district is a member.

Legal Reference: Neb. Rev. Stat. 79-1242  
NDE Rule 84

Date of Adoption: January 21, 2015



Business Operations

Security

The Superintendent or designee is directed to establish such rules and regulations as may be needed to provide for security of all school district property and safety of students and staff.

Date of Adoption: January 21, 2015



BusinessVideo Surveillance**A. Purpose:**

The Board authorizes the use of video cameras and other passive electronic measures (such as motion detectors) for the purposes of ensuring the health, welfare and safety of staff, students and visitors, safeguarding District facilities and equipment, and maintaining student discipline and an appropriate educational and work environment.

**B. Placement:**

Video cameras and similar devices are authorized to be used on school facilities, school vehicles and other places within the control of the District. The locations in which the devices will be placed and the times the devices will be in use are to be determined by the Superintendent or the Superintendent's designee consistent with the purposes set forth in this Policy. The devices shall not be placed or operational in locations in which individuals have a high expectation of privacy, such as restrooms and locker rooms.

**C. Notice:**

Notice of the fact that video surveillance cameras are being utilized shall be given through appropriate mechanisms, such as by posting signs in the building entry and other locations and by including a notice in the student-parent and staff handbooks.

**D. Viewing Monitors and Video Recordings:**

Monitors used to view video recordings are to be located and positioned such that only authorized personnel are able to see the images on the monitors. Only authorized personnel shall be allowed to view recorded video. Authorized personnel for these purposes are: school administrators, school staff members with a direct involvement with the recorded contents of the specific video recording and employees or agents responsible for the technical operations of the system (for technical purposes only).

School administrators may allow law enforcement officers to view monitors and recorded video when such is consistent with school security and discipline and consistent with law.

Students shall not be permitted to view the monitors. Students shall not be permitted to view recorded video except where the individual student is the focus of the recorded video.

**E. Use of Video Recordings:**

Video records may be used as a basis for student or employee disciplinary action and for making reports to law enforcement. Copies will be provided to law enforcement or other entities after a subpoena is issued.

**F. Video Recordings as Education Records:**

Video recordings will be maintained as confidential records to the extent provided for by law.

**G. Maintaining Video Recordings:**

The District shall comply with all applicable state and federal laws related to record maintenance and retention of video recordings. Video recordings that contain personal information shall be securely stored and, when such recordings are no longer needed or required to be maintained, shall be properly disposed of or erased.

**H. Maintaining the Integrity of the Video Surveillance System:**

The building principals shall be responsible for periodically checking the video surveillance system within their building to ensure it is operating properly. Students or staff who vandalize, damage, disable, or render inoperable surveillance cameras or equipment, or use the video surveillance system in a manner that is not consistent with the purposes set forth in this Policy, shall be subject to appropriate disciplinary action (up to and including expulsion, for a student, and termination, for a staff member) and referral to appropriate law enforcement authorities.

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. 1232(g) (34 C.F.R. Part 99)  
State Records Administrator Guidelines:  
Schedule 10: Records of Local School Districts (Feb. 1989)  
Schedule 24: Local Agencies General Records (March 2005)  
Electronic Imaging Guidelines (March 2003)

Date of Adoption: January 21, 2015

Business OperationsRisk Management and Safety Committee

Omaha Public Schools is committed to providing and maintaining a safe and healthy work environment. The administration is to make the safety of employees an integral part of the management function. Each employee is to make safety an integral part of their duties by following established safety regulations and procedures, assisting in accident prevention activities by reporting any job-related injury to the administration immediately, reporting unsafe conditions immediately, and providing suggestions to eliminate accidents and injuries. Failure to follow safety rules may lead to disciplinary action up to and including termination.

Safety and health management is the ultimate responsibility of the Board. Functional authority for continued development and implementation of health and safety is hereby delegated to the Superintendent or the Superintendent's designee.

The Superintendent or designee is to establish and maintain the Safety Committee or committees as required by law. The Safety Committee(s) shall be made up of members, hold meetings, and perform such functions as required by law. The Safety Committee(s) shall adopt and maintain an effective written Injury Prevention Program for the School District. The Superintendent or the Superintendent's designee is delegated authority and responsibility as required or allowed by law over such Injury Prevention Program.

Management shall participate in the Safety Committee(s), in safety education and training, the establishment of safety rules, policies and procedures as provided in Board policy, the District's written Injury Prevention Program, and as otherwise provided by law. The Superintendent or designee shall ensure that records of safety law compliance and workplace injuries are created and retained as required by law.

Legal Reference: Neb. Rev. Stat. 48-443 to 48-445

Date of Adoption: January 21, 2015



Business OperationsTrespassers

Restrictions on the use of school buildings and grounds may be implemented by administrative action. The Board gives all district and building administrators and their designees full power and authority to implement and enforce restrictions on access to school property and to issue no trespassing commands and stay away/no trespassing letters. Such action shall be taken consistent with constitutional and other legal rights.

All District and building administrators and their designees shall have full power and authority to direct any individual or group to leave school grounds and stay away where such individual or group has:

- A. failed to comply with identification or check-in procedures,
- B. are determined by such administrators or designees to not have a legitimate school purpose to be on school grounds, or
- C. who are determined by such administrators or designees to present a risk to the safety of building users or a risk of disruption to the educational program, including without limitation, registered sex offenders.

A refusal to leave or stay away as directed will be considered trespassing and shall be reported by the administrators or their designees to proper law enforcement authorities.

All requests for trespassing letters will go through the Office of Community, School and Family Engagement.

Legal Reference: Neb. Rev. Stat. 28-520 to 28-522

Date of Adoption: January 21, 2015



Business OperationsSafe Driving Record Standard for Drivers**Standard for Pupil Transportation Vehicle Drivers:**

Each person who is required to have a permit to operate a pupil transportation vehicle for this School District shall meet all requirements to hold and continue to hold a pupil transportation operator's permit. One of the requirements for obtaining such a permit is that the person have a record of satisfactory driving as determined by Board policy. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

- A. Motor vehicle homicide;
- B. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
- C. Reckless driving or willful reckless, within the immediate prior 20 years; or
- D. Accumulation of 5 or more points under the motor vehicle operators' license point system within the immediate prior 4 years. In the event the person has accumulated 3 or 4 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

**Standard for Drivers of Small Vehicles for Activity Trips:**

Each person who drives a small vehicle (car or van) other than a pupil transportation vehicle for school activities and who is not required to have a permit to operate a pupil transportation vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

- A. Motor vehicle homicide;
- B. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
- C. Reckless driving or willful reckless, within the immediate prior 20 years; or
- D. Accumulation of 5 or more points under the motor vehicle operators' license point system, within the immediate prior 4 years. In the event the person has accumulated 3 or 4 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

**Standard for Drivers of Other School Vehicles:**

Each person who drives a school vehicle other than a pupil transportation vehicle and does not transport students in the vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. In the event the person's employment position requires driving vehicles as a function of the person's employment, the employment may be terminated in the absence of a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

- A. Motor vehicle homicide;
- B. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
- C. Reckless driving or willful reckless, within the immediate prior 10 years; or
- D. Accumulation of 6 or more points under the motor vehicle operators' license point system within the immediate prior 4 years. In the event the person has accumulated 3, 4 or 5 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

The record of satisfactory driving standards shall apply to all new employees from and after adoption of this policy. Existing employees shall be subject to the same standards, provided that the Superintendent or Superintendent's designee may determine to permit an exception based on the existing employee's record of satisfactory driving while employed with the District and the nature and proximity of prior driving offenses as such offenses relate to safe transportation.

Legal Reference: Neb. Rev. Stat. 79-318, 79-602, 79-607 and 79-608  
Neb. Rev. Stat. 60-4,182 (point system)  
Title 92, Nebraska Administrative Code, Chapter 91

Date of Adoption: January 21, 2015

Driver Certification or Use of District Vehicles or Transportation of Students

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

Name \_\_\_\_\_ Operator’s License No: \_\_\_\_\_ License Class: \_\_\_\_\_

I certify that the following information is true and accurate:

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

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

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

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

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

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Driver



Basic First Aid Procedures

First aid is the immediate and temporary care given to the victim of an accident or sudden illness until medical services can be obtained. Keep these points in mind when handling situations that may require you to administer first aid:

- Remove everyone from danger and then provide first aid in a safe location. Also, do not attempt to make a rescue until you are sure you won't become a victim.
- Remain calm. Keeping your composure while helping the injured person will help him/her to keep calm and cooperate. If the person becomes anxious or excited, the damage from the injury could be increased.
- Plan quickly what you need to do. Learn basic procedures or have your first aid information available so you can care for the injured person.
- Send for professional help as soon as possible. The local emergency telephone number is \_\_\_\_\_. The school telephone number is: \_\_\_\_\_
- Let the person know that help is on the way and try to make them as comfortable as possible.

**Evaluating the Situation and Setting Priorities:**

To effectively deal with emergencies, the situation must be evaluated and priorities set.

Three evaluations which must be made to establish priorities for treatment: <ul style="list-style-type: none"> <li>• Condition of the scene</li> <li>• Type of injury</li> <li>• Need for treatment</li> </ul>	Primary first aid procedures are to: <ul style="list-style-type: none"> <li>• Restore breathing.</li> <li>• Control bleeding.</li> <li>• Prevent shock</li> </ul>
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Whenever possible, do not move the victim. Treat the person where you find him/her. However, several types of situations require the person to be moved out of immediate danger, such as fire, electrocution, and drowning.

**Bleeding:**

Bleeding needs immediate attention. Evaluate the type of bleeding and the amount of blood lost:

<ul style="list-style-type: none"> <li>• Capillary oozing.</li> </ul>	Injuries to capillaries or small veins. It is indicated by steady oozing of dark colored blood.
<ul style="list-style-type: none"> <li>• Venous bleeding</li> </ul>	Bleeding from the vein. It is indicated by a flow of dark-colored blood at a steady rate.
<ul style="list-style-type: none"> <li>• Arterial bleeding.</li> </ul>	Bleeding from an artery. It is indicated by bright red blood flowing quickly in spurts.

Blood flowing in a small, steady stream or small spurts can be serious, but can be controlled. Blood flowing in a heavy stream or large spurts is very serious and must be brought under control immediately.

The primary step to control bleeding is to exert direct pressure over the wound. Place the cleanest material available against the bleeding point and apply pressure by hand until the wound clots and can be dressed with bandages. If necessary, apply direct, even pressure with your bare hand. If blood soaks through the bandage, do not remove it. Apply more bandages and secure them. Make sure the bandages are not too tight so circulation is not restricted.

Look for swelling around the wound. If the bandage interferes with the circulation of the blood, loosen it. Elevate the wound above the level of the heart, except when there is a broken bone.

**Artery Pressure Point:**

If direct pressure on the wound does not control bleeding, direct pressure on any artery pressure point closest to the wound is necessary. The artery pressure point must be located between the heart and the wound.

**Tourniquet Warning:**

A tourniquet should only be used for hemorrhaging that cannot be controlled by direct or arterial pressure. Tourniquets are dangerous to apply, to leave on, and to remove. Stoppage of blood supply below the tourniquet can lead to gangrene and loss of limb.

**Shock:**

Shock occurs when the vital body functions are depressed. The three most common causes of shock are:

- Excessive bleeding
- Inadequate breathing
- Unsplintered fractures

If shock is not treated promptly, death may result, even if the injury causing the shock is not severe enough to cause death. It is NOT recommended that drivers attempt to splint a fractured bone; instead simply treat the victim for shock.

**Recognizing Shock:**

When a person is in shock, the skin is pale, cold, clammy, and moist with beads of sweat around the lips and forehead. The pulse is fast, weak, or entirely absent. Breathing is shallow and irregular and the eyes are dull and vacant with dilated pupils. The person complains of nausea and dizziness. She may be unaware of the seriousness of the injury and then suddenly collapse.

**Control of Shock:**

The victim should lie down on top of an article of clothing, newspaper or other material and kept warm with a light blanket. In warmer temperatures, it is not necessary to use a cover.

The person should not become overly warm so that perspiration occurs. Perspiration draws blood to the skin, away from the interior of the body where it is needed. In order to help the flow of blood to the heart and head, elevate their legs at least 12 inches high. If there is a head or chest injury or breathing seems difficult, elevate the chest instead of the legs.

Offer small amounts of water to the person every 15 minutes. Do not give water if the victim is vomiting, nauseous, or unconscious.

**Burns:**

It is not recommended to treat burns. First aid treatment often causes complications and interferes with the treatment given by the physicians. Keep the burned area uncontaminated and treat for shock.

Do not apply burn preparation and do not use ice water. It intensifies the shock. There are exceptions when it may be necessary to give first aid. Chemicals may continue to burn the skin if they are not removed. Large amounts of water should be used to flush the area free of the chemicals, particularly if it is a chemical burn of the eyes or face.

**Be Prepared--Learn Cardiopulmonary Resuscitation (CPR):**

CPR should be used when a person is unresponsive or when breathing or heart beat stops.

1. Call 911 immediately or ask someone else to do so.
2. Try to get the person to respond; if he doesn't, roll the person on his or her back.
3. Start chest compressions. Place the heel of your hand on the center of the victim's chest. Put your other hand on top of the first with your fingers interlaced.
4. Press down so you compress the chest at least 2 inches in adults and children and 1.5 inches in infants. One hundred times a minute or even a little faster is optimal. (That's about the same rhythm as the beat of the Bee Gee's song "Stayin' Alive.")
5. If you're been trained in CPR, you can now open the airway with a head tilt and chin lift.
6. Pinch closed the nose of the victim. Take a normal breath, cover the victim's mouth with yours to create an airtight seal, and then give two, one-second breaths as you watch for the chest to rise.
7. Continue compressions and breaths -- 30 compressions, two breaths -- until help arrives.

**Epilepsy:**

Once an epileptic seizure begins, you may not be able to move the person. Try to prevent him/her from injury, such as striking his head or body against any hard, sharp, or hot object.

Do not restrain the person or interfere with his movements. Epilepsy victims seldom bite their tongues during seizures. More harm is done when an object is forced between the teeth or into the mouth. Breaking teeth, cutting lips, mouth, or tongue, can occur more often than by the tongue being bitten because of the seizure.

You should communicate information about any seizure to the parents and to the school authorities.

**Choking:**

The Heimlich Method, or Hug of Life, is a procedure to help a choking person. Stand behind the person, place your arms around his/her waist and grasp your hands together halfway between the navel and sternum (right below the rib cage). Form a fist with the thumb side against the midriff area. Grasp your fist with your other hand, press midriff area with a quick upward thrust. If the person has collapsed, turn him on his back. Straddle him and press into the same spot with a quick upward thrust with the heel of one hand placed on top of the other hand. Continue until object is freed and/or the person begins coughing.

Do not pound or slap a choking person on the back. This can force the object further into the throat. Artificial respiration or offering water is useless because the throat is blocked. Children often choke from running with food or other objects in their mouths.

Emergency Evacuation Procedures(For Students Being Transported in Small Vehicles—Cars & Vans)

In a school bus accident or emergency situation, the school bus driver must use his/her best judgment to decide what action shall be taken. The primary responsibility is pupil safety. In an emergency it may be necessary that the bus be evacuated. This procedure requires a definite plan followed by periodic practice in emergency evacuation drills.

**Reasons for Emergency Evacuation of School Buses:**

- A. Fire or danger of fire – If any portion of a school bus is on fire, it shall be stopped and evacuated immediately. Passengers shall move to a point 100 feet or more upwind from the bus and remain there until the bus driver has determined that no danger remains. If a school bus is unable to move and is close to existing fire or highly combustible materials, the “danger of fire” shall be assumed and all passengers evacuated.
- B. Unsafe Location – In the event that a school bus is stopped in an unsafe location and is unable to proceed, the driver must determine immediately if it is safer for passengers to remain on the bus or to evacuate.
- C. Driver must evacuate a school bus if its final stopping position:
  - 1. is in the path of any train, or on or closely adjacent to any railroad tracks;
  - 2. could change and increase the danger. For example, if a bus were to come to rest near a body of water or precipice where it could slide into the water or over a cliff, it must be evacuated;
  - 3. is such that there is danger of collision. Under normal traffic conditions, the bus should be visible for a distance of 300 feet or more. A position over a hill or around a curve where such visibility does not exist should be considered reason for evacuation.

**Important Factors in School Bus Evacuation:**

- A. The safety of the pupils is of utmost importance and must be given first consideration. During an evacuation, pupils should be led to a safe place at least 100 feet off the road in the direction of oncoming traffic. If there is a risk from spilled hazardous materials, lead the pupils upwind of the bus at least 300 feet.
- B. Prior to evacuation, place the transmission in park (neutral), activate the hazard warning light, set the emergency brakes, turn the ignition off, and remove the ignition key.
- C. The driver shall stay in the bus during evacuation to guarantee smoothness of evacuation procedures.

- D. Evacuations shall be conducted with “deliberate speed.” A time interval of 1½ to 2 seconds per passenger has proven to be the safest and most efficient.
- E. To insure a safe exit, passengers must have their hands free. They shall leave lunch boxes, books, and other personal belongings on the bus.
- F. Passengers selected and trained in advance shall be assigned to serve as:
  - 1. Leaders - will lead passengers to safety from each door utilized for evacuation. (Passengers shall be directed to a safe point at least 100 feet from the bus and remain there until given further directions.)
  - 2. Helpers - two pupils shall be stationed to aid passengers as they leave the bus through the rear emergency exit.

**Common Types of School Bus Emergency Evacuation:**

- A. Evacuations utilizing the front or service door shall be conducted using the same techniques as a routine unloading. The driver will choose whether to evacuate the bus one side at a time or on a staggered seat basis.
- B. Evacuations utilizing only the rear exit door have some distinctive features.
  - 1. The bus driver shall walk back through the bus to the rear exit and direct the pre-assigned leader and helpers to take their positions.
  - 2. The leader will open the rear emergency door, exit, and stand clear, ready to lead exiting passengers to a safe location set by the driver.
  - 3. The helpers will exit and take their position, one on each side of the rear emergency exit to assist passengers in exiting the bus in a safe and orderly manner.
  - 4. Passengers shall remain in their seats until directed by the driver to leave the bus. The driver may choose whether to evacuate the bus one side at a time or on a staggered seat basis.
  - 5. The driver shall advise all passengers to have their hands free and coats buttoned. Each passenger shall be two steps away from the bus before the next person exits. Taller passengers would be reminded to duck their heads in order to exit safely.
- C. Evacuations utilizing roof hatches, side emergency doors, and side/rear emergency windows. Should the bus be on its side, utilize the roof hatches and side door. The side door is located on the left side, the street side, of the bus. Use caution exiting, as belongings will be tossed around and might be a hazard underfoot. Evacuation procedures are the same as if utilizing the 5 step rear door exit evacuation. Follow the instructions for opening the side/rear window emergency exits. Instructions are displayed on the door and below the window.

- D. Evacuation of pupils with disabilities - Each bus route shall have its own written emergency evacuation plan.
- E. School Bus Pupil Representatives
1. The school bus driver is responsible for the safety of pupils. However, in an emergency a driver might be incapacitated, unable to direct evacuation. Therefore, school bus representatives (school safety patrol members or appointed pupil) should be selected, trained and prepared to direct the evacuation.
  2. School bus representatives should be: a) mature pupil – maturity is more important than age; b) good citizens – a desire to serve is most important; c) on the bus for the entire route. Choosing pupils who live near the end of the route might be helpful. They must also have written parental permission in advance.
  3. Training programs shall prepare pupils, school bus representatives to: a) turn off ignition switches; b) set emergency brakes; c) summon help when and where needed (instructions and telephone numbers shall be available on buses); d) use windows for evacuation in emergencies; e) set flags and reflectors or reflective triangles; f) open and close service and emergency exit doors; g) direct school bus evacuations; h) perform other duties as directed by the driver.
- F. School Bus Evacuation Drills
1. All pupils who are transported in a school bus shall be given an opportunity to participate in evacuation drills.
  2. All pupils shall be instructed in school bus passenger safety and procedures for emergency evacuation prior to participation in evacuation drills.
  3. Drills should be held in restricted off-street areas and not on bus routes.
  4. All types of emergency evacuations should be practiced with emphasis on utilizing the rear emergency exit.
  5. Section IV, subsection C-2 of Standard 17 of the Federal Highway Safety Act of 1966 and Section 79-609(2)(a) R.R.S. states: “At least twice during each school year, each pupil who is transported in a school vehicle shall be instructed in safe riding practices and participate in emergency evacuation drills.”



Evacuation of Pupils with Disabilities

Page 19, section 3. entitled: [Common Types of School Bus Emergency Evacuation] under part D, Per the Nebraska Department of Education Rule 91, Regulations Governing Driver Qualifications and Operational Procedures for Pupil Transportation Vehicles; The Student Transportation Division, of the Omaha Public School District has developed the following plan:

Note: This plan will be placed inside all applicable Omaha Public School District Vehicles in a designated area. This information also will be noted on route sheets and enclosed in all District Vehicle first aid kits.

**General Steps to Remember:**

1. Radio dispatch at transportation base and notify them immediately to call 911 for medical and/ or police support if possible. If not possible, the driver will make every attempt to telephone dispatch from the nearest safe haven location. Examples of safe havens shall include, but not limited too, all Omaha Public Schools, Police Stations, Fire Stations, YMCA, and YWCA etc.
2. If applicable, use strap cutter to remove vehicle equipment; (i.e.: wheelchair straps, seatbelt, harnesses, and car seat.
3. Remove all students from vehicle and take to safe area at least 100 feet from vehicle.
4. If possible, the driver should remove the first-aid kit and fire extinguisher off the bus after all passengers are safely away from the vehicle.
5. If nurse is present on vehicle, he/she will make primary medical decisions for their assigned student.

Each special needs student riding on Omaha Public Schools transportation vehicles must be assigned to a emergency code for evacuation purposes, based off their individual needs. The driver/aide will follow the emergency evacuation plan for each student based off the student's assigned code below:

- Code Orange: Early Childhood Special Education  
Cut seatbelt straps, Lift students out of their car seat. Students need guidance when exiting. Have an adult stay with students in a safe zone away from the bus and traffic.
- Code Green: Student is independently capable of responding to emergency evacuation plan without verbal or physical assistance.
- Code Blue: Needs physical assistance; (i.e.: walk, carry, or drag with blanket if applicable).
- Code Red: Student may be disconnected from equipment if applicable. If possible, return to bus for medical equipment.  
**Note:** Whenever possible reconnect medical equipment to the student.
- Code Purple: Make every attempt to evacuate student while keeping student connected to medical equipment. (i.e.: ambu bag, oxygen bag, trach/suction unit, and ventilator



Business OperationsRecords Management and Disposition**A. General Standard:**

Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.

**B. Records Officer:**

The Superintendent or designee is hereby designated as the records officer of the school district for purposes of this policy. Any questions about the type or category of a record or the required retention period for it should be addressed to the records officer.

**C. Electronic Messages:**

Electronic messages are communications using an electronic system for the conduct of school district business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), and electronic data interchange (EDI). In this policy, the terms electronic messages and e-mail are used, depending on the context, to mean the same thing. The school district's electronic system in which records are collected, organized, and categorized to facilitate preservation, retrieval, use, and disposition is as follows:

**1. End-User Management:**

End-user means anyone who creates or receives electronic messages on the school district's electronic system. Electronic messages are to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing and disposing of records that are part of his or her desktop computer unless otherwise directed by District administration or legal counsel.

**2. Categories for Retention:**

Electronic messages fall within three categories: (1) transitory messages; (2) records with a less than permanent retention period; and (3) records with a permanent retention period. End-users are to organize, store, retain and dispose of electronic messages according to these three categories. This means determining which electronic messages require long-term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.

i. **Transitory Messages:**

Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts; unwanted and unneeded “junk” mail; “personal” mail for employees not related to school business; unsolicited sectarian, religious, partisan, political or commercial messages, or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages. Employees sending or receiving such communications may delete them immediately without obtaining approval.

ii. **Less Than Permanent Retention Records:**

These records are governed by the retention period for equivalent hard copy records as specified in the approved records retention and disposition schedules. These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Questions relating to the retention or destruction of these records should be referred to the records officer.

iii. **Permanent/Archival Retention Records:**

These are records scheduled for transfer to the Nebraska State Historical Society (NSHS). Decisions relating to such records should be made by the records officer in consultation with NSHS, and the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency and format of the transfer should be determined cooperatively by the records officer, the NSHS, and the State Records Administrator.

3. **Electronic Storage Limitations:**

The district’s computer systems have storage limitations. End-users are instructed that electronic messages that are required to be maintained past the storage time period should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. The retention period for the particular record is the best indicator of which storage medium or format to choose.

**4. Proper Use of Electronic Messages:****i. Non-Discrimination:**

Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; promote sexual harassment; or to promote personal, political, or religious business or beliefs.

**ii. Permissible Use:**

Electronic messaging is to be used only for purposes that are consistent with the mission of the school district. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a non-profit organization except when and to the extent such use serves a school purpose or facilitates school district business.

**iii. Conduct:**

Employees shall not read electronic messages received by another employee when there is no school purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.

**iv. Other Regulations:**

Electronic messaging is subject to all requirements of the school district's "Behavior Rules for Students Using School Computers and Networks" policy and may be monitored and accessed at any time without prior notice. The school district has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right and is not a public forum. Electronic messaging is made available subject to all board policy and regulations, these regulations, building guidelines, use

agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

**D. Litigation Holds:**

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

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

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

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

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

**E. Settlement Agreements:**

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

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

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

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

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

Date of Adoption:      January 21, 2015



Business OperationsNCLB

It is the policy of the District to comply with the NCLB and federal grant programs in which the District participates.

**A. Authority to Sign Applications:**

The Superintendent is authorized to sign applications for any of the NCLB formula grants on behalf of the District and may delegate such authority to other administrators in the Superintendent's discretion. The Superintendent shall submit such applications as determined appropriate so long as acceptance of the funds does not include conditions contrary to the policies of the Board of Education.

**B. Supplement not Supplant:**

Federal funds shall be used to supplement, not supplant the amount of funds or services available from non-federal sources, in compliance with the requirements of federal law. NCLB funds shall not be used to provide services otherwise required by law to be made available.

**C. Equitable Allocation:**

Federal funds shall be used in a manner to ensure equitable allocation of resources. Staff are to be assigned and curriculum materials and instructional supplies are to be distributed to the schools in such a way that equivalence of personnel and materials is ensured among the schools in compliance with the requirements of federal law.

**D. Maintenance of Effort:**

The District shall maintain fiscal effort related to NCLB programs in compliance with the requirements of federal law.

**E. Resources:**

The procurement of resources related to the NCLB programs, including contracts and purchase or service agreements for such program, shall be in accordance with the District's written procedures for purchasing and contracting. Purchase orders and invoices shall indicate an appropriate record of expenditures. All equipment purchased with federal funds, including those used in nonpublic and other facilities, shall be appropriately identified, inventoried, and when no longer useful to the program, properly disposed. Resources such as staff, materials and equipment funded by Title I shall be used only for children participating in the program.

**F. Maintenance of Records:**

Records of all federal financial and program information shall be kept for a minimum of 5 years after the start date of the project.

**G. Identification of Eligible Children:**

The Superintendent and the designees shall implement an appropriate process to identify children eligible for services provided under federal programs.

**H. Coordination of Services:**

Title I services shall be coordinated and integrated with the regular classroom, with other agencies providing services and with other federal, state and local programs.

**I. Standards and Expectations:**

Students receiving services in Title I are held to the same standards and expectations as all other students.

**J. Assessments:**

Students receiving services in Title I are assessed with the regular population without accommodations.

**K. Other Requirements:**

The Superintendent shall take or cause other staff to take such action as required by law for the District to maintain compliance with NCLB and specific NCLB grant programs in which the District participates.

Legal Reference: NCLB

Date of Adoption: January 21, 2015

Business Operations

Fiscal Year

The fiscal year of the Educational Service Unit No. 19, School District of Omaha, shall be September 1 through August 31.

Date of Adoption: January 8, 2018



**Series 4000**  
**Personnel**



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Personnel - AllRecruitment and Selection

The Board of Education authorizes the Superintendent or designee to recruit and recommend for employment the best qualified personnel to implement and fulfill the goals and policies of Omaha Public Schools. When a vacancy exists, the administration may consider reassignment of existing staff to fill the vacancy. When the administration determines that a vacancy can not be appropriately filled by reassignment of existing staff, the administration is to solicit applicants by advertising or otherwise. All applicants so selected and recommended must satisfy the standards as set by the Board and/or the laws of the State of Nebraska.

Where required by law or deemed essential by the school district, employees must be duly licensed and/or certified.

The rehiring of a former employee is contingent on the former employee having a positive performance record with the District. A former employee who was terminated, or who resigned in lieu of termination, for reason of violating a workplace conduct rule or unsatisfactory job performance is not eligible for rehire.

Legal Reference: Neb. Rev. Stat. 79-501

Date of Adoption: December 1, 2014



Personnel - All EmployeesEqual Opportunity Employment

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 ([531-299-0310](tel:531-299-0310)).

There shall be no discrimination by school officials against any employee because of membership or activity in an employee organization or because of protected free speech activities.

Date of Adoption: December 1, 2014



Personnel - All EmployeesAnti-discrimination, Anti-harassment, and Anti-retaliation**A. Elimination of Discrimination:**

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

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to accept allegations regarding non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-0310). The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director for the Office of Equity and Diversity, 3215 Cuming St, Omaha, NE 68131 (531-299-0307).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Administrator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at One Petticoat Lane, 1010 Walnut Street, 3<sup>rd</sup> Floor, Suite 320, Kansas City, MO 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

**B. Prohibited Harassment, Discrimination, and Retaliation of Employees and Others:****1. Purpose:**

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

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's race, color, national origin, religion, disability, age, sex (including pregnancy), or other protected category, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

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

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

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

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

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

- a. Unwelcome sexual advances or propositions,
- b. Requests or pressure for sexual favors,
- c. Comments about an individual's body, sexual activity, or sexual attractiveness,
- d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as awards, privileges, promotions, etc., or
- g. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the District knows or reasonably should know about possible harassment,

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

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

2. **Anti-retaliation:**

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

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

3. **Grievance (or Complaint) Procedures:**

Employees should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or to the compliance administrator designated to handle complaints of discrimination (designated administrator). If the employee is uncomfortable in presenting the problem to the supervisor, or if the supervisor is the problem, the employee may report the alleged discrimination, harassment or retaliation (“discrimination”) to the designated administrator (such as a principal). If the complaint relates to the Superintendent of Schools, then the individual shall file a complaint with the President of the Board of Education

Other individuals may report alleged discrimination to the designated administrator. If the designated administrator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the

Superintendent for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each District building, on the District's website, and from the designated administrators.

District employees, supervisors and administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination to the designated administrator, even if that District employee is investigating the alleged discrimination as part of the District's employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District's designated administrator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the District's standards for a prompt and equitable grievance procedure outlined in section B.2., below.

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

*i.* Level 1 (Investigation and Findings):

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

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

The District will complete its investigation within **thirty (30) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional

time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer vacation, and if a designated compliance administrator or investigator is unavailable, another administrator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed thirty (30) additional working days without the consent of the complainant**. Periodic status updates will be given to the parties, if necessary.

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

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

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

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

If someone other than the designated compliance administrator conducted the investigation, the compliance administrator will review, approve, and sign the investigative report. The District will ensure that prompt,

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

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **thirty (30) working days** after the investigation is completed.

*ii.* Level 2 (Appeal to the Superintendent):

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **ten (10) working days** after receiving the decision. The Superintendent or designee will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance administrator. [If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.]

4. **Remedies:**

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

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

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

- a. Providing an escort to ensure the complainant can move safely between activities.
- b. Ensuring the complainant and alleged harasser do not attend the same activities.
- c. Moving the alleged harasser to another work area within the District.
- d. Providing counseling services or reimbursement, if appropriate.
- e. Providing medical services or reimbursement, if appropriate.

The District may provide remedies for the broader employee work force as well, including but not limited to:

- a. Offering counseling, health, mental health, or other holistic and comprehensive victim services to all employees affected by sexual harassment or sexual violence, and notifying employees of campus and community counseling, health, mental health, and other employee services.
- b. Designating an individual from the District's counseling center to be "on call" to assist victims of sexual harassment or violence whenever needed.
- c. Providing additional training to the District's designated compliance administrators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
- d. Informing employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
- e. Creating a committee of employees and District officials to identify strategies for ensuring that employees:
  - i. Know the school's prohibition against discrimination, harassment, and retaliation.
  - ii. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.
  - iii. Understand how and to whom to report any incidents of discrimination.
  - iv. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.
  - v. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.

- f. Conducting periodic assessments of employee activities to ensure that the practices and behavior of employees do not violate the District's policies against anti-discrimination, anti-harassment, and anti-retaliation.
- g. Conducting in conjunction with employees, a "climate check" to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

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

**5. Confidentiality:**

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

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

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

**6. Training:**

The District will ensure that District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

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

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

**7. Designated Compliance Administrators:**

Designated compliance administrators will be responsible for:

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

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

**8. Preventive Measures:**

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

including prominently posting it on the District's website, at each building in the District, reprinting it in District publications, such as handbooks, and sending it electronically to members of the school community. The District will provide training to employees at the beginning of each academic year in the areas (B.6.a-g) identified in the Training section, above.

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



Personnel - All EmployeesAnti-discrimination, Anti-harassment, and Anti-retaliationNotice of Nondiscrimination

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-0310). The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Sharif Liwaru, Director of Equity and Diversity, 3215 Cuming Street, Omaha, NE 68131 (531) 299-0307 ([sharif.liwaru@ops.org](mailto:sharif.liwaru@ops.org)).

Employees and Others: Charles Wakefield, Chief Human Resources Officer, 3215 Cuming Street, Omaha, NE 68131 (531) 299-0240 ([charles.wakefield@ops.org](mailto:charles.wakefield@ops.org)).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Administrator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office for Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at One Petticoat Lane, 1010 Walnut Street, 3<sup>rd</sup> Floor, Suite 320, Kansas City, MO 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

Date of Adoption: December 1, 2014



Personnel - All Employees

Anti-discrimination, Anti-harassment, and Anti-retaliation  
Complaint Form - Discrimination, Harassment or Retaliation

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. This complaint form is to be used when a person has a complaint related to discrimination, harassment or retaliation on such bases in regard to employment or the programs and activities of the school district.

Refer to Board Policy 4003 for the particulars of the complaint and grievance process. You may attach additional materials to this form if needed.

The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-0310). The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Charles Wakefield, Chief Human Resources Officer, 3215 Cuming Street, Omaha, NE 68131 (531) 299-0240 ([charles.wakefield@ops.org](mailto:charles.wakefield@ops.org)).

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

(1) Description of the complaint: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(2) Names of any witnesses to the matter being complained about: \_\_\_\_\_  
\_\_\_\_\_.

(3) Identify and attach any document supporting the complaint: \_\_\_\_\_  
\_\_\_\_\_.

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

(5) Relief requested (what I want done in response to this complaint):  
\_\_\_\_\_  
\_\_\_\_\_.

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

Received by: \_\_\_\_\_ Signature: \_\_\_\_\_  
Date: \_\_\_\_\_



Personnel - All Employees

Duty Hours of Employees

- A. Administrative personnel shall be on duty when and at such times as the responsibilities of their position dictates. The Superintendent shall set the duty hours of administrative staff.
- B. Teachers shall make arrangements to be available to students after school. Unless otherwise specified by the Superintendent or by negotiated agreement, members of the professional staff shall be on duty 30 minutes before the start of school and 30 minutes after the end of the day to plan and to carry out their individual professional responsibilities as determined by the Superintendent and the building principals. Teachers shall be provided with a one half hour duty free lunch period.
- C. All other staff shall be on duty as determined by the Superintendent.
- D. No teacher or other school employee shall accept any other employment or carry on any business or activity for profit that interferes with the complete discharge of his or her responsibilities to the school district.
- E. The Fair Labor Standards Act (FLSA) requires that employers keep detailed records on time and payment for all employees. OPS takes its responsibility under both the law and its negotiated agreements to properly compensate its employees very seriously. To that end, OPS uses an electronic time tracking system to capture and record time for all non-exempt employees. As such, employees will be expected to adhere to the procedures and guidelines adopted by Human Resources and Compensation & Benefits which are designed to ensure accurate recordkeeping and compliance within OPS.

Date of Adoption: May 21, 2018



Personnel - All Employees

Absence of Employees

- A. An employee who finds it necessary to be absent from duty shall use the absence reporting system for this position, and if there is none, must notify the office of the employee's immediate supervisor in advance of such absence and give (1) the reason for the absence; and, (2) the anticipated length of absence.
- B. Employees requesting leave in order to perform other duties for which they will be compensated (court duty, consulting, etc.) shall be required to remit to the Accounts Receivable Department either the compensation received beyond expenses or their district wages for the time missed.
- C. Absence or suspension from duty of any employee shall result in loss of pay for the period of absence or suspension except as otherwise provided by these policies or law.
- D. A substitute may not be hired by any employee to take over his/her duties. In no instance may an employee make personal arrangements to pay a substitute.

Date of Adoption: December 1, 2014



Personnel - All Employees

Absence From Building

Employees may not be absent from their respective assignments during duty hours except by permission of their immediate supervisor or Superintendent or the Superintendent's designee. Employees shall check out of the building whenever absent during the day.

Date of Adoption: May 2, 2016



Personnel - All Employees

Leave Policy

**Employee Time Off**

**Holidays:**

OPS observes the following holidays:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

*Eligibility for Paid Holiday*

Employees in Groups A and B below are eligible for paid holidays:

Group A -- Certificated central office administrative staff, Principals, Assistant Principals, Directors, Coordinators, Supervisors, and any other staff designated by the Superintendent.

Group B -- Classified employees who work 30 or more hours per week, other than those with 190 duty days.

All other Certificated employees, temporary employees and part-time employees are not eligible for paid holidays.

Holiday pay for Employees in Group A is included in the number of paid days in their respective employment agreement. Holiday pay for Employees in Group B is included as a paid day in the duty year. Holidays which fall outside the employee's contract year or duty year are not considered paid Holidays.

When a holiday falls on Saturday, OPS observes it on the preceding Friday. If it falls on Sunday, OPS observes it on the following Monday. In years where Christmas Day and New Year's Day fall on a Thursday, the Christmas Eve and New Year's Eve holidays will be celebrated on the Friday after Christmas and the Friday after New Year's Day. Employees must report to work and work their scheduled work day the day before and the day following the holiday to be eligible for

a holiday to be paid, unless the absence is pre-approved by the Superintendent or his or her designee.

**Vacations:**

Vacation is a benefit of employment with OPS which will be administered in keeping with the following policy. While employees are encouraged to utilize their vacation throughout the year, vacation may only be taken at a time or at times approved by the Superintendent or his or her designee. Employees must submit a vacation request form at least two weeks in advance whenever possible to their immediate supervisor. OPS strongly encourages that vacation requests be for a minimum of one-half day. Approval will be subject to OPS and department scheduling requirements and needs. Building Principals will generally not be permitted to take vacation while students are in school without prior approval of the Superintendent.

Full-time non-exempt employees may request to use accrued vacation time in a minimum initial increment of one hour with additional increments of not less than 15 minutes.

*Eligibility*

All regular full-time twelve-month employees of OPS who work 30 or more hours per week are eligible to receive vacation benefits. Upon employment, each Employee shall be assigned a vacation group. Employees are grouped as follows:

Group A -- Central office administrative staff, Middle and High School Principals, Middle and High School Assistant Principals, Directors, Coordinators, Supervisors, and any other staff designated by the Superintendent.

Group B -- All regular full time twelve-month employees who work 30 or more hours per week and who are paid on bi-weekly basis.

*Monthly Accruals*

Vacation days shall accrue per month at a rate using the employee’s entitled annual allotment divided by the number of months employees work within the contract year. Once an employee has accrued the total number of vacation days allotted for the year, monthly accrual will cease until the next contract year:

<b>Group A</b>			
Years of Service	Days Accrued Each Month	Annual Max	Max Accrual
	2	23 days	28 days

<b>Group B</b>			
Years of Service	Days Accrued Each Pay Period	Annual Max	Max Accrual
Day 1-year 5	1	10 days	15 days
Years 6 – 15	1.25	15 days	20 days
Year 16-	1.34	16 days	21 days
Year 17	1.42	17 days	22 days
Year 18	1.5	18 days	23 days
Year 19	1.59	19 days	24 days
20 years or more	1.67	20 days	25 days

Each day of vacation pay accrued is equal to one day’s wages for the Employee’s regularly scheduled hours.

*Maximum Accrual*

Employees may carry over unused vacation from one school year to the next. However, an employee may only have a maximum vacation balance of five (5) days greater than the employee's annual vacation eligibility. Employees accrue vacation until they have reached the maximum number of days that can be accrued. Employees who are at the maximum shall no longer accrue vacation. Once the employee's vacation balance falls below the maximum, accrual shall commence again until reaching the maximum. OPS believes that all eligible employees should take time off away from work each year. If this practice is followed, the accumulation of days awarded should not reach the maximum limit.

*Accrual During Leave of Absence*

Any otherwise eligible employee who is on a Board approved leave of absence shall not accrue vacation while on a leave of absence.

*Creditable Year*

In order for a year of employment to count as a year of employment for calculation of vacation, the employee must be on duty the minimum number of days which qualify for a creditable year as defined in Policy 4034.

*Payout on Separation from Employment*

Accrued but unused vacation will be paid upon separation from employment.

**Sick Leave:**

Sick Leave is a benefit of employment with OPS which will be administered in keeping with the following policy. OPS strongly encourages that sick leave requests be for a minimum of one-half day.

Full-time non-exempt employees may request to use accrued sick time in a minimum initial increment of one hour with additional increments of not less than 15 minutes.

*Eligibility*

All full-time 12 month (261 day contracts), and 10 month employees of the school district shall be eligible to earn sick leave. Temporary employees employed on an hourly basis and part-time employees shall not be entitled to sick leave. Upon employment, each Employee shall be assigned a sick leave group. Employees are grouped as follows:

- Group A -- Central office administrative staff, Middle and High School Principals, Middle and High School Assistant Principals, Directors, Coordinators, Supervisors, and any other staff designated by the Superintendent.
- Group B -- All other regular full time twelve-month employees who work 30 or more hours per week.
- Group C -- All regular full time ten-month employees with contracts of 195 days or greater.
- Group D -- All regular full time ten-month employees with contracts of 194 days or less.

*Accrual*

Employees in Groups A, B, C and D shall accrue one sick leave day per month. Employees in Groups A and B may earn up to twelve (12) sick days per year. Employees in Groups C and D may earn up to ten sick leave days per year.

*Maximum Accrual*

Employees accrue Sick Leave until they have reached the maximum number of days that can be accrued. The maximum accrual for sick days is as follows:

- Group A: 120 days.
- Group B: 114 days.
- Group C: 100 days.
- Group D: 90 days.

Employees who reach the applicable maximum shall no longer accrue Sick Leave. Once the employee's Sick Leave balance falls below the maximum, accrual shall commence again until reaching the maximum.

#### *Accrual During Leave of Absence*

Any otherwise eligible employee who is on a leave of absence shall not accrue Sick Leave while on a leave of absence.

#### *Use of Sick Leave for Illness of Immediate Family Members*

Up to ten days per year of the employee's accumulated sick leave may be used for the illness of an immediate family member. Immediate family member shall be interpreted to include the employee's spouse, parents, child, mother-in-law, father-in-law, brother, sister, son-in-law, daughter-in-law, grandparents, grandparent-in-law, grandchild, aunt, uncle, niece and nephew, or any other individual who is a permanent resident in the employee's home or for whom the employee has specific responsibility.

#### *Grandfathered Employees*

Any employee with accrued sick leave of at least 90 days on September 1, 1976, and each September 1 thereafter, shall be entitled, following the use of sick leave and subsequent to that use, to accumulate one sick day per month of employment, for those months remaining during the fiscal year to a maximum number of days as defined in this policy. All employees with sick leave accumulation of less than 90 days on September 1, 1976, and each September 1 thereafter, shall have such leave credited to them in accordance with this policy.

Any employee with maximum accrued sick leave will maintain the accrued days during the last year of employment prior to the retiring or taking early leaving incentive unless more than ten days of sick leave are used.

Any employee with accrued sick leave in excess of 90 days on September 1, 1973 shall retain all rights and privileges accorded to such accumulation provided, however, that a maximum as defined in this policy shall be used in the calculation of pay for unused sick leave at retirement.

#### **Bereavement Leave:**

In the event of a death in a regular, full-time Employee's immediate family, (defined as mother, father, brother, sister, spouse, child, aunt, uncle, niece, nephew, cousin, grandparents, grandchild, stepparents, stepchildren, stepsiblings, great grandparents, great grandchildren or similar relationship established by marriage and any other individual who is a permanent resident in the employee's home) the Employee should give notice to the supervisor and Human Resources Department as soon as possible. Exceptions may be granted at the sole discretion of the Superintendent or his or her designee.

OPS may grant and excuse employees for up to four paid days for bereavement leave. Employees who are required to travel a minimum of 200 miles one way to attend services related to the death of an immediate relative may be granted an additional day of leave. Bereavement leave is limited

to making arrangements for or attending services related to the death. The period of time allowed off work will be at the discretion of supervisory personnel in consultation with the Human Resources Department, and will vary with each individual's circumstances. OPS will not grant bereavement pay when the Employee does not attend the services related to the death. OPS will NOT count the excused bereavement pay as time worked for purposes of computing overtime. For payroll purposes, the Employee must submit documentation (e.g. service program or obituary) to the Human Resources Department as soon as practicable.

**Jury/Election Duty:**

OPS will grant Employees time off for mandatory jury/election duty, and will pay the difference between the jury/election pay and your regular straight-time hourly rate for the time lost from the regularly scheduled work time. Employees who are called for jury duty or election duty are required to remit to OPS any compensation (other than expenses) received for the hours the employee was excused from duty. If such compensation is not remitted to the Accounts Receivable Department, an identical amount will be deducted from the employee's salary.

During the jury duty period, the Employee must report to work any days that he/she is not required to appear. The Employee must also return to work if released from jury duty during their regular working hours.

**Family And Medical Leave Of Absence:**

The Family and Medical Leave Act (the "Act"), requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job

Such a leave is referred to in this policy as "FMLA leave."

This policy defines the terms and conditions of FMLA leave. The Act and the regulations of the Department of Labor shall be referred to for any questions not addressed by this policy. OPS shall determine in each case whether an absence qualifies as a FMLA leave. OPS has chosen to require the use of paid time off while taking FMLA leave.

*Eligibility*

Employees are eligible if they have worked for OPS for at least twelve (12) months in the last seven (7) years and worked at least 1,250 hours for OPS during the twelve (12) months preceding the commencement of the leave.

*Duration*

An employee's cumulative total of all leaves of absence under this policy may not exceed twelve (12) weeks in any twelve (12) month period. The 12-month period will be measured on a rolling 12-month period from the date an employee uses any FMLA leave. A husband and wife who are eligible for FMLA leave and are employed by OPS are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. FMLA leave for the birth of a child or placement of a child for foster care or adoption, must be completed within one (1) year after the birth or placement.

*Intermittent/Reduced Schedule*

An employee does not need to use this leave in one block. Leave may be taken on an intermittent or reduced schedule basis only when the leave is because of a serious health condition, and the intermittent leave or reduced schedule is shown to be medically necessary. Medical certification of this need will be required. Where the intermittent leave or reduced schedule is foreseeable, the employee must try to schedule the leave so as not to unduly disrupt OPS operations, and if the employee needs to be absent due to planned medical treatments, the employee may be temporarily transferred to an alternative position with equal pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced schedule leave.

*Unable/Decline to Return*

An employee who is unable or declines to fully return to work upon expiration of FMLA leave and has exhausted all other leave will be considered to have resigned, unless the inability to return is due to a disability under the Americans with Disabilities Act and the employee requests and can reasonably be granted some additional accommodation.

*Notice of Leave*

Employees must provide at least 30 days' advance notice of the need to take FMLA leave, when the need is foreseeable, to the appropriate OPS representative. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and must comply with the OPS' normal call-in procedures required for other absences. If less than thirty (30) days' notice is given, the employee must explain why providing timely notice was not practicable.

Notice must be provided either in writing (for foreseeable leave only), or by calling (for either foreseeable or unforeseeable leave). When requesting leave for the first time for a particular FMLA-qualifying reason, the employee must provide sufficient information for OPS to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization, or continuing treatment by a health care provider. Calling in "sick" is not enough.

Employees must also inform the appropriate OPS representative if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

OPS must inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities with regard to FMLA leave. If an employee is not eligible, OPS must provide a reason for the ineligibility. OPS will generally notify an employee within five (5) business days whether he/she is eligible for FMLA leave.

#### *Medical Certification*

An employee on leave due to a serious health condition of the employee or a family member, must provide a written medical certification on a form adopted by OPS. This requirement may be waived by the Human Resources Department in cases of pregnancy or other situations where both the medical need and the timing of the leave are obvious. The certification must be provided prior to commencement of the leave when the need for leave is foreseeable; in any case, it must be provided within fifteen (15) days after it is requested. Failure to return the medical certification, absent unusual circumstances, will cause OPS to deny the FMLA leave. Where the leave is due to the employee's own serious health condition, the employee must provide a copy of his or her current job description to the health care provider before obtaining the certification. A copy of the job description will be provided to the employee by OPS. OPS may require a second and third opinion at OPS expense, in accordance with the Act.

OPS shall notify the employee within five (5) days of receipt of a complete and sufficient medical certification whether the leave is FMLA qualifying. If OPS is unable to determine whether the leave is FMLA qualifying because (a) the medical certification is incomplete or insufficient, or (b) OPS requires a second or third opinion, it will notify the employee. OPS shall notify the employee in writing if the medical certification is incomplete or insufficient, and state the information needed to cure the deficiency. The employee shall have seven (7) calendar to cure the deficiencies, or FMLA leave will be denied.

#### *Recertification*

Medical recertification must be provided within fifteen (15) days after requested by OPS during the leave. For intermittent leave for continuing, open ended conditions, recertification may be requested every six (6) months. In addition, recertification may be requested when (1) there is a significant change in condition, (2) an extension of the leave is requested, or (3) OPS receives information which casts doubt on the continuing validity of the certification.

#### *Failure to Provide Notice/Certification*

Failure to provide required notices or certifications may result in a delay in the leave of absence, or loss of the protections provided by the Family and Medical Leave Act.

*Salary/Wages*

FMLA leave is unpaid, except as follows:

- a. If the employee has earned but unused Vacation and/or Sick Leave for which the employee is eligible, that time off must be applied concurrently until it is exhausted.
- b. If the absence is due to a job-related injury, the employee may be covered by worker's compensation. If worker's compensation benefits apply, the employee will not be required to apply any earned but unused Vacation and/or Sick Leave, but may elect to do so to the extent that the worker's compensation is less than the employee's regular salary.

Except as provided above, FMLA leave shall be without pay.

*Benefits*

During any period of FMLA leave, OPS must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work, provided the employee makes timely payment of the employee's share of the premiums.

Upon return to work, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms, unless the employment would have ended even if the employee had not been on leave (for example, if the job has been eliminated due to a staff reduction or reorganization). Use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

During any paid portion of the leave the employee's premiums will continue to be deducted from payroll; otherwise, payments must be delivered to OPS. Failure to make premium payments may cause the employee (and covered dependents) to be uninsured during a portion of the leave. No seniority, vacation, sick leave, incentives or other benefits will accrue during the FMLA leave.

*Regular Reporting*

While on FMLA leave, employees must keep OPS informed of their plans to return to work. As a general rule, the employee must contact the Human Resources Department at least once every two (2) weeks; other reporting schedules may be agreed on between the employee and the Human Resources Department based on the employee's individual circumstances. Reasonable notice (at least two business days, and more if possible) is required prior to returning to work on any date other than the originally scheduled return date.

*Fitness for Duty*

OPS may require an employee to provide it with a sufficient fitness-for-duty certification at the time the employee returns to work or within fifteen (15) days after the employee would have returned to work. The certification must state that the employee may return to work and is able to perform all essential functions of the position. If the fitness-for-duty certification is insufficient or incomplete, the employee shall have seven (7) calendar days to cure the deficiencies. Failure

to return a sufficient fitness-for-duty certification in the requisite time period may cause the FMLA leave to be denied, and employment terminated.

For intermittent leave, OPS may require a fitness for duty certification as often as every 30 days if the health condition involves a contagious disease, or could reasonably affect the employee's, a co-worker's, or a third party's safety.

#### *Failure to Return*

If the employee fails to return to work for at least 30 days at the end of the approved leave, the employee will be obligated to repay to OPS 100% of all health, life, and disability insurance premiums paid by OPS during the unpaid portion of the leave. The only exception is where the non-return to work is due to a continued serious health condition (medical certification is required) or other circumstances beyond the employee's control.

#### *Definitions*

"Foster care" is defined as 24-hour care for children in substitution for, and away from, their parents or guardian, in accordance with a placement made by the State or in agreement with the State.

"Spouse" is defined as a husband or wife as recognized under state law.

"Parent" is defined as a biological parent, or an individual who stood in loco parentis (had day-to-day responsibilities to care for the employee) when the employee was a child. A parent "in-law" is not considered a "parent" for purposes of family and/or medical leave.

"Son" or "daughter" or "child" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (has day-to-day responsibilities to care for and financially support the child). The "son" or "daughter" or "child" must be either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 full consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. Absent complications or inpatient care, "serious health condition" generally does not include the cosmetic treatments, minor conditions such as the common cold, earaches, headaches, the flu, and so forth, routine doctor's appointments, or treatment with over-the-counter medicines.

A "health care provider" for purposes of medical certification shall include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, state-

authorized nurse practitioners, nurse-midwives, clinical social workers, state-authorized physician assistants, and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

A certification that an employee is "needed to care for" a sick family member includes both physical and psychological care. It includes situations where the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, and where providing psychological comfort will be beneficial to a seriously ill family member.

Intermittent or reduced schedule leave is "medically necessary" when the medical need can be best accommodated through an intermittent or reduced leave schedule. The term "medically necessary" does not include voluntary treatments or procedures.

An "equivalent position" is defined as a position which has the same pay, benefits and working conditions; involves the same or substantially similar duties and responsibilities which entail equivalent skill, effort, responsibility and authority; is available at the same or a geographically proximate worksite where the employee had previously been employed; and is on the same or an equivalent work schedule.

Leave for the birth of a child may include necessary prenatal care, or may begin before the actual date of birth of a child if the expectant mother's condition makes her unable to work. Leave for placement of a child may begin before actual placement if an absence from work is required for the placement to proceed.

#### *Interference*

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for enforcement. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

#### **Family Military Leave Under the FMLA/NFMLA:**

It is the policy of OPS to grant family military leave under the Family and Medical Leave Act ("FMLA") and under the Nebraska Family Military Leave Act ("NFMLA"), which entitle an eligible employee to take a leave of absence when (1) certain family members in the National Guard or Reserves are on (or have been called to active duty), or active duty service members who are on duty in a foreign country (or called to active duty) and there is a qualifying exigency, (2) when certain family members in the armed forces, National Guard, or Reserves, suffer a serious injury or illness in the line of duty and the employee wants to care for them, or (3) when the

employee's spouse or child has been called to military service scheduled to last 179 days or longer. Such leave is referred to for purposes of this policy as "Family Military Leave."

This policy defines the terms and conditions of Family Military Leave. The Act and the Department of Labor's regulations shall be referred to for any questions not addressed by this policy. OPS shall determine in each case whether an absence qualifies as Family Military Leave.

All leave under this policy runs concurrently with any other leave provided for under federal, state or local law. Employees using Family Military Leave must concurrently use Vacation and/or Sick Leave.

#### *Eligibility*

To be eligible for Family Military Leave under this policy, an employee must have been employed by OPS for at least twelve (12) months in the last seven (7) years, and must have worked at least 1,250 hours for OPS during the twelve (12) months preceding the commencement of the leave.

#### *Leave Entitlement*

Family Military Leave under the FMLA provides an unpaid leave of absence for the following reasons:

1. Because of any "qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of an eligible employee is on active duty (or has been notified of an impending call or order to active duty) in the National Guard or Reserves in support of a "contingency operation" (as defined by federal law) or is an active duty member of the armed forces in a foreign country (or has been notified of an impending call or order to duty in a foreign country); and
2. An eligible employee is the spouse, son, daughter, parent, or next of kin of a "covered servicemember" who has suffered a "serious injury or illness" and wants to care for the servicemember.
3. Under the NFMLA, when an eligible employee's spouse or child has been called to military service scheduled to last 179 days or longer.

#### *Qualifying Exigency Leave*

Employees who have a spouse, son, daughter, or parent called to active duty with the National Guard or Reserves or is an active duty member of the armed forces in a foreign country (or has been notified of an impending call or order to duty in a foreign country) may be entitled to up to 12 weeks of leave for a "qualifying exigency." An employee with a spouse, son, daughter, or parent in the armed forces may not take qualifying exigency leave.

The 12-month period will be measured on a rolling 12 month period from the date an employee uses any FMLA leave.

Qualifying exigency leave may be taken only for the following non-medical, non-routine activities:

1. **Short-Notice Deployment Activities:** If a military member receives seven (7) or less calendar days' notice prior to the date of deployment, the employee may take up to 7 calendar days of Family Military Leave to address any issue arising from the impending call or order to active duty. The 7 days begins on the date the military member receives the call or order to active duty.
2. **Military Events and Related Activities:** An employee may take Family Military Leave to attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of the military member. The employee may also use qualifying exigency leave to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or Red Cross that are related to the active duty or call to active duty status of the military member.
3. **Childcare and School Activities:** The employee may take Family Military Leave for any of the following activities necessitated by the military member's active duty or call to active duty status, or circumstances arising from it:
  - To make alternative childcare arrangements for a military member's child;
  - To provide childcare for a military member's child on an urgent, immediate need basis but not on a routine, regular, or everyday basis;
  - To enroll in or transfer a military member's child in a new school or day care facility; and/or
  - To attend meetings with staff at a school or daycare facility.
4. **Financial and Legal Arrangements:** The employee may take Family Military Leave to make or update financial or legal arrangements to address the military member's absence while on active duty or call to active duty status. Leave may also be granted for the employee to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on active duty or call to active duty status, up to a period of 90 days following the termination of the military member's active duty status.
5. **Counseling Activities:** An employee may take leave to attend non-medical counseling provided that (1) the need for counseling arises from the military member's active duty or call to active duty status; (2) such counseling is provided by someone other than a health care provider; and (3) the counseling is for the employee, the military member, and/or the military member's child. In the event medical counseling is needed, the employee may be able to take regular FMLA leave due to the "serious health condition" of the employee or of a military member who is the employee's spouse, parent, or son or daughter as defined in the FMLA.

6. Rest and Recuperation Activities: If a military member is granted short-term, temporary rest and recuperation leave during the period of deployment, an employee may take Family Military Leave from five days to up to a maximum of 15 days, to match the military member's Rest and Recuperation leave orders.
7. Post-Deployment Activities: An employee may take Family Military Leave to attend arrival ceremonies, reintegration briefings and events, and other official ceremony or programs sponsored by the military for a period of 90 days following termination of the military member's active duty status. The employee may also take leave to address issues that arise from the death of a military member while on active duty status.
8. Additional Activities Approved by OPS: An employee may only take Family Military Leave for other exigencies if the exigency arises out of the military member's active duty/call to active duty, and OPS agrees as to the leave's qualification, timing, and duration.

If an employee uses up his or her 12 weeks of FMLA leave for reasons other than Family Military Leave, the employee may be eligible for additional leave under the NFMLA.

#### *Military Caregiver Leave*

A spouse, son, daughter, parent, or next of kin of a "covered servicemember" who has suffered a "serious injury or illness" and wants to care for the servicemember, is eligible for up to 26 weeks of Family Military Leave in a "single 12-month period." For purposes of military caregiver leave, the single 12-month period applies per servicemember, and per injury/illness. An eligible employee may not take military caregiver leave for an injury or illness that manifests itself after the military discharge, however, the employee may be eligible for leave under the traditional FMLA if the servicemember is a parent, spouse or child, and the ailment qualifies as a "serious health condition."

During the single, 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks. If leave qualifies as both military caregiver leave and FMLA medical leave to care for a family member with a serious health condition, it will be counted as caregiver leave first.

#### *Intermittent/Reduced Schedule*

Family Military Leave taken due to a qualifying exigency may be taken intermittently or on a reduced schedule basis. Family Military Leave taken to care for a covered servicemember with a serious injury or illness may be taken intermittently or on a reduced schedule basis only when medically necessary. Medical certification of this need will be required. Where the intermittent leave or reduced schedule is foreseeable, the employee must try to schedule the leave so as not to unduly disrupt OPS's operations, may be temporarily transferred to an alternative position with equal pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced schedule leave

*Notice of Leave*

An employee requesting a leave of absence must notify the Human Resources Department as far in advance as practicable, or within the same timeframe required for other absences. The employee should make reasonable efforts to schedule leave so as to not disrupt OPS operations. The employee must provide sufficient information as to the reason for the leave to enable OPS to determine eligibility for Family Military Leave, and must provide information as to the expected duration of the leave. When requesting subsequent leave for the same particular exigency related to the same military member, or the same injury/illness for the covered servicemember, the employee must specifically reference the qualifying reason or state "FMLA leave."

OPS will notify an employee within five (5) business days whether he or she is eligible for Family Military Leave. If eligible, OPS will also notify the eligible employee of their rights and responsibilities with regard to Family Military Leave.

*Certification*

An employee requesting any form of Family Military Leave must provide written proof of the military member's military status, and call to duty or deployment information, on a form adopted by OPS to determine whether the leave is FMLA-qualifying. For qualifying exigency leave, the employee must also provide a signed statement and description of facts for each particular exigency. For military caregiver leave, the employee must provide certification of the covered servicemember's serious injury/illness. These requirements may be waived by the Human Resources Department in cases of emergency or where both the need and the timing of the leave are obvious. These certifications must be provided prior to commencement of the leave when the need for leave is foreseeable; in any case, it must be provided within fifteen (15) days after it is requested. Failure to return the required certification, absent unusual circumstances, will cause OPS to deny the Family Military Leave.

A certification of active duty will remain in effect for the dates of the military member's active duty status for the contingency operation. A certification of a particular exigency will remain in effect for the duration of that exigency.

OPS shall notify the employee within five (5) days of receipt of a complete and sufficient certification whether the leave is FMLA-qualifying. If OPS is unable to determine whether the leave is FMLA qualifying because the certification is incomplete or insufficient, OPS shall notify the employee in writing, and state the information needed to cure the deficiency. The employee shall have seven (7) calendar days to cure the deficiencies, or Family Military Leave may be denied.

*Failure to Provide Notice/Certification*

Failure to provide required notices or certifications may result in a delay in the leave of absence, or loss of the protections provided by the Family and Medical Leave Act or NFMLA.

*Regular Reporting*

While on Family Military Leave, employees must keep the Human Resources department informed of their plans to return to work. As a general rule, the employee must contact the Human Resources Department at least once every two (2) weeks; other reporting schedules may be agreed upon between the employee and the Human Resources Department based on the employee's individual circumstances. Reasonable notice (at least two business days, and more if possible) is required prior to returning to work on any date other than the originally scheduled return date.

*Compensation During Family Military Leave*

Family Military Leave is unpaid, except that employees who have earned Vacation and/or Sick Leave must use such leave concurrently with their Family Military Leave until such paid leave is exhausted. If OPS's Vacation and/or Sick Leave policies impose lesser notice requirements than this policy, the lesser requirements will apply during the period of paid time off.

*Benefits*

The employee's group health, life and other insurance (if participating) will remain in effect throughout the Family Military Leave period on the same basis as if the employee were not on leave. During any paid portion of the leave, the employee's premiums will continue to be deducted from payroll. To the extent that payroll does not cover the employee's share of premiums, payments must be delivered to the Accounts Receivable Department. Failure to make premium payments may cause the employee (and covered dependents) to be uninsured during a portion of the leave period. No seniority, sick, vacation other benefits will be earned during the Family Military Leave; however, if the employee is concurrently using vacation or personal leave, then OPS's policy for employees using vacation will apply.

*Return to Work*

Upon return to work, the employee will be restored to his or her prior job, or an equivalent position with equivalent pay, benefits and other terms and conditions, unless the employment would have ended even if the employee had not been on leave (for example, if the job has been eliminated due to a staff reduction or reorganization).

*Unable/Decline to Return*

An employee who is unable or declines to fully return to work upon expiration of Family Military Leave will be considered to have resigned.

*Non-Discrimination*

OPS will not discharge, fine, suspend, expel, discipline, or in any other manner discriminate against any employee who exercises any right provided under the FMLA, NFMLA, or this policy.

*Definitions*

All definitions contained in the FMLA apply to Family Military Leave (excluding the definitions of "son" or "daughter"). Additionally, the following definitions apply to Family Military Leave under the FMLA:

**Active Duty:** The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

**Contingency Operation:** The term "contingency operation" has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

**Covered Servicemember:** The term "covered servicemember" for purposes of military caregiver leave means a member of the Armed Forces, including a member of the National Guard or Reserves, who is on the temporary disability retired list or a veteran who was in active duty in the previous five years, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or who is otherwise in outpatient status. A "veteran" is defined as a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

**Outpatient Status:** The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:

- a. a military medical treatment facility as an outpatient; or
- b. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**Serious Injury or Illness:** The term "serious injury or illness," for purposes of military caregiver leave, means an injury or illness incurred by the member in the line of duty or on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty in the armed forces) that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. With regard to veterans, because they do not have a current "office, grade, rank, or rating," the serious injury or illness be one that manifested itself before or after the member became a veteran.

**Son or Daughter of a Covered Servicemember:** This term means the covered servicemember's biological, adopted, or foster child, step child, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.

**Parent of a Covered Servicemember:** A "parent of a covered servicemember" means the servicemember's biological, adopted, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

**Next of Kin of a Covered Servicemember:** This term means the nearest blood relative, other than the servicemember's spouse, parent, son, or daughter in the following order: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions,

brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative for purposes of military caregiver leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the servicemember's next of kin for these purposes.

**Personal Leave:**

Each full-time employee who works 30 or more hours per week shall be granted two personal days per year (one day per semester for first year employees). Requests for Personal Leave must be approved by the principal or the employee's immediate supervisor. Approval will be subject to OPS and department scheduling requirements and needs. Personal Leave cannot be utilized during the first five student contact days, the last ten contracted days, or on days immediately preceding or following an OPS observed holiday. Each school year that an employee has unused personal leave days, the employee shall be awarded one additional day of accumulated sick leave, subject to limitations on maximum accumulation. Any such additional accumulation is recorded separate from the maximum accumulation.

Full-time non-exempt employees may request to use accrued personal time in a minimum initial increment of one hour with additional increments of not less than 15 minutes.

**Other Personal Leaves:**

Occasionally, employees may request an unpaid leave for personal circumstances not covered by any other OPS policy. The Board of Education retains sole discretion for granting or denying approval for such leave. OPS will base its approval upon consideration of the reason for the request, the benefit to OPS of such leave and OPS' operational needs. Requests for such leaves shall be submitted to the Superintendent or his or her designee.

*Vacation and Sick Leave Accrual during Leave of Absence*

Any otherwise eligible employee who is on a Board approved leave of absence shall not accrue Vacation or Sick Leave while on a leave of absence.

**Other Absences:****Absenteeism And Tardiness:**

OPS expects that every employee will be regular and punctual in attendance. Absenteeism and tardiness places a burden on other employees and on OPS.

Employees may not be absent from their respective facility during duty hours, except by permission from the principal or their immediate supervisor.

Employees who are unable to work owing to illness or an accident, should use the absence reporting system for this position, and if there is none, must promptly notify their principal or supervisor. In the event the principal or immediate supervisor is unavailable, please contact Human Resources. Failure to notify the principal or supervisor for three consecutive days will be

considered resignation of employment. Employees who become ill at work or must leave for some other reason before the end of the workday, must inform the principal or their immediate supervisor.

A substitute teacher may not be employed by a teacher to take over assigned duties, nor in any instance may a teacher make personal arrangements to pay a substitute.

Excessive absenteeism, or excessive tardiness, will result in disciplinary action up to and including discharge.

#### **Military And Family Military Leave:**

Any employee called to active service shall be eligible for Military Leave in accordance with Nebraska Revised Statute 55-160 and the Uniformed Services Employment and Reemployment Rights Act. Military leave and family military leave will be granted to the extent required by state and federal law.

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

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

#### **Adoption Leave:**

Adoption leave will be permitted to be taken by an adoptive parent for the same time and on the same terms as an employee is permitted to take a leave of absence upon the birth of the employee's child.

The adoptive parent leave of absence begins following the commencement of the parent-child relationship. The parent-child relationship commences, for purposes of adoption leave, when the child is placed with the employee for purposes of adoption. An employee's entitlement to FMLA leave for the placement of a child for adoption or foster care expires 12 months after the placement. Advance notice of an anticipated adoption shall be provided by the employee to the Superintendent or designee as soon as possible.

#### **Religious Holiday Policy:**

Employees who desire to observe a religious holiday occurring during the school year are required to use available personal or other eligible leave. Employees who have exhausted personal or other eligible leave may be granted time off without pay to observe a religious holiday, provided such leave does not pose an undue hardship on the District. Employees who have exhausted their personal or other eligible leave to observe a religious holiday may request unpaid leave to attend to personal matters that cannot be resolved at any time other than during the school day.

Legal Reference: 29 USC 2611 to 2618 and  
29 CFR Part 82  
Neb. Rev. Stat. 55-160 to 55-166;  
Neb. Rev. Stat. 55-501 to 55-507  
29 U.S.C.A. 2611, et seq. and 29 CFR Part 825  
38 USC Sections 4301 to 4333 and 20 CFR Part 1002  
Neb. Rev. Stat. 48-234

Date of Adoption: May 21, 2018

Personnel - All EmployeesSeparation

The Chief Human Resources Officer or designee will process all retirements, resignations, cancellations, contract amendments, non-renewals and terminations of employment. The Chief Human Resources Officer will make recommendations for appropriate action to the Superintendent and Omaha Board of Education.

In furtherance of duties and responsibilities with regard to employment separations along with disciplinary actions short of employment separation, investigatory matters and other necessary Human Resources Division activities, and in addition to other power and authority established by policy, the Chief Human Resources Officer is granted full power and authority to (1) act as the Board or the Superintendent's designee in all employment and Human Resources Division related activities or matters, (2) issue subpoenas to compel the attendance of witnesses to all matters that may come before the Human Resources Division or for the purpose having such witnesses' deposition taken, (3) issue subpoenas for the production of any papers, books, accounts and documents, and (4) determine that a hearing shall be conducted by a hearing officer as well as selecting the hearing officer.

**Resignation:**

Staff members who wish to resign from the Omaha Public Schools must complete the appropriate form or a letter of resignation and submit it to the Chief Human Resources Officer.

**Resignation of Certificated Employees:**

The District may refuse to accept the resignation of a certificated employee, including a resignation given mid-year and a resignation given for the following school year after April 15 or after execution of a contract or renewal letter.

**Resignation of Classified and Hourly Employees:**

Employees are expected to give two weeks' notice to Human Resources prior to resignation.

Legal Reference: Neb. Rev. Stat. 79-521; 79-824 to 79-849

Date of Adoption: August 17, 2015



Personnel - All EmployeesDrug and Substance Use and Abuse

It is the policy of the Omaha Public School District to eliminate the influence of drugs, alcohol and other chemicals within the school environment and to educate students against the usage of drugs, alcohol and illegal substances. The District will implement regulations and practices which will insure compliance with laws relating to drugs and alcohol, including: the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act of 1991, and all regulations and rules promulgated pursuant thereto.

**Drug-Free Workplace:**

The District has established the school as a drug-free workplace. The drug-free workplace for this purpose includes school grounds, school utilized vehicles, and places in which school activities are held. The school district recognizes that the use, possession, or being under the influence of illicit drugs or alcohol constitutes a hazard to the positive development of students and employees and a substantial interference with school purposes.

- A. The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any district property or district sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace.
- B. The possession or distribution of a look-alike drug or look-alike controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the District's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time.
- C. As a condition of employment, employees will abide by the District's drug-free workplace policies and notify the Superintendent or designee of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- D. Disciplinary sanctions, up to and including termination of employment and referral for prosecution, will be imposed upon employees who violate the aforementioned standards of conduct. Sanctions for violation thereof may include the requirement that the employee complete an appropriate rehabilitation program, reprimands, and non-renewal, cancellation, or termination of contract of employment.
- E. Employees shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.

F. Employees shall be furnished with a paper or digital copy of this policy.

This policy supplements and is in addition to all other policies, regulations, practices, procedures and contractual provisions regarding or related to the improper or unlawful possession, use, or distribution of illicit drugs and alcohol.

**Alcohol and Drug Testing:**

The District will implement regulations and practices which will insure compliance with the Omnibus Transportation Employee Testing Act of 1991, and all regulations and rules promulgated pursuant thereto. Employees in "safety-sensitive" positions, as defined by the Act and regulations promulgated thereunder, including employees whose position requires a commercial driver's license (CDL), shall be tested for alcohol and controlled substances as required by law. (See attached Appendix "1"). Refusal to submit to such pre-employment testing, or testing positive, shall disqualify an applicant from employment. Reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing shall also be conducted. Employees who test positive shall be immediately removed from safety-sensitive positions and shall be subject to disciplinary action up to and including termination of employment.

Legal Reference: 41 U.S.C. 701 to 707  
49 U.S.C. 31306 and 49 CFR Part 382

Date of Adoption: December 1, 2014

Controlled Substances And Alcohol Use And Testing:Federal Regulations, Omaha Public School's Compliance Policies And Procedures, And Educational Materials

The U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHWA) have issued regulations requiring that individuals who perform safety-sensitive functions and who are required to maintain a commercial driver's license (CDLs) be tested for controlled substances and alcohol and not engage in controlled substances use or alcohol misuse. Information concerning those regulations, Omaha Public Schools policies and procedures, and educational materials relating to controlled substances use and alcohol misuse is set forth as follows:

**A. The persons designated by Omaha Public Schools to answer employee questions about these materials are:**

Transportation Director  
Human Resources Employee Relations

**B. The categories of employees who are subject to the provisions of the federal controlled substances and alcohol use and testing regulations are:**

Individuals who perform safety-sensitive functions and who are required to maintain a commercial driver's license (CDLs), including bus drivers and distribution and maintenance employees who are subject to driving commercial motor vehicles.

**C. The term "safety-sensitive functions" means:**

1. All time waiting to be dispatched, unless the driver has been relieved from duty;
2. All time inspecting equipment or inspecting, servicing, or conditioning any commercial motor vehicle (i.e., a vehicle in excess of 26,000 pounds GVWR or designed to carry 16 or more passengers, including the driver) at any time;
3. All driving time (i.e., time spent at the controls of a commercial motor vehicle in operation);
4. All time, other than driving time, in or upon any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements of 49 CFR §§392.40 and 392.41 relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**D. Employee conduct that is prohibited by the federal controlled substances and alcohol use and testing regulations includes:**

1. **Alcohol concentration:**

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

2. **Alcohol possession:**

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.

3. **On-duty use:**

No driver shall use alcohol while performing safety-sensitive functions.

4. **Pre-duty use:**

No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

5. **Use following an accident:**

No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

6. **Refusal to submit to a required alcohol or controlled substances test:**

No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substances test.

7. **Controlled substances use:**

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

8. **Controlled substances test:**

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

E. **The circumstances under which an employee will be tested for alcohol and/or controlled substances pursuant to the federal regulations include:**

1. **Pre-employment testing:**

Prior to the first time a driver performs safety-sensitive functions, the driver shall undergo testing for alcohol and controlled substances. No safety-sensitive functions are to be performed unless the driver has been administered an alcohol test with a result indicating an alcohol concentration less than 0.04, and has received a controlled substances test result from the medical review officer indicating a verified negative test result.

2. **Post-Accident Testing:**

- a. As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver:
  1. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  2. Who receives a citation under State or local law for a moving traffic violation arising from the accident shall undergo a test for alcohol and controlled substances.
    - i. *Alcohol tests* - Shall be administered within two hours following the accident unless such cannot reasonably be done, and not more than eight hours following the accident.
    - ii. *Controlled substance tests* - Shall be administered within 32 hours following the accident.
- b. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. The driver shall be permitted to leave the immediate scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care, but shall otherwise remain readily available for testing.

3. **Random Testing:**

- a. Drivers shall be subject to random testing. The minimum annual percentage rate for random alcohol testing should be 25 percent of the average number of driver positions, or such minimum annual percentage rate as established from time to time by the FHWA. The minimum annual percentage rate for

random controlled substance testing shall be 50 percent of the average number of driver positions.

- b. The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.
- c. The random alcohol and controlled substances tests shall be unannounced and the dates for administering random alcohol and controlled substances tests shall be spread reasonably throughout the calendar year.
- d. Each driver who is notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function at the time of notification, the driver shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.

4. **Reasonable Suspicion Testing:**

- a. A driver shall submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations (except for possession of alcohol).
- b. Under federal law, notwithstanding the absence of a reasonable suspicion alcohol test, a driver is prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol and must not perform or continue to perform safety-sensitive functions, until:
  - i. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
  - ii. Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.

5. **Return-to-Duty Testing:**

a. **Alcohol:**

If a driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations concerning alcohol and has not been terminated, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

b. **Controlled Substances:**

If a driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations concerning controlled substances, and has not been

terminated, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

6. **Follow-up testing:**

Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver shall, if still employed, be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional in accordance with the provisions of federal regulations.

Random, reasonable suspicion, and follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

F. **The procedures that will be used to test for the presence of alcohol and controlled substances, to protect the employee and the integrity of the testing processes, to safeguard the validity of the test results, and to ensure that those results are attributed to the correct employee include:**

The procedures outlined in 49 CFR 40, concerning procedures for Transportation Workplace Drug and Alcohol Testing Program, will be followed. This includes use of a "split sample" approach for drug testing and chain of custody procedures including documentation of screening aliquots.

G. **An employee is required to submit to alcohol and controlled substances tests administered pursuant to the federal regulations.**

H. **A "refusal to submit" to an alcohol or controlled substance test includes:**

*Refuse to submit* (to an alcohol or controlled substances test) means that a driver (1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process. A failure to remain readily available for post-accident testing, or to notify the employer of the need for such testing, or to proceed to the test site immediately for random testing, may be deemed by the employer to constitute a refusal to submit.

**The consequences for refusing to submit to an alcohol or controlled substances test are as follows:** A driver who has refused to submit to a required alcohol or controlled substance test is subject to the same consequences as a driver who has tested positive on an alcohol (concentration of 0.04 or greater) or controlled substances test.

**I. The consequences under the federal regulations for employees who have violated the federal regulations relating to controlled substances and alcohol use and testing include:**

The driver shall be removed from and not permitted to perform safety-sensitive functions. The driver shall be referred for evaluation by a substance abuse professional for a determination of what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances abuse.

Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by the federal regulations, the driver shall, if still employed, undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.

In addition, each driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use, if still employed,

1. Shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed, and
2. Shall be subject to unannounced follow-up alcohol and controlled substances tests administered by the employer following the driver's return to duty.

The driver may also be subject to the penalty provisions of 49 U.S.C. § 521(b).

**J. The consequences under the federal regulations for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04 include:**

Removal from safety-sensitive functions for a period of not less than 24 hours following administration of the test.

**K. Information to assist employees in avoiding alcohol misuse and controlled substances use, signs and symptoms of an alcohol or a controlled substances problem, and available methods of intervening when such a problem is suspected:**

Information will be made available by the counselor to employees upon request.

**APPLICANT'S CONSENT  
TO OBTAIN PAST DRUG AND ALCOHOL TEST RESULTS**

I, \_\_\_\_\_ [insert applicant's name], understand that as a condition of hire with Omaha Public Schools ("School District") I must give the School District written Consent to obtain the results of all DOT-required drug and/or alcohol tests (including any refusals to be tested) from all of the companies for which I worked as a driver, or for which I took a pre-employment drug and/or alcohol test during the past two (2) years. I also understand that the School District requires me to consent to access to the same information concerning any non-DOT driver drug and/or alcohol tests which I took during this same period of time. I have also been advised and understand that my signing of this consent does not guarantee me a job or guarantee that I will be offered a position with the School District.

Below I have listed all of the companies for which I worked as a driver, or for which I took a pre-employment driver position drug and/or alcohol test during the past two (2) years. I hereby consent to the School District obtaining from those companies, and I hereby consent to those companies furnishing to the School District, all requested information concerning my drug and alcohol tests, including:

- (i) all DOT and non-DOT alcohol test results of 0.04 or greater during the past two (2) years;
- (ii) all verified positive DOT and non-DOT drug test results during the past two (2) years;
- (iii) all instances in which I refused to submit to a DOT-required drug and/or alcohol test during the past two (2) years;
- (iv) any other violations of DOT agency drug and alcohol testing regulations during the past two (2) years; and
- (v) documentation of successful completion of DOT return-to-duty requirements (including follow-up tests) in the event of a violation of a DOT drug and alcohol testing regulations during the past two (2) years.

I specifically authorize the companies to fully complete the School District's Report of Past Drug and/or Alcohol Test Results form.

The following is a list of all of the companies for which I worked as a driver, or for which I took a pre-employment driver position drug and/or alcohol test, during the past two (2) years:

<u>Company name</u>	<u>Dates worked for/took pre-employment test</u>
_____	_____
_____	_____
_____	_____
_____	_____

**APPLICANT CERTIFICATION**

I have carefully read and fully understand this Consent to release my past drug and alcohol test results. In authorizing the release of my test results, I consent and agree to waive any physician-patient privilege that may otherwise exist with respect to the confidentiality of my drug and alcohol test results. I further release the Company and its medical review officer, and any officer, employee or agent of the Company or medical review officer whose disclosure of the results is in accordance with this release from any and all claims or causes of actions which may result from the disclosure of such test results to the person or persons identified on this release form.

In signing below, I certify that all of the information which I have furnished on this form is true and complete, and that I have identified all of the companies for which I have either worked, or for which I took a pre-employment drug and/or alcohol test, as a driver during the past two years. I understand that this information is material to my hiring and that my failure to provide true and complete information will automatically disqualify me for a position with the School District or, in the event that I am hired, subject me to immediate termination. Further, I understand that in the event of receipt of a report of past drug and/or alcohol violation, any conditional offer of employment will be revoked and in the event I have been hired, any employment will be automatically ended.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



**APPLICANT'S CERTIFICATION OF  
PAST DRUG AND ALCOHOL TEST RESULTS**

During the past two years before this application, I:

Did \_\_\_\_ Did not \_\_\_\_ (check applicable blank) test positive or refuse to submit to any pre-employment drug or alcohol test administered by an employer to which I applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules.

If I did test positive or refuse to submit, then I further certify that I:

Did \_\_\_\_ Did not \_\_\_\_ N/A \_\_\_\_ (check applicable blank) complete the return-to-duty process of the DOT agency drug and alcohol testing rules. I agree that it is my responsibility to provide the School District with documents establishing completion of such process before I may perform safety-sensitive functions for the School District.

**APPLICANT CERTIFICATION**

In signing below, I certify that all of the information which I have furnished on this form is true and complete. I understand that this information is material to my hiring and that my failure to provide true and complete information concerning the time period in question will automatically disqualify me for a position with the School District or, in the event that I am hired, subject me to immediate termination.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date



**REQUEST FOR PAST TEST RESULTS**

To: \_\_\_\_\_ *[Insert name of previous employer]*

From: \_\_\_\_\_ *[Insert name and title of school representative]*

Subject: Request to obtain past drug and alcohol test results

Date: \_\_\_\_\_ *[Insert date]*

\_\_\_\_\_ *[Insert applicant's name]* has advised us that he/she  worked for your company as a driver or that he/she  applied to your company for work as a driver, during the previous two (2) years.

Regulations of the Department of Transportation (DOT) (49 C.F.R. § 40.25) require us to obtain from your company, and **require your company to provide** to us, information concerning the above-named driver's past drug and alcohol test results (including refusals to be tested).

In accordance with DOT's regulations, therefore, we are providing you with the driver's written consent directing your company to provide us with the past drug and alcohol testing results, as set forth in the consent. A Report form to provide the requested information is also enclosed for your convenience.

Please send this information to

Omaha Public Schools  
3215 Cuming Street  
Omaha, NE 68131-2024

as soon as possible, either by facsimile (FAX # (402) 557-2019) or by mail. As required by the DOT, the information which you furnish will be treated as strictly confidential.

Enclosures:

- Document No. 1. Applicant's Consent to Obtain Past Drug and Alcohol Test Results.**
- Document No. 4. Report of Past Drug and Alcohol Test Results.**



REPORT OF PAST DRUG AND/OR ALCOHOL TEST RESULTS

To: Omaha Public Schools ("SchoolDistrict")
From: [Insert name of Company submitting results]
Re: [Insert Driver/Applicant's name]
[Insert Driver/Applicant's Social Security Number]
to [Insert "Relevant 2 Year Period" dates]

In accordance with the DOT regulations, School District's request, and the Driver/Applicant's Consent, the Company reports the following results of drug and alcohol tests conducted on the above named Driver/Applicant by this Company during the above designated "Relevant 2 Year Period."

(i) Past Alcohol Test Results:
Date of Test: [ ] No alcohol tests conducted during relevant period
Date of Test: [ ] 0.04 or greater [ ] Negative [ ] Refused to be tested
Date of Test: [ ] 0.04 or greater [ ] Negative [ ] Refused to be tested

(ii) Past Drug Test Results:
Date of Test: [ ] No drug test conducted during relevant period
Date of Test: [ ] Verified Positive [ ] Negative [ ] Refused to be tested
Date of Test: [ ] Verified Positive [ ] Negative [ ] Refused to be tested

(iii) Refusals to Submit: (Note: Refusals to submit include verified adulterated or substituted drug tests)
[ ] No refusal to submit to drug and/or alcohol test during relevant period
[ ] Refusal to submit to drug and/or alcohol test during relevant period, on the following dates:
Date of Refusal: Nature of Refusal:
Date of Refusal: Nature of Refusal:

(iv) Any Other Violations of DOT Agency Drug and/or Alcohol Testing Regulations:
[ ] No such violations during period specified
[ ] Violations occurred during relevant period, on the following dates:
Date of Violation: Nature of Violation:
Date of Violation: Nature of Violation:

(v) Completion of DOT Return-to-Duty Requirements, including follow-up tests:
[ ] Not Applicable, no violations occurred during period specified
[ ] Not Applicable, violation(s) occurred during period specified, but Company has no record of successful completion of return-to-duty requirements
[ ] Documents are attached; violation(s) occurred during period specified, and Employee successfully completed return-to-duty requirements

Date Name of person completing form (type/print) Title (type/print)



Personnel - All EmployeesBloodborne Pathogen Compliance Plan**A. Procedures for Control of Communicable Diseases:**

The School District shall cooperate with county and state health departments in developing procedures for the control of communicable disease in School District programs and activities. Procedures shall conform to the regulations for communicable disease control set up by the state health department. The Superintendent or designee shall establish an exposure control plan in accordance with OSHA's "Occupational Exposure to Blood-Borne Pathogens" Standard.

**B. Employees:****1. Contagious and Infectious Diseases:**

When an employee has a contagious or infectious disease which is in a communicable stage or presents more than a minimal risk of transmission to others, the employee should not report to work and is expected to follow the absence reporting procedures. Employees should in general follow the same guidelines for absence from work as a student is to follow under the guidelines of the Contagious and Infectious Disease Chart of the Nebraska Department of Health and Human Services regulations pertaining to school health and communicable disease control. Prior to returning to work, employees shall upon request submit a physician's written statement stating that the employee is able to return to work and does not pose a significant risk of transmission of the disease to others.

In general, a district employee with a communicable condition will be allowed to work only after securing a physician's written statement indicating that the disease is not in a communicable stage. The school reserves the right to secure an independent second opinion if such is deemed necessary.

**2. Bloodborne Pathogen Communicable Diseases:**

Communicable diseases subject to this part include diseases spread via bloodborne pathogens, including Human immunodeficiency virus (HIV) (including AIDS) and Hepatitis B (only carriers are of concern). An employee with a communicable disease, or an applicant for employment, shall be employed or be continued in employment without consideration of the communicable disease provided the employee or applicant is able to perform the essential functions of the position with such reasonable accommodations as may be necessary and provided the communicable disease does not pose an imminent threat to the health or the safety of others within the employee's work

environment. Employees who have a communicable disease are expected to conduct themselves in such a manner as to not place others at risk and, in the event reasonable accommodation is necessary to avoid such risk, to make a confidential request for such accommodation.

Employees' Communicable Conditions:

1. Any employee who contracts a communicable condition should report the same to the Chief Human Resources Officer who should, in turn, report to the Superintendent in a confidential manner. The Chief Human Resources Officer shall then consult with the employee and appropriate medical personnel to evaluate the medical and psychological condition of the employee. The Chief Human Resources Officer shall recommend reasonable accommodations so that the employee may continue in employment as long as the employee is physically able to do so.
2. The privacy of the employee must be protected, and knowledge that an employee has a communicable condition should be confined to persons with a direct need to know. If it becomes necessary to inform others, these persons will be provided with information concerning necessary precautions and will be made aware of confidentiality requirements.
3. Employees who present a high risk of disease transmission will be temporarily excluded from work after consultation with appropriate medical authorities.

C. **General Provisions:**

1. **No Discrimination or Harassment:**

No employee shall be unlawfully discriminated against or subjected to harassment on the basis of having a communicable disease.

2. **Privacy:**

Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the bloodborne pathogen status of an employee. Violation of medical privacy may be cause for disciplinary action against the employee, including possible termination.

No information regarding a person's bloodborne pathogen status will be divulged to any individual or organization other than School District employees or agents who have a need to know of the circumstance, appropriate officials of the school in which the employee is assigned, and emergency medical personnel with a need to know, without a court order or a signed and dated consent of the person with the bloodborne pathogen infection (or the parent or guardian of a minor).

3. **Records:**

All health records, notes, and other documents that reference an employee's bloodborne pathogen status or occupational exposure will be maintained in a separate confidential medical file for the employee. Records of occupational exposure shall be maintained for at least the duration of employment plus 30 years in accordance with OSHA standards.

All health records, notes, and other documents that reference an employee's bloodborne pathogen status will be maintained in a separate confidential medical file for the employee.

4. **Infection Control:**

All employees are required to consistently follow infection control guidelines. Employees are required to follow the exposure control plan of The School District established in accordance with OSHA's "Occupational Exposure to Blood-Borne Pathogens" Standard. The use of universal precautions is mandated and work practice controls to minimize or prevent potential exposure are to be implemented. Any incident of exposure to blood shall be reported, evaluated, and follow-up completed and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept accessible.

5. **Staff Development:**

The Superintendent or designee will make communicable disease and bloodborne pathogen education programs available to employees as appropriate to convey guidance on infection control procedures and inform employees about School District policies.

Legal Reference: 173 NAC 3 (HHS Control of Communicable Disease regulation) 20-167 and 20-168 (HIV/AIDs statutes)  
Neb. Rev. Stat. 79-264 (student emergency exclusion)  
29 CFR 1910.1030 (OSHA Bloodborne Pathogens regulation)  
ADA-42 U.S.C. 12101 et seq.; 28 CFR 35.101 et seq.  
Rehabilitation Act of 1973, Section 504--29 U.S.C. 791, et seq.; 34 CFR 104, et seq.  
Nebraska Fair Employment Practices Act--48-1101 to 48-1126  
20 U.S.C. 1232g (FERPA)

Date of Adoption: August 17, 2015



Personnel - All EmployeesInfectious Diseases

In the event that an employee, or other person in frequent contact with students, employees or others present in Omaha Public Schools contracts an infectious disease, the determination of whether that person should be permitted to remain on duty, attend school or participate in school activities shall be made on a case-by-case basis. The following factors will be taken into consideration:

1. The behavior, neurological development, and physical condition of the employee;
2. The expected type of interaction with others in the school setting;
3. The impact on both the infected person and others in that setting.

The determination of whether or not the infected person remains in the school shall be based on scientific and medical evidence.

When it is determined that an infected student poses an imminent threat to the health and safety of the school community or that the student's conduct presents a clear threat to the physical safety of himself, herself, or others, the provisions of the Communicable and Infectious Disease policies shall be implemented, providing for the exclusion of that student.

Any person with an infectious disease will retain the rights of confidentiality and privacy, limited to individuals in a need-to-know position (administrators and board members). The community shall be informed that an infectious disease is present in the school system and that the person will be excluded if the situation warrants such action, based on medical and legal advice.

Legal Reference: 173 NAC 3 (HHS Control of Communicable Disease regulation) 20-167 and 20-168 (HIV/AIDs statutes)  
Neb. Rev. Stat. 79-264 (student emergency exclusion)  
29 CFR 1910.1030 (OSHA Bloodborne Pathogens regulation)  
ADA-42 U.S.C. 12101 et seq.; 28 CFR 35.101 et seq.  
Rehabilitation Act of 1973, Section 504--29 U.S.C. 791, et seq.; 34 CFR 104, et seq.  
Nebraska Fair Employment Practices Act--48-1101 to 48-1126  
20 U.S.C. 1232g (FERPA)

Date of Adoption: December 1, 2014



Personnel-All EmployeesPersonnel Files

Any teacher, administrator, or full-time employee of the school district shall, upon request, have access to their personnel file and shall have the right to attach a written response to any item in such file, and may in writing authorize any other person to have access to such file, which authorization shall be honored by the district. Such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer which appear in the personnel file. No other person except school officials while engaged in their professional duties shall be granted access to such file nor shall the contents thereof be divulged in any manner to any unauthorized person.

The right to review or access a file or submit a response does not apply to former employees.

Legal Reference: Neb. Rev. Stat. 79-539; 79-8,109

Date of Adoption: December 1, 2014



Personnel - All Employees

Receiving Agents, Salespersons, and Other Business Representatives

No school employee shall visit with or discuss business matters of a personal nature with any sales representative during the hours the employee is on duty in the school, except by special permission of the Superintendent or designee or building principal.

Any agent or business representative calling on school personnel about school matters, such as, textbooks, publication of the school annual, class insignia, athletic equipment, school equipment, school supplies, building and custodial supplies, and the like, shall first obtain the permission of the Superintendent or designee or building principal and it is the duty of the school employee to ascertain that the representative has such permission. In general, a teacher shall not interrupt class work to confer with such representatives.

Legal Reference: Neb. Rev. Stat. 79-8,100

Date of Adoption: December 1, 2014



Personnel - All Employees

Unauthorized Purchases

Any employee who orders any supplies or equipment without express authorization of the Superintendent or building principal may be personally liable for payment of the bill for the material so ordered.

Date of Adoption: December 1, 2014



Personnel - All Employees

Use of School Facilities and Equipment by School Employees

The Superintendent may approve use of school facilities, equipment and other resources by school employees, except for activities which result in personal or corporate gain and provided that such use is consistent with Policy No. 1100.

School vehicles shall not be available for personal use.

School officials may search offices and storage devices provided to or used by employees where permitted by law, such as where reasonable grounds exist for suspecting that a search will turn up evidence that the employee has committed work-related misconduct, or that a search is necessary for a non-investigatory work-related purpose, such as to retrieve a file.

Searches of the District's computer system may be conducted in the discretion of the administration at any time.

The District is not responsible for the security or safety of personal property which employees, students, or other building users may bring to school.

Date of Adoption: December 1, 2014



Personnel - All Employees

Activity Passes

Designated employees and Board of Education members of Omaha Public Schools may be given an activity pass which will admit the employee and Board of Education member and spouse to school activities. The activity pass may be used only by the person whose name appears on the pass.

Date of Adoption: December 1, 2014



PersonnelCommunity Relations—Political Activity

The Board requires that staff members who desire to seek public office or to engage in other political activity likely to interfere with their normal work requirements seek prior Board approval.

In order to guard against placing students or staff members under undue pressure to adopt particular positions on political issues, the Board directs that employees avoid using their positions or their access to school materials or facilities for solicitation, promotion, recruiting or to otherwise work for the election or defeat of any candidate for public office or to influence the outcome of an election or a decision by a governing body on a political issue. Specifically, employees are restricted from the use of the following for such purposes.

- A. Their position, whether as an instructor or as a leader or supervisor of other employees;
- B. Classrooms, buildings or facilities;
- C. Students; or
- D. School equipment, materials or communication systems (including e-mail).

These restrictions do not apply to employees who are engaged in authorized lobbying activities on behalf of the district. The restrictions also do not apply to the distribution of employee association correspondence or newsletters in the normal course of association business, even though those communication media may contain information concerning adopted positions of the association on political issues.

Date of Adoption: December 1, 2014



Personnel - All Employees

Fair Labor Standards Act (Minimum Wage & Overtime)

**Work week:**

The work week for overtime purposes shall be 12:00 a.m. Monday until 11:59 p.m. Sunday. The administration may establish a different 7-day period workweek from time to time for specified employees or employee groups.

**Overtime:**

Overtime will be paid to non-exempt employees as required by law. Compensatory pay in-lieu of overtime pay may be implemented in accordance with law. A non-exempt employee shall not work overtime without the express approval of the employee's supervisor.

**Salaried Basis:**

The District's policy is to not permit improper deductions from the salary of exempt employees who are required to meet a "salaried basis" test for the exemption to be applicable. (Teaching professionals are not subject to the "salaried basis" test). An employee who feels an improper deduction affecting exemption status has occurred may submit a complaint to the Superintendent or the Superintendent's designee, who shall promptly investigate the complaint. Reimbursement shall be made and a good faith commitment to comply in the future will be given in the event it is determined that an improper deduction affecting overtime exemption has been made.

The District's policy is to authorize unpaid disciplinary suspensions of a full day or more for infractions of workplace conduct rules and to apply such policy uniformly to all similarly situated employees, including exempt employees who are required to meet a "salaried basis" test for the exemption to be applicable. Unpaid disciplinary suspensions of a partial day or of a full day or more may be implemented for infractions of safety rules of major significance. Deductions of pay of a partial day or of a full day or more may be made for FMLA leaves and in the first and last weeks of employment. In addition, based on principles of public accountancy, deductions from pay of a partial day or of a full day or more will be made for absences for illness, injury or personal reasons when accrued leave is not used or not available, and for absences due to any budget-required furlough.

Legal Reference: Fair Labor Standards Act, 29 U.S.C. 201 et seq.  
29 CFR 541.303; 541.602; 541.603; 541.710; 553.20-.28; and 771.105

Date of Adoption: January 8, 2018



Personnel - All EmployeesShredding Consumer Reports

It is the policy of Omaha Public Schools to take reasonable measures to protect against unauthorized access to consumer information from consumer reports.<sup>1</sup> A consumer report includes criminal background checks performed on applicants or employees by a third party. It does not include criminal checks performed by school staff.

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with its disposal include the following examples. These examples are illustrative only and are not exclusive or exhaustive methods for complying with this directive.

- A. Shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed. Burning or pulverising such papers are also options where appropriate.
- B. Destruction or erasure of electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
- C. After due diligence,<sup>2</sup> entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material in a manner consistent with this directive.

This policy does not require that the consumer reports information be disposed of; rather, it specifies the action to be taken whenever such disposal occurs. Questions regarding the disposal of consumer reports information should be directed to the Superintendent or the Superintendent's designee.

Legal Reference:       FTC Rule on Disposal of Consumer Report Information and Records, 16 CFR Part 682

Date of Adoption:     December 1, 2014

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<sup>1</sup> "The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for . . . (B) employment purposes." Fair Credit Reporting Act, 15 U.S.C. § 1681a(3).

<sup>2</sup> The FTC rule states: "In this context, due diligence could include reviewing an independent audit of the disposal company's operations and/or its compliance with this rule, obtaining information about the disposal company from several references or other reliable sources, requiring that the disposal company be certified by a recognized trade association or similar third party, reviewing and evaluating the disposal company's information security policies or procedures, or taking other appropriate measures to determine the competency and integrity of the potential disposal company."



Personnel - All EmployeesSocial Security Numbers

Employee social security numbers shall be kept confidential to the extent required by law. Use of more than the last four digits of an employee's social security number shall be made by the District only for:

A. **Legal Mandates:**

Compliance with state or federal laws, rules, or regulations.

B. **Internal Administration:**

Internal administrative purposes, including provision of employee social security numbers to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the internal administrative uses shall not permit use of employee social security numbers:

1. As an identification number for occupational licensing.
2. As an identification number for drug-testing purposes except when required by state or federal law.
3. As an identification number for District meetings.
4. In files with unrestricted access within the District.
5. In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
6. For posting any type of District information.

C. **Voluntary Transactions:**

Commercial transactions freely and voluntarily entered into by the employee with the District for the purchase of goods or services.

The District will not use or require an employee to use more than the last four digits of an employee's social security number for:

A. **Public Posting or Display:**

Any public posting or display available to the general public or to an employee's co-workers.

B. **Internet Transmission:**

Transmission over the Internet unless the connection is secure or the information is encrypted.

C. **Internet Access:**

To access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the Internet web site.

D. **Identifier:**

As an employee number for any type of employment-related activity.

Legal Reference: Neb. Rev. Stat. 48-287  
5 USCS 552a (note) (Privacy Act of 1974)

Date of Adoption: December 1, 2014

Personnel - All EmployeesNotification of Arrest, Criminal Charges, and Certificate, License or Child Abuse Complaints

Employees must notify the Chief Human Resources Officer or Employee Relations Administrator by the next working day after:

**A. Arrest or Criminal Charges:**

The employee is arrested, ticketed, or issued a criminal charge where:

1. The maximum penalty for the crime equals or exceeds six months incarceration;
2. The crime relates to abuse, neglect or endangerment of a minor, a minor was allegedly a victim or a witness, or the crime involves alleged sexual misconduct;
3. Conviction would impact performance of employee's job responsibilities, including offenses that:
  - a. Would impact the responsibility to be a role model for students;
  - b. Would impact the employee's ability to operate a motor vehicle if the employee at times needs to travel during duty time or the employee at times drives our students, including on extracurricular activities; or
  - c. Would impact the employee's Commercial Drivers License if the employee's job requires that the employee have a CDL.
4. The arrest or the alleged criminal activity occurred while the employee was on duty, on school property or in a school owned or utilized vehicle, or at a school-supervised activity or school-sponsored function, or after function.
5. Employees must also promptly report to the Chief Human Resources Officer or Employee Relations Administrator whenever the employee has been sentenced to be incarcerated for any period of time, even if the offense was not otherwise reportable.

**B. Certificate or License:**

The employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee's position. This includes proceedings of the Nebraska Department of Education related to an alleged violation of the NDE Standards of Conduct and Ethics, Chapter 27, and proceedings of the Health and Human Services related to an alleged violation of the professional standards of conduct for the employee's position.

C. **Child Abuse:**

The employee becomes aware that a report of child abuse or neglect has been made against the employee under the Child Protection Act.

Further, employees must give full disclosure of any Child Protection Act investigation that resulted in an “inconclusive” determination that occurred at any time. Current employees must give such disclosure within ten days following adoption of this Policy. As a condition of employment, applicants for employment must give such disclosure prior to commencement of employment. Any hiring made without such disclosure shall be subject to being immediately revoked in the event the required disclosure was not given.

Employees must give full disclosure of the existence and nature of the above proceedings and must also promptly notify the Superintendent of the disposition of the proceedings.

Legal documents relating to the proceedings shall be treated and maintained as part of the employee’s confidential criminal background file.

Failure to notify as required under this policy may subject the employee to disciplinary action, up to and including termination.

Date of Adoption: August 17, 2015

Personnel - All EmployeesWage and Deduction Information

On each regular payday, the Superintendent or designee shall deliver or make available to each employee, by mail or electronically, or shall provide at the employee's normal place of employment during employment hours for all shifts a wage statement showing, at a minimum, the identity of the employer, the hours for which the employee was paid, the wages earned by the employee, and deductions made for the employee. Information on hours worked for employees who are exempt from overtime under the federal Fair Labor Standards Act of 1938, under 29 C.F.R. part 541, does not need to be provided unless the District has established a policy or practice of paying to or on behalf of exempt employees overtime, or bonus or a payment based on hours worked, whereupon the Superintendent or designee shall send or otherwise provide a statement to the exempt employees showing the hours the employee worked or the payments made to the employee by the employer, as applicable.

Legal Reference: Neb. Rev. Stat. 48-1230

Date of Adoption: December 1, 2014



Personnel - All EmployeesProfessional Boundaries Between Employees and Students

All employees are expected to observe and maintain professional boundaries between themselves and students. A violation of professional boundaries will be regarded as a form of misconduct and may result in disciplinary action.

The following non-exclusive list of actions will be regarded as a violation of the professional boundaries that employees are expected to maintain with a student:

- Text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school-related activities, such as the student's homework, class activity, school sport or club, or other school-sponsored activity. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).
- Using e-mail to communicate with students in an inappropriate, immoral or unethical manner.
- Engaging in social-networking friendships with a student on a social networking site. Material that employees post on social networks that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents or impair the employee's ability to serve as a role model for children.
- Engaging in sexual activity, a romantic relationship, or dating a student or a former student within one year of the student graduating or otherwise leaving the District.
- Making any sexual advance - verbal, written, or physical - towards a student.
- Showing sexually inappropriate materials or objects to a student.
- Discussing with a student sexual topics that are not related to a specific curriculum.
- Telling sexual jokes to a student.
- Invading a student's physical privacy (e.g., walking in on the student in a restroom), except as appropriate in relation to the child's needs.
- Physical contact with a student that is not age appropriate or is initiated by the employee when the student does not seek or want this attention.
- Being overly "touchy" with a specific student.

- Allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan.
- Discussing with the student the employee's problems that would normally be discussed with adults (e.g., marital problems).
- Giving a student a ride in the employee's personal vehicle without express permission of the student's parent and school administrator unless another adult is in the vehicle and except in circumstances which are appropriate, such as driving a babysitter home or driving a friend or teammate of an employee's child home. If in question as to whether it is appropriate or not, the employee is to notify the employee's direct supervisor.
- Taking a student on an outing without obtaining prior express permission of the student's parent and school administrator.
- Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.
- Going to the student's home when the student's parent or a proper chaperone is not present.
- Giving gifts of a personal nature to a specific student.

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of family relationships between employees and their children who are students in the District.

Date of Adoption: December 1, 2014

PersonnelNepotism

The School Board believes that the appropriate placement of qualified and competent staff is essential to the success of the Omaha Public Schools.

An applicant for any position in the Omaha Public Schools system, or any employee seeking a promotion or transfer, shall be considered solely on the basis of respective qualifications for such position regardless of whether the applicant or employee is or is not related by blood, marriage, or by law to any member of the Board or to any employee of the District, except as otherwise provided herein.

**Definition:****A. Related/Relative:**

These relationships include parents, children, siblings, uncle, aunt, first cousin, nephew, niece, spouse, grandparents, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or person who resides in the same household.

**B. Directly Supervise:**

This term relates to situations in which one person in the school system can influence the employment conditions or career of the other. This includes decisions involving hiring, compensation, performance evaluation, promotional opportunities and work assignments or be assigned to positions where one reports to, directs the work of, or supervises the other on a full schedule basis.

**C. Recommendation for Appointment, Employment, Promotion, Transfer, Change of Assignment, Advancement, Dismissal, or Evaluation:**

This term shall apply to those situations in which an individual has responsibility for making advisory recommendations; such terms shall not apply to employee nominations or dismissal recommendations of the Superintendent to the Board.

**D. Evaluation:**

This shall apply to those situations in which an individual is assigned responsibility for making the annual evaluation for an employee or is requested to participate in the formulation of such evaluation.

No employee shall participate in or exert any influence on any personnel action including recommendations for appointment, employment, promotion, transfer, change of assignment, advancement, dismissal, or evaluation of an applicant or employee to whom s/he is related.

No employee may directly supervise or be directly supervised by an employee to whom s/he is related.

Administrative personnel shall not be assigned to a department or grade level where a relative is a team leader or department chairperson.

No employee shall be recommended for a promotion or transfer to a position that would result in a violation of this policy.

This policy shall not, except as provided herein, be interpreted to prohibit the employment of relatives of Board members or relatives of any employee of the school system.

The prohibitions herein regarding employment shall not apply to persons occupying positions in the school system that, on the effective date of this policy, are in violation of such prohibitions. However, the provisions of the policy shall be applicable to any subsequent promotions, transfers, or other personnel actions which would violate the provisions of this policy.

PersonnelGrievances and Complaints**A. Grievances:**

Grievances are complaints by an employee covered by a contract with the Omaha Public Schools via a negotiated agreement (a “covered employee”) that a term or condition of said contract has been violated by the school district. Grievances from covered employees shall be initiated in the following manner:

1. If the employee has a grievance, the employee shall, within twenty (20) working days of the incident or situation giving rise to the grievance, first discuss the matter with an immediate superior (at the building level the immediate superior is the principal) in an effort to resolve the problems informally. A representative of the association's staff may be invited by either party. If the subject of the grievance extends beyond the authority and jurisdiction of the immediate superior the employee may discuss the matter with the Chief Human Resources Officer or his/her designee, but shall do so within the same 20 day time-frame.

If the employee is not satisfied, the employee shall have the right to have an association representative's assistance in all further efforts to resolve the problem.

2. If the problem is not resolved through the aforesaid procedure, then within ten (10) working days following the discussion of the matter with the immediate superior or the Chief Human Resources Officer (or his/her designee), the aggrieved employee shall submit a formal grievance in writing to the principal or to the person to whom the aggrieved is directly responsible, explaining the precise nature of the alleged contract violation. The person to whom the grievance has been submitted shall have a reasonable period, not to exceed ten (10) working days, to render a decision and the reasons therefore in writing to both the aggrieved person and to the association.
3. If the aggrieved employee is not satisfied with the disposition of the grievance by the principal or the person to whom the aggrieved is directly responsible, the aggrieved employee may appeal to the superintendent of schools within ten (10) working days. Within ten (10) working days after the receipt of the written appeal, the superintendent or his/her designated representative/s shall provide a hearing with the aggrieved person.

The superintendent shall within ten (10) working days of the hearing render a decision and the reasons thereof in writing to the aggrieved person with copies to the association and to members of the Board of Education.

4. Should the aggrieved person so desire, the decision of the superintendent may be appealed to the Board of Education. Such a request should be sent to the Board of Education Director within twenty (20) working days of the receipt of the

superintendent's decision in the matter. Such an appeal shall be in the form of a written request for a decision by the Board of Education and should contain all information and evidence the aggrieved person wishes the Board to consider. The Board of Education shall request all information and evidence the Superintendent wishes to submit in defense, which shall be submitted to the Board of Education within twenty (20) days of receipt of the request from the Board of Education Director. The Board of Education may choose to hold a hearing, which shall be heard by a committee of the board which shall be called the Ad Hoc Grievance Hearing Committee (hereinafter "Ad Hoc Committee") to gather additional testimonial evidence or may choose to render a written opinion based upon the evidence before it. The Board of Education shall notify the aggrieved person within thirty (30) working days of receipt of an appeal as to whether it will be holding a hearing via Ad Hoc Committee to obtain additional testimony.

If the Board elects to respond in writing to the appeal without a hearing of an Ad Hoc Committee, the decision of the Board of Education shall be provided within thirty (30) days of the notice provided to the aggrieved party concerning whether there will be a hearing on the appeal. If the Board elects to hold a hearing via Ad Hoc Committee, such hearing shall be held within thirty (30) days of the notice provided to the aggrieved party that the Board will hear evidence via an Ad Hoc Committee.

The Ad Hoc Committee members shall be selected according to the following procedures:

- a. All board members may be present as fully participating members at any meeting of the Ad Hoc Committee. Accordingly, the Board of Education Director, shall notify all Board Members of each meeting of the Ad Hoc Committee.
- b. No Board Member may participate in the hearing unless he/she is present prior to any information being presented to the Ad Hoc Committee by the aggrieved party or his/her representatives.
- c. It shall be the responsibility of the Board of Education Director to obtain the presence of at least three Board Members for each meeting of the Ad Hoc Committee.
- d. The date and time for Ad Hoc Committee meetings shall be arranged by the Board of Education Director, with the parties and the Board Members. Each meeting of the Ad Hoc Committee shall be conducted by the President of the Board of Education if the President is present. In the absence of the president, the Vice President of the Board of Education shall conduct the meeting. In the absence of both the President and Vice President of the Board of Education, the Board of Education Director shall designate on a rotation basis another member of the Board of Education to act as chairperson. It shall be the responsibility of the chairperson to maintain appropriate order, announce the opening of the meeting, recognize and identify those persons present, and determine who may speak when.

The Board of Education Director shall attend all meetings and deliberations of the Board or of said Committee.

It shall be the duty of all Board Members to be impartial throughout the hearing before them.

Each meeting on an appeal shall be conducted according to the following procedures:

1. The chairperson shall open the meeting and announce that it will be conducted in accordance with the public meetings laws of Nebraska.
2. The chairperson shall then recognize and identify all those present.
3. The chairperson shall next determine whether the meeting should be conducted in executive session by giving the employee the opportunity to request a public hearing. If the employee requests a private hearing, then the Ad Hoc Committee shall go into executive session upon the motion of one member, the second of another and the affirmative vote of a majority of the members of the Ad Hoc Committee present on a roll call vote. Both the vote and the time of going into executive session shall be recorded by the Board of Education Director.
4. The chairperson shall then inform the parties about the function of the meeting, which is an opportunity to provide additional evidence to tell the Ad Hoc Committee in their own words why they think the decision of the Superintendent is erroneous.

The chairperson shall inform the parties what evidence is already before it in written form which need not be repeated. The chairperson shall inform the parties that no new information shall be considered by the Ad Hoc Committee unless such information qualifies as new evidence, which is evidence not presented earlier that is necessary to avoid a substantial threat of unfairness, provided that it has been given to the Board of Education Director at least 24 hours prior to the hearing. The chairperson shall then determine whether or not there is any new information. The chairperson shall call upon the submitter of the new information to explain why it should be admitted. Following the explanation, the Ad Hoc Committee shall vote on whether to hear the new information. If a majority of the Ad Hoc Committee do not vote to hear the new information, it shall not be received and it shall not be mentioned by either party.

5. The chairperson shall next call upon the employee and/or his/her representatives to tell the Board why the Superintendent's decision is not correct, and to present any new information. The Superintendent and/or

his/her representatives will be given an opportunity to ask questions and to cross-examine any witnesses. Board Members shall have the opportunity to ask questions upon the conclusion of the employee's presentation.

6. The chairperson shall next call upon the Superintendent and/or his/her representatives to tell the Board why the Superintendent's decision is correct, and to present any new information. The employee will be given an opportunity to ask questions and to cross-examine any witnesses. Board Members shall have the opportunity to ask questions upon the conclusion of the Superintendent's presentation.
7. Following completion of the presentation by both parties, the Board Members may ask questions about any matter in the record before the Ad Hoc Committee.
8. Following questions by Board Members, each party shall be given an opportunity to make a closing statement. The chairperson shall thereafter close the meeting and inform the parties that the Ad Hoc Committee will deliberate privately on the appeal, and inform the parties of its decision thereafter by personal delivery or certified or registered mail. The decision of the Ad Hoc Committee must be based on the record before it. There is no appeal to the Board of Education from a decision of the Ad Hoc Committee.

**B. Complaints:**

A complaint from an employee concerning terms and conditions of employment and/or actions by administration that are not grievances shall be governed by the following procedures:

1. **Certificated Employees:** Following a recommendation by administration for disciplinary action with regard to an employee's performance, if such recommendation is either suspension without pay and/or a recommendation that the certificated employee's contract be cancelled, terminated, amended, or not renewed employment be terminated (including but not limited to recommendation for cancellation or termination of an employee's teaching contract with the school district), certificated employees are provided certain methods by which to a request for a hearing before the Board of Education may be made. Such request procedures and such hearings rights and hearings shall be conducted pursuant to all statutory requirements.
2. **Non-certificated Employees:** Following a recommendation by administration for disciplinary action with regard to a non-certificated employee's employment, such employee may appeal this via the following procedures:
  - a. The employee shall, within twenty (20) working days of the disciplinary action,

discuss the matter with an immediate superior (at the building level the immediate superior is the principal) in an effort to resolve the matter informally. If the subject of the concern extends beyond the authority and jurisdiction of the immediate superior the employee shall instead discuss the matter with the Chief Human Resources Officer or his/her designee, but shall do so within the same 20 day time-frame.

If the employee is not satisfied, the employee shall have the right to have an association representative's assistance in all further efforts to resolve the problem.

- b. If the problem is not resolved through the aforesaid procedure, then within ten (10) working days following the discussion of the matter with the immediate superior or the Chief Human Resources Officer (or his/her designee), the employee shall submit a formal complaint in writing to the Superintendent and/or his representative/s.
  - c. Within ten (10) working days after the receipt of the written appeal, the Superintendent or his/her designated representative/s shall provide a hearing with the aggrieved person. The Superintendent shall within ten (10) working days of the hearing render a decision and the reasons thereof in writing to the aggrieved person with copies to the association and to members of the Board of Education.
3. Complaints against any employee which arise from within the membership of the Board of Education shall be referred to the superintendent for decision. No such complaint shall be considered by the Board of Education itself.
  4. No complaint shall be considered by the Board of Education in any other manner.



Personnel - All Employees

Absence From Meetings

Employees of all classes shall not be absent from any meetings called by the superintendent of schools unless excused by the superintendent.

Date of Adoption: May 1, 2017



Personnel - All Employees

Calls to 911 Emergency Service

All employees of the Omaha Public Schools are authorized to call the 911 Emergency Service when, in their judgment, conditions warrant such a call. Following a call to the 911 Emergency Service, employees are to notify the building principal as soon as possible to prevent duplicate calls.

Date of Adoption: May 1, 2017



Personnel –All EmployeesDates of Payment of Salaries

- A. Payroll dates and pay dates shall be determined by the central administrative staff and may be changed from time to time to expedite accounting procedures. When payday falls on Saturday, Sunday, or a holiday, the date of payment shall be on the preceding work day. However, the payment of the salary of any employee shall be distributed uniformly and all deductions required by law will be made from the salary or wages of each employee of the District.
- B. All employees shall be paid in full for all services during the fiscal year in which they were rendered. All salaries accrued and unpaid at the end of each fiscal year shall be paid on the last pay check of the fiscal year.
- C. Direct Deposit of Checks - Omaha Public Schools **requires** all employees of the District to participate in an electronic Direct Deposit program. Electronic direct deposit of payroll checks will be made upon written notification to the division of Compensation and Benefits on a form provided by the District. A statement of earnings will be available on line on payday. The deposit will be made in a participating financial institution of the employee's choosing.

Date of Adoption: May 1, 2017



Personnel –All EmployeesPurposes of Staff Appraisal

The Board of Education requires regular appraisal of certificated and classified employees. The purpose of the evaluation system in Omaha Public Schools is a systematic and continuous process used to develop staff and to improve overall performance within the role of the employee. The process will focus on self-development and professional growth and will not be construed as an act of discipline, though appraisal results can be used to determine level of performance of an employee. Leadership of this comprehensive system of staff appraisal is the responsibility of the Department of Human Resources. The appraisal process for certified staff shall be conducted annually for non-tenured staff and every three years for tenured staff as described in the Framework For Effective Teaching. The appraisal process for administrative staff and classified staff shall be conducted annually as outlined in the appropriate handbook for appraisal as published by the Department of Human Resources, however, exceptions to this can be made at the determination of the Chief Human Resources Officer.

Date of Adoption: August 21, 2017



Personnel

Length of Year of Experience

- A. For all staff without a specific clause in a negotiated agreement on duty for ten calendar months, the minimum length of a creditable year of experience shall be defined as 155 calendar days actually on duty. No surplus of the number of days in one school year shall apply to another.
  
- B. For all staff without a specific clause in a negotiated agreement on duty for twelve months (261 days), the minimum length of a creditable year of experience shall be defined as 200 days actually on duty. For staff on a 274-day contract, the number of days actually on duty shall be 205. No surplus of the number of days in one school year shall apply to another.

Date of Adoption: November 6, 2017



PersonnelAppointment - All Employees and Contractors (Revised)

- A. Election of all employees shall be by action of the Board of Education upon recommendation of the superintendent of schools or designee without regard to race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status. Nominations for election shall be made by the superintendent or designee, who shall review all information and recommendations bearing upon all applications. Such nomination and election of employees shall be subject to the provisions of the laws of the United States, the state of Nebraska as well as these policies and regulations.
- B. The superintendent or designee may employ substitute teachers and other temporary employees as defined in these policies and regulations without election by the Board of Education where such emergency employment is necessary for the welfare of the schools or where the property of the school district may be seriously endangered.
- C. It is the policy of Board of Education to comply with the provisions of the Immigration Reform and Control Act of 1986 and the employment verification laws of the State of Nebraska, as amended from time to time. All new or rehired employees, regardless of employment status, will be required to complete the federal government's Form I-9 and to provide evidence of their eligibility for employment in the United States. Under Nebraska Revised Statute section 4-114, the school district is required to register with and use a federal program authorized to verify the work eligibility of all new employees and shall comply by using the E-Verify Program. These policies apply to all newly hired or rehired employees, regardless of nationality, citizenship, or employment status.

Under Nebraska Revised Statute section 4-114, the State of Nebraska requires all contractors and subcontractors of state agencies and political subdivisions to use an electronic verification system for new employees physically performing services within the State. Contractors who are individuals or sole proprietorships having no employees shall sign the attestation form required by the State. Every such contract with the school district shall contain a provision requiring the contractor to use a federal immigration verification system to determine work eligibility status or to complete the attestation form.

- D. All employment contracts, including the employment contract of the Superintendent, all negotiated agreements related to terms of employment of any and all employees, all meet and confer agreements related to terms of employment of any and all employees, and all memoranda of understanding or other amendments to such agreements shall be placed on file in the Offices of Human Resources by the Superintendent.

The employment contract of the Superintendent, negotiated agreements, meet and confer agreements, memoranda of understanding and amendments to such contracts and agreements shall be reviewed, prior to Board approval, by legal counsel for the district. Legal counsel or, for negotiated and meet and confer agreements, the chief negotiator for the district, shall annually present all specific terms of such agreements, or amendments to such agreements, to the Board of Education whether or not such contracts or agreements have been amended subsequent to the prior year's presentation.

A copy of all negotiated agreements related to terms of employment of any and all employees, a copy of all meet and confer agreements related to terms of employment of any and all employee, and a full copy of the employment contract of the Superintendent shall be provided, by the Superintendent, to each Board Member upon execution of such agreement or contract.

Any employment contract with terms for compensation that span more than one fiscal year shall be forwarded from the Human Resources Department to the Manager of Compensation and Benefits. The Manager of Compensation and Benefits shall calculate the amount of any compensation or benefit expenses which would be accrued into future fiscal years. This calculated accrued liability will annually be provided to the Board of Education as a specific report, and will be provided to the Chief Financial Officer for the purposes of reporting the liability in the audited year-end financial statements of the district and for utilization in budget development processes.

Date of Adoption: November 6, 2017

Personnel

Health Examination – All Employees

- A. Election to any position may be conditioned upon a health examination as prescribed by the superintendent of schools. Such an examination shall be at the candidate's expense and shall be required as a condition of employment only if such an examination is required of all candidates in the same job category. Such examination shall be performed only after a conditional offer has been extended and prior to the employee starting work. A candidate may be refused employment based on the health examination only if the results of such examination show that the employee suffers from an illness, disease, or injury which would prevent the employee from performing the essential functions of the job with or without reasonable accommodation.
- B. In any instance where the physical or mental condition of a current employee may affect his/her ability to perform essential functions of the job, Human Resources Department may require a complete health analysis as often as necessary. The Human Resources Department will select the physician and the expense will be paid for by the Omaha Public Schools when such an analysis is required.
- C. The results of any health examination shall be kept confidential in a file separate from the employee's personnel file.

Date of Adoption: November 6, 2017



PersonnelVerification of Age, Experience and Work Authorization

It is the policy of the Board of Education to comply with the provisions of the Immigration Reform and Control Act of 1986 and the employment verification laws of the State of Nebraska, as amended from time to time. All new or rehired employees, regardless of employment status, will be required to complete the federal government's Form I-9 and to provide evidence of their eligibility for employment in the United States. Under Nebraska Revised Statute section 4-114, the school district is required to register with and use a federal program authorized to verify the work eligibility of all new employees and shall comply by using the E-Verify Program. These policies apply to all newly hired or rehired employees, regardless of nationality, citizenship, or employment status.

Under Nebraska Revised Statute section 4-114, the State of Nebraska requires all contractors and subcontractors of state agencies and political subdivisions to use an electronic verification system for new employees physically performing services within the State. Contractors who are individuals or sole proprietorships having no employees shall sign the attestation form required by the State. Every such contract with the school district shall contain a provision requiring the contractor to use a federal immigration verification system to determine work eligibility status or to complete the attestation form.

Date of Adoption: November 6, 2017



Personnel

Return from Leave

- A. An employee on a leave of absence shall not receive credit toward advancement on the salary schedule nor shall such time count as years of service for the purpose of acquiring continuing contract status, or sabbatical leave. At the employee's request, an employee on a leave of absence shall receive credit towards retirement as provided for in Section 79-990 of Nebraska state statutes. The employee will retain the number of accumulated sick days held prior to the effective date of the leave.
  
- B. Upon return from a leave of absence, an employee shall be assigned to a position for which the person is qualified.

Date of Adoption: November 6, 2017



PersonnelOmaha School Employees' Retirement System

- A. Employees of the Omaha Public Schools shall be eligible to participate in the Omaha School Employees' Retirement System (OSERS) in keeping with the provisions of Section 79-978 through 79-9,118 *Revised Statutes of Nebraska*. For purposes of OSERS, the term "employee" includes: 1) regular teachers and administrators employed on a written contract basis, and 2) other regular employees hired upon a full-time basis of not less than thirty hours per week.
- B. The Board of Education shall not re-employ in any capacity individuals who have terminated employment or retired under OSERS unless such employment is:
1. more than 180 days following termination or retirement;
  2. bona fide unpaid voluntary service;
  3. temporary service following a bona fide separation from service of not less than 30 days; or
  4. substitute service.

Substitute service means filling in on an intermittent basis in for an employee who is temporarily absent. Temporary service means employment as a non-regular employee for the purpose of providing service for a limited period of time, not to exceed one year, to accomplish a specific purpose or task.



Personnel –All EmployeesSocial Media Policy**Purpose:**

The primary purpose of any Omaha Public Schools social media account established pursuant to this policy shall be to communicate information from and about the District or School to school families and the larger community. Omaha Public Schools encourages staff and faculty to create and use social media where appropriate for school related news, school activities and in-class projects. This technology can provide both educational and professional benefits, including preparing Omaha Public Schools students to excel in college, career and life. The Omaha Public Schools social media efforts align with the district's following guiding principles: safe, healthy and engaged students, accessible transparent and two-way communication and engaged and empowered parents and families.

**Definition:**

Social media is defined as any form of online content or presence that allows two-way communication, including, but not limited to, social networks, blogs, internet websites, internet forums and wikis.

**Approved Social Media Sites for Omaha Public Schools:**

Facebook, Twitter and YouTube are the only OPS approved social media tools for school administrators, teachers and staff for the purpose of sharing news about district events, school activities and classroom projects.

**Employees Use of Professional Social Networking Sites:**

All faculty and staff using social media must have separate professional and personal accounts. Using your personal Facebook, Twitter or YouTube account as your OPS professional account is prohibited. All official Omaha Public Schools social networking sites must be approved by District Communications and the employee's building supervisor/administrator.

Employees should adhere to the following policies when using social media for work, which are consistent with the District's workplace standards on harassment, student relationships, conduct, professional communication, and confidentiality:

- An employee should not make statements that would violate the District's policies concerning discrimination or harassment (see Policy and Regulations, Policy 1200 and Policy 4003):
  - Employees are prohibited from making comments or posting any material (including photographs or video) that are sexually explicit, offensive, unethical, illegal, discriminatory, vulgar, confidential or plagiarized.
  - The employee must uphold the District's value of respect on social media and avoid

making defamatory statements about the District or School, its employees, its students or their families.

- Teachers who use social networking to interact with students for educational purposes must create “groups” or “pages” to interact with students without giving them access to their personal account. Please see detailed Omaha Public Schools Social Media Guidelines.
- For classroom social media use, please be aware that according to federal guidelines under the Children’s Online Privacy Protection Act (COPPA) Facebook, Twitter and YouTube require everyone to be at least **13 years old** before they can create an account.
- Photos and names of individual students are never allowed without written permission from each child’s parent(s) or guardian(s). This information can be found in the Student Information Packet, Public Information Consent For Media Release form and in infinite campus.
- Employees must be in compliance with the provisions of the “Family Educational Rights and Privacy Act of 1974,” (Federal P.L. 93-380) and the Nebraska State School Law (79-2,104) (see Policy and Regulations Section 5202).

#### **Employees Use of Personal Social Networking Sites:**

While the Omaha Public Schools district does not monitor personal social media use, employees should be mindful that they are always a representative of the school district within their community and should represent themselves accordingly. OPS respects the right of employees to use social media networking sites outside of work but it is important that employees’ personal use of these sites do not damage their image, the District or their School’s reputation, its employees, students or their families. Employees should exercise care in setting appropriate boundaries between their personal and public online behavior, understanding that what is private in the digital world often has the possibility of becoming public, even without their knowledge or consent. Friending or following students, on their personal accounts is prohibited.

#### **Copyrights and Fair Use:**

All employees are responsible for compliance with copyright laws and for preventing unauthorized use or copying of copyrighted or proprietary materials. Copyrighted or proprietary materials shall include, but not be limited to:

- computer software and documentation
- audio and video recordings
- books, newspapers, and other printed material bearing a copyright notice

#### **Creating and Maintaining Official Omaha Public Schools Networking Sites:**

All official Omaha Public Schools social media accounts must be approved by District Communications and should adhere to the following standards:

- Logos and graphics may only be used in a professional capacity. When using social media in a professional manner, all images and colors should match the organization’s branding guidelines.
- The District’s social media account(s) for public communications shall include the display

of the District's or School's name; and, where technologically feasible, the main account page or specific communications sent through the account shall include the URL of the official District or School website and the telephone number of the Teacher Administrative Center (TAC) or School.

- Sites must be diligently monitored by designated social media administrators to ensure that information displayed fits within OPS social media guidelines and is appropriate to the subject matter of the page.

#### **Social Media Policy - Political Endorsements:**

In keeping with the provisions of Policy 4018, Omaha Public School employees may not utilize District provided social media channels to engage in political activity.

Omaha Public Schools employees are required to fully comply with the Omaha Public Schools Social Media Policy, any other social media guidelines and local, state and federal laws. If the District believes that an employee's activity on a professional or personal social networking site, blog, or personal website may violate the District's policies, the District may request that the employee cease such activity. Depending on the severity of the incident, the employee may be subject to disciplinary action.

**References:** Policies and Regulations Sections 6.12, 7.08, 10.3, and 10.5

Magette, K. (2015, January 8). *Eduora Schools USD 491: Social Media Guidelines for District Employees*. Retrieved from <https://www.eudoraschools.org/domain/99>

Waterloo School District (2016, January). *District Use of Social Media*.

Retrieved from <https://drive.google.com/file/d/0BxYO0n-T0w0XYmQ0OGNvdll4dE0/view>

Bishop Lynch High School (2015, November). *BLHS Social Media Policy*.

Retrieved from <http://www.bishoplynch.org/SocialMediaPolicy>

Date of Adoption: November 20, 2017



Personnel - Certificated Employees

Qualifications for Appointment as Teacher

To be eligible for appointment as a teacher, an applicant must have a minimum of a Bachelor's Degree from an accredited or approved college or university and have a current teaching certificate from the State of Nebraska, Department of Education (or provide satisfactory evidence that these requirements will be in place prior to commencement of duties), and such other certification or license as may be required by law.

Legal Reference: Neb. Rev. Stat. 79-801 et. seq.

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Qualifications for Appointment to Administrative and Supervisory Certificated Positions

To be eligible for appointment to any administrative or supervisory position, an applicant must have a minimum of a Master's Degree from an accredited institution of higher learning with graduate training in educational supervision and administration from an accredited or approved college or university and have a current Administrative and supervisory certificate from the State of Nebraska, Department of Education (or provide satisfactory evidence that these requirements will be in place prior to commencement of duties), and such other certification or license as may be required by law.

Legal Reference: Neb. Rev. Stat. 79-801 et. seq.

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Contract

Certificated employees shall be recommended for hiring by the Superintendent with the final approval by the Board of Education prior to hiring. Final approval must be made by formal motion of the Board of Education. The final approval by the Board of Education should generally follow closely the recommendation of the Superintendent whenever possible, but such approval of recommendation is not mandatory on the Board of Education.

All contracts for employment of a teacher or administrator to be effective must meet the following conditions:

1. The contract must be in writing and contain such provisions as are required by law.
2. The employed person must hold a valid teaching or administrative certificate at all times.
3. The employed person must not be under contract to another district in this state.
4. The contract must be approved by at least five (5) school Board members and signed by a designated member of the Board.

No member of the Board of Education may cast a vote in favor of the election of any teacher when such member of the Board is related to him or her or to the majority of the Board by blood or marriage.

Legal Reference:   Neb. Rev. Stat. 79-817  
                          Neb. Rev. Stat. 79-818  
                          Neb. Rev. Stat. 79-819

Date of Adoption:   December 1, 2014



Personnel - Certificated Employees

Certification

Each certificated staff member shall hold at all times a valid Nebraska teaching or administrative certificate.

Legal Reference: Neb. Rev. Stat. 79-802

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Probationary Certified Employees

During the first three (3) years of employment with the School District, as determined and calculated in accordance with state law, a certificated employee shall be considered a probationary employee. A probationary employee's rights to continued employment status and non-renewal of a probationary employee's contract shall be determined according to law.

Legal Reference: Neb. Rev. Stat. 79-824

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Permanent Certified Employees

A certificated employee who has been employed for the full probationary period as set forth in policy 4120 and in accordance with state law is a permanent certificated employee. A permanent certificated employee's rights to continued employment status and termination of said permanent certificated employee's contract shall be determined according to law.

Legal Reference: Neb. Rev. Stat. 79-824

Date of Adoption: December 1, 2014



Personnel

Teacher Appointments

Applications for positions in the school system shall be in writing and on forms to be provided by the district. Candidates will be evaluated on information obtained from the application form, applicable Licensure and Endorsements, references, official transcripts, examinations, personal interviews, and such other requirements as may be deemed necessary.

Date of Adoption: November 6, 2017



PersonnelTenure of Teachers and Nurses

- A. The tenure of teachers and nurses is governed by the tenure laws of Nebraska, Sections 79-824 - 79-842.
- B. The formal due process hearing provided for in Section 79-832 of the tenure law shall be held in accord with the following procedures:
1. Notification to the certificated employee, in writing, at least five calendar days prior to the hearing of the grounds alleged for action, cancellation, or termination of the teacher's contract.
  2. Upon request of the certificated employee, a notification, at least five calendar days prior to the hearing, of the names of any witnesses who will be called to testify against the certificated employee, the nature of their testimony, and an opportunity to examine any documents that will be presented at the hearing.
  3. The right to be represented.
  4. An opportunity to cross-examine all witnesses and to examine all documents and to present evidence material to the issues at the hearing.
  5. Notification to the certificated employee in writing of the Board of Education's decision and the reasons for that decision.
- C. The informal hearing provided for in Section 79-834 of the tenure law shall be held in accord with the following procedures:
1. Upon request of the certificated employee, notification in writing at least five calendar days before the hearing of the employment related reasons for nonrenewal or amendment. These reasons must be sufficiently specific to provide the employee the opportunity to prepare a response.
  2. The certificated employee may be represented by someone qualified to speak on the employee's behalf.
  3. The hearing shall be held in closed session at the request of the certificated employee and upon an affirmative vote of the majority of the board members present and voting.
  4. The administration shall explain its position and present whatever relevant information the administration chooses.
  5. When the administration is finished presenting its information, the certificated employee shall explain his/her position regarding continued employment and

present whatever relevant information the employee chooses.

6. The administration may present information replying to the certificated employee's presentation.
  7. The Board of Education reserves the right to determine whether information proposed for presentation is relevant and has the right not to listen to irrelevant information.
  8. The certificated employee shall have the opportunity to ask those presenting information on behalf of the administration questions. Likewise, the administration shall have the opportunity to ask questions of those presenting information on behalf of the certificated employee. Following questions by the certificated employee and the administration, board members may ask questions also.
  9. Following the presentation of information, the board shall deliberate on the matter privately. Formal action concerning nonrenewal or amendment shall be taken, however, in open session.
- D. The informal hearing provided for in Subsection 4.29c shall be held before at least three members of the Board of Education and the following additional procedures shall be used:
1. All board members shall be notified by the director at least five calendar days in advance of the informal hearing.
  2. All board members are eligible to participate in the hearing, unless otherwise disqualified.
  3. No board member may participate in the hearing unless he/she is present before the administration begins presenting whatever information it wants to the Board of Education to consider.
  4. The majority opinion of the board members present constitutes a recommendation to the Board of Education and is not a formal decision regarding nonrenewal, regardless of how many board members are present at the hearing.
  5. The Board of Education shall make the final determination at a separate regular or special meeting without an additional hearing. The contract of the probationary certificated employee shall be renewed unless a majority of all board members vote not to renew the contract. The formal action of the board shall be in open session.
  6. A tie vote at the hearing means that the matter is presented to the Board of Education without recommendation. In the event of a tie vote, one board member (appointed by the president) representing each side of the issue being voted upon will be given the opportunity to explain his/her position on the matter at the board meeting. In instances where a committee is divided but reaches a majority opinion, one board member (appointed by the president) will be given the opportunity to

explain to the total board the minority position. Any such discussion shall be held in executive session unless the probationary certificated employee expressly requests otherwise.

7. Any hearing on the nonrenewal of the contract of the superintendent shall be before the Board of Education. The contract of the superintendent shall be renewed unless a majority of all board members vote not to renew the contract.

Date of Adoption: November 6, 2017



Personnel - Certificated Employees

Assignment of Duties

The Superintendent or the Superintendent's designee shall have the authority to assign and reassign teachers and other staff to extracurricular activities and other specific activities, including supervision of pupils in halls, study halls, playgrounds, work on faculty committees and staff activities, and other duties necessary for the operation of the school.

Legal Reference: Neb. Rev. Stat. 79-839

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Agents/Tutors

Teachers and other certificated staff shall not act as agents, or accept commission, royalties, or other rewards for books or other school materials, the selection or purchases of which they may influence.

A professional employee may not provide private tutoring or professional services in exchange for compensation from a source other than the School District without advance approval of the Superintendent or the Superintendent's designee:

1. to a child that the employee currently teaches or provides professional services in the course and scope of the employee's duties to the School District; or
2. in a facility owned or under the control of the District; or
3. during the employee's duty hours.

Professional employees who accept engagements to provide private tutoring or professional services are to make clear that the services are not being provided on behalf of the School District to the extent the recipient of the services may in any way otherwise be caused to believe the services are provided through the School District.

Legal Reference: NDE Rule 27, sections 27.402E, 27.403F and 27.404B

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Student Teachers and Pre-Student Teachers

The district will collaborate with colleges and universities by allowing students who are preparing to teach to devote a reasonable amount of time to training in our schools, provided that this training will in no way impede the satisfactory progress of students.

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Substitute Teachers

Persons employed as substitute teachers shall meet such qualifications as are established by law and the State Department of Education and may be employed for periods of time in the absence of the regular teacher.

Rates of compensation for all substitute teachers will be set by the Board.

The Superintendent or designee shall be responsible for recruitment, selection, assignment, orientation and evaluation of substitute teachers.

Legal Reference: Neb. Rev. Stat. 79-808

Date of Adoption: December 1, 2014



PersonnelEvidence of Professional Growth

All tenured and non-tenured certified staff must participate in District and School-required professional development; tenured certified staff must also fulfill professional growth requirements as prescribed by state law (79-830) and approved by the Board of Education, in order to be eligible for continued employment. College or university courses, approved committee work, Omaha Public Schools' sponsored workshops, special classes and supervision of student teaching may be accepted as professional growth activities, as may be certain District and School-required duties. Such District and School-required duties may include participation in activities related to Nebraska Department of Education required school improvement processes, grade level and team meetings, and negotiated contractual professional development days; in order to be accepted as meeting professional growth requirements, an activity must be approved by the Superintendent of Schools or his/her designee. Only activities designed to enhance staff skills for improving student learning and/or to reinforce the attainment of organizational and school-based performance goals will be approved as fulfilling professional growth requirements. District, school based and individual learning needs drive the professional development program in the Omaha Public Schools. School Improvement supports the alignment of staff development through job embedded activities within the contractual day. Professional Growth shall lead to advancement on the salary schedules as agreed to in the negotiated agreement of the District.

District, school based and individual learning needs drive the professional development program in the Omaha Public Schools. School Improvement supports the alignment of staff development through job embedded activities within the contractual day. Professional development is to enhance staff skills in improving student learning. All activities must be designed to reinforce the attainment of organizational and school based performance goals.

All certified employees must earn the equivalent of six (6) semesters of college credit or approximately ninety (90) hours of professional development over a six (6) year period of time to remain eligible for employment. It is crucial that professional development be connected with the school improvement process. A School Improvement Committee may be responsible for developing aspects of the professional development plan.

Legal Reference: Neb. Rev. Stat. 79-830

Date of Adoption: December 1, 2014



Personnel - Certificated Employees

Teacher Training

The district shall provide and promote development programs for all professional staff - Superintendent, principals, teachers and the board of education. Features of the staff development program:

- A. Staff development resources and time shall be allocated in keeping with the key values and priorities of the district and the strategic plan.
- B. The staff development program shall concentrate on the programs and practices of effective schools and teaching, goal setting, assessment procedures, evaluation of staff, and the change process.
- C. Content shall be selected that has been verified by research to improve student outcomes.
- D. Teachers shall be actively involved in initiating, planning, and conducting the development programs for teachers.

Date of Adoption: December 1, 2014



Personnel - Certificated EmployeesReduction in Force Policy for Certificated Staff

- A. For purposes of this section certificated staff means and includes all teachers and administrators as defined in Section 79824 of the Nebraska statutes.
- B. Employee evaluation shall be included as a criterion to be used for reduction in force. Specific criteria shall be those criteria described for the appraisal process in Board Policy 4033 Purposes of Staff Appraisal.
- C. Determination of Sequence of Reduction in Force
  1. In the event that reduction in certificated staff is found to be necessary, the District shall consider reduction by program and/or curricular area. The reduction shall be accomplished in the sequence outlined below:
    - a. Temporary and part-time certificated employees.
    - b. Probationary certificated employees with emergency, provisional certification, or not endorsed in the program where the reduction will occur.
    - c. Probationary certificated employees based on hire date.
    - d. Probationary certificated employees in other programs whose positions are taken by a permanent certificated employee who is exercising his/her rights under Subsection C. 2(a) of this section and who otherwise would have been terminated in the reduction in force.
    - e. Permanent certificated employees in the program where the reduction will occur.
  2. No permanent certificated employee will be terminated while a probationary certificated employee is retained to render a service in any program of the Omaha Public Schools which the permanent certificated employee is qualified to perform by reason of certification and endorsement or, where certification is not applicable, by reason of college credits in a particular teaching area, provided:
    - a. The permanent certificated employee accepts reassignment to the position of service previously held or performed by the probationary certificated employee.
    - b. If the length of continuous Omaha Public Schools' service is identical for two or more certificated employees and the reduction in force does not require that all these certificated employees lose their employment, the order within this group shall be determined by a random number selection process. Designation of the program where reductions are needed and of employees in the program will be made by the superintendent.

- c. Any certificated employee whose contract is terminated because of reduction in force shall be given the rights conferred by Section 79-848 of the Nebraska statutes and shall, upon request, be provided with the letter specified in that section. Such employee shall have preferred rights to re-employment for a period of 24 months commencing at the end of the contract year, and the employee shall be recalled on the basis of length of service to the school to any position for which he/she is qualified by endorsement or college preparation to teach. The employee shall, upon re-employment, retain any benefits that accrued to said employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district.

Any employee under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his/her rights to subsequent recall.

- d. Before a reduction in force occurs, the school board or board of education and the school district administration shall present competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction in force. Any alleged change in circumstances must be specifically related to the teacher or teachers to be reduced in force, and the board, based upon evidence produced at the hearing required by sections 79-824 to 79-842, shall be required to specifically find that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

In addition to the foregoing, this policy shall specifically permit and allow reductions in force to occur which deal with: total elimination or termination or amendment of contracts, other than collective bargaining agreements; reclassification of positions from full-time to part-time; and reduction from part-time to a lesser part-time.

Legal Reference: Neb. Rev. Stat. 79-846 to 79-849

Date of Adoption: January 8, 2018

Personnel - Employees

Dual Sponsorship of Activities

In any instance where more than one employee is assigned to the sponsorship of an activity for which a stipend is paid, each employee thereby assigned shall receive payment of the stipend as is specified in the negotiated agreement between the certificated teaching staff and the school district. Should two or more employees receive administration approval to share the sponsorship of any activity, only an amount equal to one stipend as specified shall be made but shall be equally divided among those employees sharing the sponsorship.

Date of Adoption: December 1, 2014



Personnel - Certificated EmployeesStandards of Ethical and Professional Performance – Certificated Staff

Both the State of Nebraska and the Board of Education recognize that teaching and its related services, including administrative and supervisory services, are a profession with all of the rights, responsibilities, and privileges accorded other recognized professions. The Board recognizes and endorses the Standards of Ethical and Professional Performance as established by the Nebraska Department of Education and expects all certificated employees to abide by these standards.

Certificated Personnel-Professional Performance and Code of Ethics

It is the expectation of this District that all certificated staff shall comply with the ethics standards set forth by the Nebraska Department of Education, as such standards may be modified from time to time. The ethics standards which certificated staff shall follow shall include the standards set forth in this policy. References to “educator” shall include all certificated employees of the District.

**Preamble:**

The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this code of ethics.

The standards listed in this section are held to be generally accepted minimal standards for all educators with respect to ethical and professional conduct.

**Principle I - Commitment as a Professional Educator:**

Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

In fulfillment of the educator's contractual and professional responsibilities, the educator:

- A. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.

- B. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
- C. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.
- D. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
- E. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.
- F. Shall not sexually harass students, parents or school patrons, employees, or board members.
- G. Shall not have had revoked for cause in Nebraska or another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which an educator's certificate is issued in Nebraska.
- H. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
- I. Shall report to the Superintendent any known violation of these standards.
- J. Shall seek no reprisal against any individual who has reported a violation of these standards.

**Principle II - Commitment to the Student:**

Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

- A. Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.
- B. Shall not deliberately suppress or distort subject matter for which the educator is responsible.
- C. Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.

- D. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.
- E. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.
- F. Shall not tutor for remuneration students assigned to his or her classes unless approved by the Principal.
- G. Shall not discipline students using corporal punishment.
- H. Shall not engage in physical or sexual abuse of students, including engaging in inappropriate sexual behaviors with students.

**Principle III - Commitment to the Public:**

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of the confidence in the rule of law, respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.

**In fulfillment of the obligation to the public, the educator:**

- A. Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.
- B. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
- C. Shall neither offer nor accept gifts or favors that will impair professional judgment.
- D. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
- E. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.
- F. Shall, with reasonable diligence, attend to the duties of his or her professional position.

**Principle IV - Commitment to the Profession:**

In belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and

to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

**In fulfillment of the obligation to the profession, the educator:**

- A. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
- B. Shall not misrepresent his or her professional qualifications, nor those of colleagues.
- C. Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

**Principle V - Commitment to Professional Employment Practices:**

The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect.

**In fulfillment of the obligation to professional employment practices, the educator:**

- A. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- B. Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.
- C. Shall give prompt notice to the employer of any change in availability of service.
- D. Shall conduct professional business through designated procedures, when available, that have been approved by the Board of Education.
- E. Shall not assign to unqualified personnel tasks for which an educator is responsible.
- F. Shall permit no commercial or personal exploitation of his or her professional position.
- G. Shall use time on duty and leave time for the purpose for which intended.

Legal Reference: Neb. Rev. Stat. 79-859, 79-866; 92 NAC 27 (NDE Rule 27)

Date of Adoption: December 1, 2014

Personnel - Certificated Employees

Tenure of Administrative and Supervisory Personnel

In accordance with Nebraska Revised Statute 79-839, certificated employees of the Omaha Public Schools are guaranteed tenure as teachers only. There is no tenure in leadership positions.

Date of Adoption: November 6, 2017



Personnel - Non-Certificated Employees

Qualifications of Non-Certificated Employees

Non-certificated employees shall meet the license and certification requirements and possess such other qualifications as may be determined by the Board and the Superintendent or designee.

Date of Adoption: December 1, 2014



Personnel - Non-Certificated Employees

"At Will" Employees

All non-certificated employees and non-certificated assignments shall be employed on an "at will" basis. Non-certificated employees shall have no property right in continued employment and need not be accorded a hearing or any other procedural or substantive due process, prior to termination of their employment.

Nothing in board policy, administrative regulations or practices, employee handbooks, or in any evaluation instrument or in the appraisal process or program for non-certificated employees shall be or is intended to create or be a contract or part of a contract with a non-certificated employee which shall in any way be construed to be contrary to the "at will" employment of non-certificated employees. No administrator or other employee of the school district has any authority to enter into any agreement of employment with a non-certificated employee for any specific period of time or to make any agreement contrary to an at-will employment relationship.

Notwithstanding the foregoing, the District will comply with all negotiated agreements that may be inconsistent with this policy.

Date of Adoption: December 1, 2014



Personnel - Non-Certificated EmployeesHiring/Dismissal

The Board of Education hereby delegates to the Superintendent or designee the authority to hire, suspend and dismiss non-certificated employees (employees in positions that do not legally require a teacher or administrative certificate) on behalf of Omaha Public Schools. Such authority shall be exercised in compliance with the policies of the Board of Education and negotiated agreements. The Board of Education reserves the authority to modify or reverse any such action taken by the Superintendent.

Dismissal of non-certificated employees shall be on an at-will basis, as such employees are subject to termination at any time without cause, without prior disciplinary action or progressive discipline, and irrespective of the lack of any evaluation or the irregularity in any evaluation process.

Date of Adoption: December 1, 2014



Personnel - Non-Certificated EmployeesAssignment and Transfer

- A. The district is committed to maintain and continue to annually monitor professional staff assignment, reassignment and transfer so that the average teaching experience and level of education of school faculties in elementary schools with disproportionately high enrollment of black students are comparable on average to the district-wide averages for elementary schools. For the purposes of this policy:
1. “Teaching experience” means the total number of years of teaching both in and outside the District of regular elementary education teachers.
  2. “Level of education” means regular education teachers with provisional certifications or with valid Nebraska teaching certificates who have acquired Bachelor’s degrees, or Master’s degrees and higher.
  3. “Disproportionately high enrollment of black students” means that black student enrollment in an elementary school as a percentage of total enrollment exceeds by 15% or more the percentage of black student enrollment in the District at the elementary level as a whole.
  4. “Comparable” means within 2 years of the district-wide average for teaching experience at the elementary level; within 6 percentile points of the district-wide average percentile for teachers on a faculty at an elementary school for each of the following:
    - a. teachers with provisional certification, and
    - b. teachers with a Master’s degree or higher.
- B. Each employee of the Board of Education shall be assigned to a specific position at the direction of the superintendent of schools and may be transferred to any other position as the superintendent may direct.
- C. Transfers may be made at the initiative of the superintendent or other administrative officers or at the request of the employee and for any purpose which, in the judgment of the superintendent, is for the best interests of the employee or the school system.
- D. All employees shall be notified of their assignments before public announcement has been made.

Date of Adoption: December 1, 2014



PersonnelStandards of Performance for Non-Certified Employees

In fulfillment of the employee's minimum responsibilities, the employee:

- A. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, other employees, parents, school patrons, or school board members.
- B. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, religion, handicapping condition or sexual orientation.
- C. Shall not use coercive means, or promise or provide special treatment to students, other employees, school patrons, or school board members in order to influence professional decisions.
- D. Shall not make any fraudulent statement or fail to disclose a material fact for which the employee is responsible.
- E. Shall not exploit relationships with students, other employees, parents, school patrons, or school board members for personal gain or private advantage.
- F. Shall not harass in any manner students, parents or school patrons, employees, or board members.
- G. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties.
- H. Shall keep in confidence personally identifiable student or employee information that has been obtained in the course of service to the district, unless disclosure serves professional purposes or is required by law.
- I. Shall not discipline students using corporal punishment.
- J. Shall not engage in physical or sexual abuse of students, including engaging in inappropriate sexual behaviors with students.
- K. Shall not misrepresent the school district, and shall take added precautions to distinguish between the employee's personal and institutional views.
- L. Shall abide by policies and regulations of the Board of Education and the rules and standards established by the administration and the employee's supervisor.
- M. Shall seek no reprisal against any individual who has reported a violation of these standards.

Date of Adoption: December 1, 2014





# Employee Consultation Conference

Employee's Name \_\_\_\_\_ Department/School \_\_\_\_\_

Job Title \_\_\_\_\_ Supervisor's Name \_\_\_\_\_

Conference Participants \_\_\_\_\_ Date \_\_\_\_\_

**I. Workplace behavior or management act to be reviewed**

(date(s) of each act, policy or procedure violated (if any) and how the workplace behavior or management act violate policy or procedures.)

**II. Action Taken:**

**III. Employee Acknowledgement**

Signature	Date
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*Failure to comply with the expectations, policy or procedure may result in further disciplinary action including termination of employment.*

\_\_\_ Verbal warning    \_\_\_ Working File    \_\_\_ Written Reprimand    \_\_\_ Personnel File (HR)



Personnel

Salaries of Non-Negotiated Employees

- A. Salaries of non-negotiated personnel shall be determined annually by the Board of Education.
- B. All part-time certificated staff shall be paid on a prorated twelve-month basis of the appropriate salary schedule for which they qualify, on the basis of previous full-time employment as defined in Policy 4034 of the *Policies and Regulations*, Length of Year of Experience.
- C. Part-time certificated staff with a .5 FTE status or more may advance one step on the salary schedule for each two years of creditable part-time service.

Date of Adoption: November 6, 2017



PersonnelEmployee Medical Health and Dental Insurance

The Board of Education shall provide eligible employees with group health care insurance coverage which includes dental. Health care insurance coverage is available to full-time employees (regularly scheduled to work at least 30 hours per week) as of the first day of the month following completion of thirty days of employment with the District. Employees must satisfy such other conditions and requirements as may be in force under the plan at the time of eligibility or entry. Unless otherwise provided in a collective bargaining agreement, employees may opt out of the school district plan by providing proof of coverage by an outside health insurance plan.

Employer/Employee contribution rates shall be governed by the terms of the various collective bargaining agreements. Full time employees not covered by collective bargaining agreements shall be eligible to participate in the same plans offered to teachers except that the employer/employee contribution rates for such plans shall be set annually by the Superintendent. Eligibility for the employer contribution of premium cost shall cease for each employee upon termination of employment.

Premiums paid by the employee shall be made pursuant to a salary reduction agreement under the school district's Flexible Benefit Plan. Premiums are excluded from the employee's income and social security tax base and accordingly, are paid by the employee on a pretax basis. Employees shall execute any documents or agreements required by the school district as administrator of the Flexible Benefit Plan to effectuate the employee's election and agreement to pay his/her required premiums for group health insurance on a pretax basis under the Flexible Benefit Plan. Any employee who fails to file the required salary reduction agreement shall be deemed to have elected under the Flexible Benefit Plan to pay the required premiums for the health insurance coverage of the employee (and his/her dependents if applicable) through a reduction in salary, and the school district shall be authorized to reduce and withhold the required premiums from the employee's salary as a pretax contribution to the Flexible Benefit Plan.

Date of Adoption: October 19, 2015



PersonnelGroup Term Life Insurance**Basic Life Insurance:**

- A. The School District of Omaha shall provide group basic term life insurance for full-time employees in the amount of \$25,000, effective the first of the month following 30 days of employment. Reduction of benefits will begin at age 70.
- B. For those District employees subject to a collective bargaining agreement, if the collective bargaining agreement provides for a group basic term life insurance plan, the plan provided by the collective bargaining agreement governs.
- C. An employee who retires after completing all contractual obligations and who elects to begin his/her voluntary retirement before August 31 of the year of his/her retirement will continue to be covered by the group term life insurance program until August 31 of the year of retirement, and the premiums will be paid in the same manner that they were paid prior to taking voluntary retirement.

**Supplemental Life Insurance – Voluntary Employee, Spousal, and Dependent Child:**

- A. Fulltime employees shall be given the option to enroll for additional supplemental term life insurance with the employee paying the entire cost. Premiums will be paid through payroll deduction. Effective the first of the month following 30 days of employment. Reduction of benefits will begin at age 70.

Date of Adoption: May 1, 2017



Personnel

Long-Term Disability Program

The School District of Omaha shall provide long-term disability benefits for full-time employees. This plan provides a monthly benefit up to 60 percent of the employee's monthly gross salary, to a maximum of \$8,500. The benefit plan becomes effective the first month following 30 days of employment.

For those District employees subject to a collective bargaining agreement, if the collective bargaining agreement provides for a long-term disability plan, the plan provided by the collective bargaining agreement governs.

Employees who are disabled are allowed to continue participation in the Board of Education group hospitalization, surgical, and major medical program for three months following the expiration of sick leave.

Date of Adoption: May 1, 2017



Employee Benefits

Employee Assistance Program

It shall be the policy of this school district to encourage staff to seek assistance for their personal problems which may affect job performance. The board shall make available to all staff the services of a comprehensive employee assistance program. Job security or promotional opportunities will not be jeopardized by requesting or receiving assistance for personal problems by use of the employee assistance program.

Date of Adoption: November 6, 2017



PersonnelEarly Retirement and OPS Employment

It is the policy of the Omaha Public Schools to recruit, select, and employ individuals on the basis of their qualifications, including but not limited to their skills, training, and experience. Former employees of the Omaha Public Schools who have retired pursuant to the Omaha School Employees' Retirement System (OSERS) and are participating in the early retirement program must have a bona fide severance of employment with the Omaha Public Schools if they wish to be re-employed by the Omaha Public Schools and retain retirement benefits and incentives. Where employment with the Omaha Public Schools is obtained by an employee who is participating in the Omaha Public Schools' early retirement program, and the employee has not had a bona fide severance of employment, the Omaha Public Schools Board of Education shall rescind the early retirement and may seek recovery of any retirement payments and incentive payments made pursuant to same.

A bona fide severance of employment is determined by the facts and circumstances, as defined in federal regulation. In general, the Omaha Public Schools Board of Education will not consider individuals who have been retired for less than 180 days to have a bona fide severance of employment. For purposes of this policy, the date an individual is deemed retired shall be the date the Omaha Public Schools Board of Education officially approves as the effective date of the individual's retirement.

The District will not have any prearranged employment agreement or commitment to rehire an employee who will retire and participate in the Omaha Public Schools' early retirement program, prior to such employee's retirement. Inquiries by employees concerning postretirement employment are not considered, and do not constitute, an agreement for employment with the District.



**Series 5000**  
**Students**



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Students

Introductory Statement

The focus of the school system is on the student. The students and their educational development is the central concern of the board of education's policies and the administrative regulations.

The Board of Education, within the parameters provided by the patrons of the School District, will attempt to provide adequate facilities and available means to all who wish to learn in the School District.

Date of Adoption: September 7, 2016



StudentsAdmission 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 July 31 of the calendar year in which the school year for which the child is seeking admission begins. The School Board shall admit a child who will reach the 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 is capable of carrying the work of kindergarten which can be demonstrated through a recognized assessment procedure approved by the Board.

**Early Admission to Kindergarten:**

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

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

- A. will turn 5 years of age between August 1 and October 15;
- B. are deemed by parents or guardians as being intellectually advanced and likely to benefit from advanced grade placement; and
- C. are selected on the basis of testing by professionals trained and certified to administer the assessments that will produce evidence of strength in:
  1. mental ability defined as scoring 84th percentile or above on a standardized assessment of cognitive ability such as the Wechsler Pre Primary Scale of Intelligence III, or the Stanford-Binet V;
  2. a test of emotional/social development such as the Behavior Assessment System for Children, Second Edition (BASC-2);
  3. 75th percentile or greater on a test of pre academic skills such as the Woodcock Johnson III; and
  4. a test of fine motor ability, scoring 75th percentile or above on a standardized measurement such as the Beery VMI.

In the discretion of the Superintendent or designee, the assessments may be administered by the School District's professional staff, or the parents or guardians may be required, at their own expense, to have all or some of the required assessments completed by reputable professionals and to submit the results of such assessments to the School District.

The decision regarding early entrance to kindergarten requires careful consideration of all factors that affect kindergarten success with final determination to be made based on the recommendation of the District Evaluation Team, to be composed of such individuals as the Superintendent or designee determine appropriate. The academic, social, and emotional readiness, as well as the student's physical development and well-being, must be weighed with institutional factors also considered. Sound decision making in the area of early entrance to kindergarten is dependent upon reliable information regarding a student's readiness and a thoughtful balancing of the myriad of factors implicated by the decision. Parents will be notified in writing of the results of the Early Kindergarten Entrance assessment and the determination of the District Evaluation Team in a timely fashion; not to exceed three weeks after the assessments are completed.

Families who seek early admission of their child into kindergarten must obtain an *Early Entrance to Kindergarten Packet* from the School District Administration.

Parents must fill out the early entrance application forms, which include a parent questionnaire and obtain and attach a reference letter from someone who is well acquainted with the child but not a relative of the child. The person providing this reference should know the child well enough that they can speak with some expertise about the child's attributes and abilities. The reference letter should indicate whether this person recommends the child be schooled with children who will be a year older than the child and, if so, the evidence this person has concerning the child's mental ability, fine and gross motor ability, visual and auditory discrimination, emotional/social development, and communication skills. Suggestions for this reference letter are a preschool teacher, a Sunday school teacher, a day-care provider, or a physician.

The assessment request, reference letter and parent questionnaire must be completed and returned to the District no later than May 25th of the spring before fall enrollment to allow summer assessment to be completed.

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

#### **Admission to First Grade:**

A child may be eligible to enter first grade, even if the child has not attended kindergarten, if the child 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 first grade is the appropriate placement for the child.

#### **Graduates:**

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

**Age 21:**

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

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

The parents or legal guardian shall furnish:

- A. A certified copy of the student's birth certificate issued by the state in which the child was born, upon admission of a child for the first time, shall be provided within 30 days of enrollment. Other reliable proof of the child's identity and age, accompanied by an affidavit explaining the inability to produce a copy of the birth certificate, may be used in lieu of a birth certificate. An affidavit is defined as a notarized statement by an individual who can verify the reason a copy of the birth certificate cannot be produced.
- B. 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.
- C. 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.
- D. Evidence of protection against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella, Hepatitis B, Varicella (chicken pox), Haemophilus Influenzae type b (Hib), invasive pneumococcal disease and other diseases as required by applicable law, by immunization, prior to enrollment, unless that parent or legal guardian submits a written statement that establishes that an exception to the immunization requirements is met.
- E. Every student entering the seventh grade shall have a booster immunization containing diphtheria and tetanus toxoids and an acellular pertussis vaccine which meets the standards approved by the United States Public Health Service for such biological products, as such standards existed on January 1, 2009.

The 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.

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 the 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.

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)

Date of Adoption:    September 7, 2016

StudentsDiscontinuance of Enrollment for Children Younger Than Six Years of Age

Any person with legal or actual charge or control of a child younger than six years of age prior to the then-current school year, who is enrolled in this School District, may discontinue the enrollment of such child by submitting a written notification to the Superintendent or the Superintendent's designee, indicating that child's name, date of birth, grade level and effective date of discontinuation of enrollment. The notification must be in writing and on a form provided by or acceptable to the Superintendent or the Superintendent's designee containing all information required herein. The form must be dated and signed by a parent or person with legal or actual charge or control of the child. The School District may request written verification or documentation of the person's authority to dis-enroll the child. Upon receipt of required written form and any other required information or documentation, the School District shall note discontinuance of the enrollment on its official records pursuant to state law. Any child dis-enrolled shall not be eligible to re-enroll in this School District until commencement of the next school year, or until the child reaches the age of six prior to the then-current school year, whichever occurs earlier. Any person signing a request for discontinuation of enrollment, acknowledges this policy, procedure and the requirement thereof, and expressly agrees thereto.

Legal Reference: Neb. Rev. Stat. 79-201

Date of Adoption: September 7, 2016



StudentsAssignment of Students: Grade Placement and Credits**Assignment of Students:**

It shall be the responsibility of the administration to determine academic placement decisions involving students, including situations where students transfer into Omaha Public Schools from other educational settings. The District reserves the right to make the most appropriate grade level placement, class placement, and teacher assignment for students which best fulfills the needs of the students and the school district.

**Grade Level Placement and Credits:**

Students who enter the District shall be required to present transfer documents and such records as the administration determines appropriate, indicating grade placement, courses completed, and special needs or accommodations, and may be required to complete achievement test(s) to determine appropriate placement.

Placement decisions will consider whether the student is transferring from a school which is accredited or approved. An "accredited" or "approved" school is one which was accredited or approved by the Nebraska Department of Education and, for schools from other states, is a school which is accredited or approved by that state's department of education. Other factors such as age of student, grade level in previous district, and current academic schedule may be included in the placement decision.

**Transfers from Accredited or Approved Schools:**

Students transferring from accredited or approved schools will initially be placed in the next grade level above that which the student last successfully completed, or for transfers during the school year, in the same grade level as the student was at prior to the transfer. Credits earned at an accredited or approved school will be accepted by the Omaha Public Schools. A student who enrolls during the school year shall be given the opportunity to earn credit for the courses in which the student is enrolled if the student is able to demonstrate mastery of the subject matter and/or completion of course requirements, other than attendance, at a level required for other students to receive credit who have been enrolled throughout the period for which the credit is to be granted. The administration may use a review of transcripts from prior schools attended, standardized tests, assessments, and/or teacher evaluations of student competency in the subject matter to make such a determination.

**Transfers from Non-Accredited or Non-Approved Schools:**

Students transferring from schools which are not accredited or approved (e.g., home schools) will be placed at a grade level to be determined by the administration based on consideration of the following factors:

1. Student's chronological age
2. Transcript review
3. Testing (achievement test data; diagnostic test data; and/or criterion referenced test data)

## 4. Teacher evaluation of student competency

Credits earned at a school which is not accredited or approved will not be accepted by the Omaha Public Schools. However, the administration may in its discretion and subject to regulatory requirements, grant a student credits towards meeting graduation requirements for core curriculum courses completed by the student in a non-accredited or non-approved school if the student is able to demonstrate mastery of the subject matter and completion of course requirements, other than attendance, at a level required for other students to receive credits and to demonstrate that the student has received instruction in such course(s) comparable to that which the student would have received by attending an accredited or approved school. The administration may use a review of transcripts from prior schools attended, standardized tests, assessments, and/or teacher evaluations of student competency in the subject matter to make such a determination. The same criteria will be used for determining whether to grant credit to such a student who enrolls during the year.

**Class Rank and Graduation:**

Grade point average (GPA) shall be maintained for the 9<sup>th</sup> through 12<sup>th</sup> grades. Courses taken prior to 9<sup>th</sup> grade at an Omaha Public Schools high school may be considered for high school GPA purposes.

Class rank is maintained for the 9<sup>th</sup> through 12<sup>th</sup> grades. Class rank is based on the Omaha Public School GPA. To be considered for any honors or awards which are based on class rank or GPA (e.g., Valedictorian), students must complete a minimum of four semesters of attendance at Omaha Public Schools. To receive a diploma from Omaha Public Schools students must complete at least 6 credits at an OPS high school or program and students who have transferred from a school which is not accredited or approved must earn a minimum of the equivalent of twelve (12) Omaha Public Schools credits in an approved or accredited senior high school, grades 9-12, with the final semester's credit being earned in the Omaha Public School District.

Legal Reference: Neb. Rev. Stat. 79-526 and 79-729;

Title 92, Nebraska Administrative Code, Chapter 10 and February 1993  
"NDE Position Statement Regarding Reintegration of Rule 13 Students to  
Accredited School"

Date of Adoption: September 7, 2016

StudentsFull-time and Part-time Enrollment**Full-time Enrollment:**

Students must be enrolled in Omaha Public Schools on a full-time basis. Full-time basis is defined as attending classes for the full instructional day within the public school system.

Exceptions are permitted only for:

- A. enrolled students attending another state accredited institution such as a vocational-technical school or a college or university for school credit;
- B. enrolled students taking the limited number of credits needed to graduate in the school year;
- C. enrolled students in need of modified school attendance as an accommodation for a disability or similar unique circumstance;
- D. enrolled students receiving special education services where the student's IEP requires a modified schedule, or non-enrolled students receiving special education services or other legally mandated services required to be provided to eligible resident children under state and federal laws and regulations;
- E. students from other school districts participating in programs offered by the District pursuant to an interlocal agreement or other arrangement approved by the School Board; and
- F. non-public school students in accordance with the policies and procedures set forth in this policy.

**Part-Time Enrollment of Non-Public School Students:**

The School Board shall allow the part-time enrollment of students who are residents of the school district and who are also enrolled in a private, denominational, or parochial school or in a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements. Such students are referred to herein as "non-public school students."

The School Board establishes the following guiding principles for enrollment of non-public school students:

- A. The primary school for a non-public school student is the student's private, denominational, parochial or home school.
- B. Enrollment of a non-public school student in Omaha Public Schools is allowed for the purpose of providing enhanced educational opportunities not otherwise available to the non-public school student. It is not to supplant programming of the student's primary school.
- C. Non-public school students are not to be given priority over full-time students.
- D. Non-public school students are to be enrolled only in programs or courses that are educationally appropriate for the student.
- E. Enrollment of non-public school students is not to negatively affect the educational services to be provided to full-time students.

The School Board establishes the following specific policies and procedures for enrollment of non-public school students. In the event the specific policies and procedures require interpretation or do not fully resolve an issue, the above established guiding principles are to be considered.

**A. Non-Public School Student Enrollment Application Procedures:**

**1. Application:**

Parent or guardian must submit an Application of Non-Public School Student for Part-Time Enrollment to the principal of the school the student desires to attend.

**2. Deadline for Applications:**

The application must be received by August 1<sup>st</sup> preceding the school year the student wishes to enroll.

- a. Change of Residence Exception - The application deadline for a student who becomes a resident of the District after the school year has commenced is: 20 calendar days after the student becomes a resident of the District. The principal may delay enrollment until the next following quarter or semester starts, or at such other time as determined to be educationally appropriate.
- b. High School Course Exception - The application deadline for a student who desires to enroll in a second semester high school course is December 1<sup>st</sup>.

**3. Action on Applications:**

The principal will review the application and will notify the parent of the approval or denial of the application within 2 weeks of receipt of the application or 2 weeks prior to the start of school or 2 weeks prior to the start of the next semester, whichever is later.

**4. Appeals:**

The parent or guardian may appeal the principal's action to deny their application. Any such appeal must be submitted to the Superintendent within 14 calendar days from the date of the principal's action. The appeal shall be in writing and shall be decided on the basis of the written submission. The Superintendent may request the parent or guardian to provide further explanation or information and the appeal may be denied in the event the parent or guardian fails to fully respond on a timely basis. The Superintendent shall decide the appeal within 10 calendar days of the submission of the appeal. The Superintendent may make a decision later than the 10 days in the event good reason for delay exists. Good reason includes but is not limited to the Superintendent being unable to gather the information the Superintendent determines necessary to make the decision within the decision period.

5. **Annual Applications:**

Part-time enrollment is determined annually. Application must be made each school year. There will be no guarantee that enrollment will be continued from one year to the next.

B. **Non-Public School Student Admission:**

1. **Admission Requirements:**

Students must meet the normal admission requirements. This includes the requirements that the student: be a resident of the District, be of school attendance age and not have graduated or have received a GED.

2. **Admission Process:**

Students must complete the normal enrollment process and forms required by the District and/or the building for enrollment of all children. This includes the requirements relating to: birth certificates, immunizations, physical examinations, and visual evaluations.

C. **Non-Public School Student Enrollment Standards:**

1. **Maximum Enrollment:**

Students may not enroll in more than 2 middle school or high school courses during any one semester. Elementary students may not enroll in programming of greater than 90 minutes of instruction each day. A student who is attending an exempt school and who is enrolled on a part-time basis in the District's middle school or high school will be permitted to enroll in 20 semester credit hours of classes in the event the student has an interest in participating in extracurricular activities.

2. **Capacity Limits:**

Enrollment will be subject to capacity limits. Any grade level, program, or course which has been determined to be at capacity for option enrollment purposes shall not be available for non-public school students. The middle school principal and counselor shall also establish capacity limits for particular courses each semester. Students will not be permitted to enroll in courses beyond the established capacity limits.

3. **Integrated Courses:**

Students must meet prerequisite requirements to be enrolled in a course by appropriate credits earned through an accredited program. The principal may on a discretionary basis allow prerequisite requirements to be satisfied where the student provides reasonable indications that the academic criteria have been met, such as results from achievement tests or other indications of adequate

preparation.

4. **Educationally Appropriate Programs and Courses:**

Students will not be allowed to enroll in programs or courses which the school administration determines to not be educationally appropriate for the student. Determination of whether a program or course is educationally appropriate will be made based on the standards the District uses for making academic placement decisions.

5. **Core versus Non-Core Elective Courses:**

Non-public school students are not permitted to enroll in core courses. Core courses are those which are required to be offered by the student's private, denominational, parochial or home school. For non-public school students attending an approved school, core courses are: language arts, social studies, science, and mathematics. A non-public school student will not be precluded by this provision from enrolling in non-core elective courses.

D. **Non-Public School Student Policies:**

1. **General Standard:**

Non-public school students who are enrolled part-time are to be subject to the same standards as full-time enrolled students except where appropriate to reflect their part-time status.

2. **Building assignment:**

Students must enroll in the attendance center that serves the student's residence, provided that the administration reserves the authority to make a different attendance center assignment. A student may request assignment to an attendance center other than that of the student's residence under the intra-district transfer procedures.

3. **No Partial Part-Time Enrollment:**

Students must apply for enrollment and attend the entire school year for which enrollment is made or, for high school courses, for the full length of the course. Once enrolled, part-time students will be required to participate in all activities, programs, and tests related to the program or course for which the student is enrolled, including as applicable State or District-wide assessments, as full-time students.

4. **Student Conduct Policies:**

Students enrolled on a part-time basis shall be required to follow all school policies that apply to other students at any time the part-time student is present on school grounds or at a school-sponsored activity or athletic event. This includes

the District's student conduct policies. Students enrolled on a part-time basis shall be subject to discipline, including suspension or expulsion, for violation of student conduct rules.

5. **Attendance:**

Students enrolled on a part-time basis are not exempt from the compulsory attendance laws or from the District's attendance policies. Students who engage in excessive absenteeism as defined in Board policy are to be reported under the truancy laws.

6. **Presence on School Grounds:**

Students enrolled on a part-time basis are to be present on school grounds during the school day only at the times required for their attendance in the program or course in which they are enrolled. Exceptions may be made in the discretion of the principal or the principal's designee. Students must sign in and out of the school by following the building level procedure. Students are responsible for being aware of any changes in the school schedule during inclement weather or for other reasons.

7. **Transportation:**

Students enrolled on a part-time basis are not entitled to transportation or transportation reimbursement. Full-time students will be given first consideration for parking on the high school campus.

8. **Academic Honors:**

Students enrolled on a part-time basis will not be eligible to graduate or receive a diploma from the District or receive academic honors (for example, class rank and honor roll) except to the extent the student meets all requirements of the District's policies for such, including attainment of minimum credits and semesters of attendance.

9. **Extracurricular Activities:**

Students enrolled on a part-time basis may be permitted in the discretion of the principal and athletic director to participate in extracurricular activities. Participation in activities that are subject to the bylaws of the Nebraska School Activities Association (NSAA) will be limited to those students who meet the NSAA bylaws.

Legal Reference: Neb. Rev. Stat. 79-2136 and 79-526  
Title 92, Nebraska Administrative Code, Chapter 10

Date of Adoption: September 7, 2016



StudentsAssignment of Students: School Placement, Enrollment, Resident and Non-Resident Students**Assignment of Students:****A. Attendance of Students:**

Students shall attend the school in the attendance area in which they reside unless assigned to some other school. An assignment to a school other than the attendance area school may be made as a result of the Student Assignment Plan, special needs transfer, due process or special education. All transfers of students to schools other than the one in their home attendance area shall be reviewed annually under the Student Assignment Plan. Students who change residence during the second semester may complete the school year at the schools which they have been attending.

Students whose parents are divorced, living separately or who have never married but are both named on the birth certificate, and have no other legal guardian, who are not wards of the state or wards of the court, shall attend school as follows:

1. If both parents reside within the School District of Omaha and the student lives with a parent, the student may attend the school/option school(s) in either attendance area in which a parent resides.
2. If both parents reside within the School District of Omaha and the student does not live with either parent, except where otherwise provided in this section, the student may attend school in the attendance area in which either parent resides.
3. If only one parent resides within the School District of Omaha, the student shall attend school in the attendance area in which the parent resides (79-215).
  - a. Individual school attendance area boundaries shall be established by the Office of the Superintendent of Schools and may be changed as population conditions warrant or as capacities of buildings require adjustment of student loads.
  - b. On an individual student basis, attendance at a school other than that determined by the address of the parent/legal guardian shall be possible under the following conditions and terms:
    - i. Students are guaranteed placement in the home attendance area school. Students may apply for placement in a transfer school with the district. Placement is approved based on capacity and the priorities established by the Student Assignment Plan.

The person submitting the request will be notified in writing of the approval or denial of the request.

Transportation under this section will not be provided by the school district.

Special needs to be considered under this section include:

- a) Remaining after moving into another attendance area (residential changes within the school year)
  - b) Child care and babysitting
  - c) Health reasons
  - d) Special education needs
  - e) Guidance oriented
- ii. The Student Assignment Plan
- a) All elementary students are guaranteed placement in the home attendance area school and have the opportunity to make application to attend a transfer school.
  - b) All middle level students are guaranteed placement in the home attendance school and have opportunity to make application to a transfer school.
  - c) All high school students may select any Omaha Public Schools high school. The Office of the Superintendent of Schools may limit enrollments based on capacity of buildings, renovation/construction or programs.

**B. Homeless Students:**

Families of students, or students themselves, who are considered under federal guidelines as experiencing homelessness, shall be admitted to the School District of Omaha, without charge.

**C. Contract Students:**

All Nebraska residents may apply through Nebraska Option enrollment to attend the School District of Omaha through permission of the school board of the School District of Omaha pursuant to a contract with the home district. The contract and tuition of a student living outside of Nebraska shall be collected in advance.

**D. Wards in Foster Homes:**

Students who are wards of the state or wards of the court who reside in a foster family home located in the School District of Omaha and licensed or approved by the Department of Health and Human Services, or a foster home located in the School District of Omaha and maintained or used pursuant to Neb. Rev. Stat. § 83-108.04, shall be deemed residents of the School District of Omaha.

**E. Wards Not in Foster:**

Students who are wards of the state or wards of the court and have been placed in the School District of Omaha but did not reside in the School District of Omaha at the time they became wards, and who do not reside in a foster family home licensed or approved by the Department of Health and Human Services or a foster home maintained or used pursuant to Neb. Rev. Stat. § 83-108.04, shall have the costs of their education and the required transportation costs associated with their education paid by the state, but not in advance, to the School District of Omaha, and the students shall remain residents of the districts in which they resided at the time they became wards.

**F. Non-State Wards:**

Any student living in a residential setting for purposes other than to receive an education, who is not a ward of the state or a ward of the court, where the setting is operated by a service provider certified or licensed by the Department of Health and Human Services, shall remain a resident of the district in which he or she resided immediately prior to residing in such residential setting. As the resident school district, the School District of Omaha shall, upon request by a parent/guardian, contract with the district in which such residential setting is located for the provision of all educational services.

Class rank is maintained for the 9<sup>th</sup> through 12<sup>th</sup> grades. Class rank is based on the Omaha Public School GPA. To be considered for any honors or awards which are based on class rank or GPA (e.g., Valedictorian), students must complete a minimum of four semesters of attendance at Omaha Public Schools. To receive a diploma from Omaha Public Schools students must complete at least 6 credits at an OPS high school or program and students who have transferred from a school which is not accredited or approved must earn a minimum of the equivalent of twelve (12) Omaha Public Schools credits in an approved or accredited senior high school, grades 9-12, with the final semester's credit being earned in the Omaha Public School District.

**Nonresident Students:**

- A. Students whose parents are not residents of the School District of Omaha may attend the Omaha Public Schools upon payment of established tuition fees, except that nonresident students who qualify to attend district schools under standards approved by the Board of Education for the Nebraska Enrollment Option program are not required to pay tuition. Nonresident students will be assigned to schools by the Student Services' Placement Office.

- B. Tuition fees for high school students are established by the Board of Education. All nonresident students attending the Omaha high schools shall pay the regular high school tuition rate.
- C. Enrollment and tuition fees for evening schools of all types and adult education courses shall be determined annually by the Board of Education. Such established rates of enrollment and tuition fees are payable by resident and nonresident students alike.
- D. The statutes provide for special tuition rates for children of Army, Navy, Marine Corps, and Air Force personnel. Parents of such students shall pay the established legal rates for both elementary and high school tuition (79-216).
- E. In deserving and needy cases supported by proper affidavit, tuition fees may be waived by the superintendent of schools and the Supervisor of Community, School, and Family Engagement, who shall constitute a standing committee to which all applications for the modification of tuition rates may be referred. Note: By court decision, children of nonresident parents who have entrusted permanent custody and complete support to residents of the district are entitled to free schooling, but children whose primary purpose in living with friends or relatives is to secure schooling within this district and away from their homes must pay tuition. Children of employees of the state who have temporarily moved from their legal residence shall not be charged tuition (79-215).
- F. Whenever nonresident parents transfer the real estate upon which their legal residence is situated from an adjoining district to the School District of Omaha, their children are entitled to free school privileges in Omaha.
- G. International Exchange Students

The School District of Omaha pledges its support in the form of official waivers of tuition to nonresident international exchange students as per the following conditions:

1. The School District of Omaha will accept a maximum of 24 students from other nations who come to Omaha via exchange programs officially recognized by the Board of Education. The students may be enrolled in any of the high school programs with the school district retaining the right to maintain an equitable distribution among the high schools.
2. Exchange programs recognized by the Board of Education are:
  - a. The District will admit students from foreign nations through foreign exchange programs that are approved by the Superintendent or designee. A foreign exchange program may not be approved unless it is on the current Advisory List of International Educational Travel and Exchange Programs that is maintained by The Council on Standards for International Educational Travel.
  - b. The District will not admit students on an F-1 visa.

- c. The host family of the foreign exchange student must be residents of the District.

**Requirements During Attendance in the District:**

- a. The host family must be residents of the District and the foreign exchange student must reside in the District during the period of time in which the foreign exchange student is enrolled in the District.
- b. The local representative of the foreign exchange program is to arrange and attend a meeting with the foreign exchange student, the host family, and the High School Principal or designee prior to the foreign exchange student starting school.
- c. The local representative of the foreign exchange program is expected to confer with the High School Principal or designee throughout the foreign exchange student's attendance in the District on a schedule to be determined by the Principal.
- d. Foreign exchange students are subject to the same policies, student code of conduct, and attendance requirements that apply to regular students with exceptions appropriate for their status as foreign exchange students including, without limitation, the following: (a) foreign exchange students will not be eligible for student fee waivers; (b) foreign exchange students must be enrolled on a full-time basis; and (c) foreign exchange students are ineligible to take any driver education classes offered by the District. Eligibility for participation in NSAA-regulated activities will be determined based on the Bylaws of the NSAA.

**Academic Matters Involving Foreign Exchange Students:**

- a. Foreign exchange students will be assigned a grade placement and a class schedule as determined appropriate by the High School Principal or designee. Grade placement will be based upon the District's criteria for students transferring from non-approved schools.
  - b. Foreign exchange students completing the twelfth grade in the District will be recognized with a school certificate for satisfactory attendance and participation.
3. International exchange program organizations will be considered upon their timely application for review by the Superintendent of schools or designee. Application for permission to operate must be filed with the secretary's office at least two months in advance of any anticipated student placement.

4. No other organizations will be allowed tuition waivers. Participation of non-approved programs will be only on a tuition basis.
5. No student will be enrolled until all standards for admission have been cleared through the placement office. Information such as the student's name, nationality, age, sponsor's name and address, etc. shall be supplied at that time.
6. Admission of exchange students new to the United States will be made only at the beginning of a semester. All arrangements for admission in the fall semester must be concluded by August 1, prior to the beginning of the school term. All placement arrangements for admission to the second semester must be completed by December 1. No placements will be made during the course of a semester.
7. Exchange students must agree to abide by the policies and regulations of the School District of Omaha and the high school they are attending.
8. At the time of admission to the Omaha Public Schools, the exchange student must be at least 15 years old, but not older than 18 years 6 months (as of the beginning of the program), and must not have completed more than 11 years of primary and secondary education (exclusive of kindergarten).
9. If possible, organizations should avoid the placement of more than one child of a particular nationality in the same high school.
10. Exchange students are encouraged to assist in some manner the curriculum of the Omaha school they are attending; i.e., assist with language classes, history classes, etc.

Legal Reference:      Neb. Rev. Stat. 79-215 (residency and admission)  
                              Neb. Rev. Stat. 79-215 (children of military or federal employee parent)  
                              Neb. Rev. Stat. 79-232 to 79-246 (option enrollment)  
                              42 U.S.C. 11431 et. seq. (McKinney–Vento Homeless Assistance Act)  
                              NDE Rule 9  
                              22 U.S.C. 2451, et seq.  
                              22 CFR Part 62

Date of Adoption:      September 7, 2016

StudentsStudent Attendance

After FIVE days of unexcused absence, or its hourly equivalent, the District shall render services to address barriers to attendance. Such services shall include, but are not limited to:

- A. Verbal or written communication by school officials with the parent/guardian of the child; and
- B. One or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator, or his or her designee, the parent/guardian and the child, when appropriate, to attempt to address the barriers to attendance. During this meeting or meetings a collaborative plan will be developed to improve attendance. This plan shall consider, but not be limited to:
  - 1. Illness related to physical or behavioral health of the child;
  - 2. Educational counseling;
  - 3. Educational evaluation;
  - 4. Referral to community agencies for economic services;
  - 5. Family or individual counseling; and
  - 6. Assisting the family in working with other community services.

After TEN cumulative days of unexcused absences, the student's records will be reviewed by the school's attendance team, individualized problem solving or updating of collaborative plan may occur as needed.

After FIFTEEN cumulative days of unexcused absences a letter will be sent to the parent/guardian by the designated school official. This letter shall provide notice to the parent/guardian that the District may refer the absences of the child to the county attorney upon twenty days of unexcused absences. This letter shall also provide notice to the parent/guardian that they may request a meeting to review the collaborative plan.

**Reporting Excessive Absenteeism to the County Attorney:**

The District may report to the county attorney when the school has documented the efforts made as required by the collaborative plan have not been successful in improving regular attendance and the child has been absent more than twenty days per year. The school shall also provide notice to the parent/guardian prior to the referral to the county attorney being made.

A referral cannot be made to the county attorney's office until at least 20 days; however, the school may involve the county attorney at any point in the process of addressing the student's absences.

The school's Attendance Team will be responsible for implementing and monitoring this process.

**The following circumstances will not be counted toward intervention as required by Neb. Rev. Stat. § 79-209:**

**Excused absences will include but not limited to:**

- A. School Sponsored Activities – School related activities that take a student out of their scheduled classes; i.e. field trips, competitions, athletic events, school matinees, speakers, testing, etc.
- B. Bereavement – Parent/guardian notifies the school the student is attending a funeral.
- C. Court/Legal Appearance – The student is required to attend a court or legal proceeding. This is specific to only the student.
- D. Ill – Parent/Guardian notifies the school the student is ill.
- E. Medically Excused – A medical provider’s note is required to verify the absence to include: a medical appointment, hospitalization, or a long term chronic illness; or the school nurse is required to send the student home.
- F. Military Leave – The student absence is specific to deployment and/or military leave activities.
- G. Office – The student is in the school, but in the office (visiting the nurse, counselor, administrator, etc.).
- H. Post-Secondary Visit – The student is visiting a post-secondary program.
- I. Religious Holiday Observance
- J. Student Success Center – Student is assigned to the Student Success Center.
- K. Suspension
- L. Bus – A delay due to school bus transportation.

**The following circumstances will require intervention as required by Neb. Rev. Stat. § 79-209:**

**Unexcused absences will include but not limited to:**

- A. Absent – The school has been notified of an absence that does not meet the definition of excused.
- B. Truant – Neither the family nor school officials know the student’s whereabouts, the student is refusing to attend school or class, or the school has been notified that the student has been reported as a run-away.
- C. Unverified – No one has contacted the school, or the school has been unable to confirm the reason for the absence, or the school has not confirmed the reason for absence.

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

Date of Adoption: May 21, 2018

Students

School Census

The Superintendent shall take such steps as necessary to take a complete school census every year and file the census in accordance with state and local laws.

Legal Reference:   Neb. Rev. Stat. 79-524  
                          Neb. Rev. Stat. 79-528  
                          Neb. Rev. Stat. 79-578  
                          NDE Rule 8.604

Date of Adoption:   September 7, 2016



StudentsStudent Discipline and Exclusion of Students From School

Board policy is based upon state statute, Sections 79-254 to 79-294. Nebraska School Laws (Section 79-261) state “Any action taken by the school board or board of education by its employees or agents in a material violation of the act shall be considered null, void, and of no effect.”

A. All discipline of students by certified employees of the school district shall be done in accordance with the procedures required by Sections 79-254 to 79-294, R.R.S. Neb. 1976. All duties required by these statutes or by this policy to be performed by the superintendent may be performed by the Supervisor of Office of the Community, School and Family Engagement (hereinafter Supervisor). All duties required to be performed by the principal in disciplining students may also be performed by an assistant principal, administrative intern, or dean of students.

B. No student shall be barred from school attendance except under procedures prescribed by Section 79-254 to 79-294 R.R.S. Neb. 1976.

C. *Student Code of Conduct*

The Board of Education believes school is an appropriate setting for all children and youth. The *Student Code of Conduct* is designed to support this concept by developing, through reasonable and consistent practices, appropriate student behavior patterns. Those behaviors and disciplinary actions set forth in the code are designed to serve as learning experiences for students.

The policy section includes those behaviors having disciplinary actions that shall be carried out by the school building administrators.

The *Student Code of Conduct* applies to secondary and elementary schools which is consistent with state statutes regarding student discipline, Sections 79-254 to 79-294, R.R.S. Neb. 1976.

D. Specific procedures relating to the exclusion of students shall be as follows:

1. Central Office Procedures (Upon Receipt of Discipline Report from Building Principal)

a) Emergency Exclusion

1) Nothing need be done until receipt of a request for a hearing from the student or his/her parent(s) or guardian(s).

2) Procedure if a request for hearing is received by the Office of Community, School and Family Engagement before the end of the fifth school day following exclusion:

- a) A hearing must be held, a determination in the case must be made by the hearing examiner and the Supervisor, and the student must be notified of the determination within ten school days.
  - b) The exclusion will continue until the determination is made.
  - c) The Supervisor shall appoint a hearing examiner on the day the request for hearing is received.
  - d) The hearing examiner must give written notice on the date of his/her appointment to the principal, the student and the student's parent(s) or guardian(s) of the time and place for the hearing.
  - e) The hearing must be held within three school days after the request is received, but cannot be held without providing the principal, the student and the student's parent(s) or guardian(s) at least two school day's notice.
  - f) The student, the student's parent(s) or guardian(s) or representative(s) shall have the right to examine prior to the hearing the student's cumulative folder and any written statements to be used at the hearing. Procedure for use of the cumulative folder shall be the same as that detailed below for long-term suspension, expulsion or mandatory reassignment.
  - g) The hearing procedure shall be the same as that detailed below for long-term suspension, expulsion or mandatory reassignment.
- 3) Procedure if a request for hearing is received by the Supervisor after the end of the sixth school day following the exclusion:
- a) The same basic procedure should be followed and the hearing should be an expedited one since the student is already out of school, but the hearing and determination need not be completed by the end of the tenth school day following the exclusion.
  - b) A hearing may be requested within thirty calendar days of the exclusion.
- b) Long-Term Suspension, Expulsion, and Mandatory Reassignment

- 1) Nothing need be done until receipt of a request for a hearing from the student or his/her parent(s) or guardian(s).
- 2) Procedure if a request for hearing is received by the Supervisor within five school days of receipt by the student, his/her parent(s) or guardian of the notice of the principal's determination:
  - a) The sanction recommended by the principal shall not go into effect until the completion of the process detailed below.
  - b) The Supervisor shall appoint a hearing examiner on the day the request of a hearing is received.
  - c) Within two school days of his/her appointment, the hearing examiner must give written notice of the time and place for the hearing to the principal, and the student, his/her parent(s) or guardian.
  - d) The hearing must be held within five school days after the request is received by the office of the Supervisor, but cannot be held without providing the principal, and the student, and his/her parent(s) or guardian(s) at least two school days notice. The time for the hearing may be changed by the hearing examiner for good cause, and the hearing may be held without two school days notice if all parties consent to it.
  - e) The principal or legal counsel for the Board of Education and the student, his/her parent(s) or guardian(s) or representative(s) shall have the right to examine, prior to the hearing, the student's cumulative folder and any written statements to be used at the hearing. Procedures dealing with the use of the student's cumulative folder are detailed below in Subsection f(16). Procedures for the use of statements in affidavit form are detailed below in Subsection f(17).
  - f) Hearing Procedures
    - 1) The hearing examiner's primary duty is to remain impartial throughout the entire hearing process. Because the hearing examiner's basic function is similar to that of a judge, the hearing examiner, although he/she may ask questions of witnesses presented by the student or the principal, should not under any circumstances present the student's or the principal's case for them by asking questions which are the responsibility of the student or the principal to ask.

- 2) The hearing examiner must be available prior to the hearing to answer any questions the principal or the student or his/her parent(s), guardian(s) or representative(s) may have about the hearing procedures.
- 3) The student and his/her parent(s) or guardian(s) may be represented by any person designated by them. This person may be an attorney.
- 4) The principal, or a school official designated by the principal, will normally present the school's case. The Supervisor may request that legal counsel for the Board of Education present the school's case. Any legal counsel who presents the school's case against the student may not advise the hearing examiner on the conduct of the hearing or thereafter advise any school administrator or the Board of Education on the conduct of any appeal.
- 5) The Supervisor may also require legal counsel for the Board of Education to be present at the hearing to advise the hearing examiner on the conduct of the hearing.
- 6) The following shall attend the hearing: the hearing examiner, the principal or principal's designee, the student, his/her representative (if any), the student's parent(s) or guardian(s), and if requested by the Supervisor, legal counsel for the Board of Education
- 7) The hearing examiner shall make appropriate opening remarks informing all present of the general procedures to be followed and ask if there are any questions about the procedures.
- 8) The principal or his/her designee shall present the case against the student first. Such presentation shall be made by questioning witnesses with knowledge of the circumstances which resulted in the recommended sanction, by statements by the principal or his/her designee of his/her knowledge of these circumstances, and by the introduction of any affidavits containing the sworn statements of anyone else having knowledge of the circumstances leading to the recommended sanction.

- 9) Any witness for the principal, including the principal and his/her designee, may be questioned by the student, his/her parent(s) or guardian(s) or representative(s).
- 10) Upon completion of the presentation by the principal or his/her designee, the student, his/her parent(s) or guardian(s) or representative(s) shall present their case in the same manner as the principal. They may present witnesses, make statements themselves or introduce affidavits containing sworn statements or anyone having knowledge of the circumstances leading to the recommended sanction.
- 11) Any witness for the student, including the student, may be questioned by the principal or his/her designee.
- 12) Witnesses will be present only when testifying.
- 13) The student may choose not to testify and may not be punished in any way for not testifying.
- 14) The student may be excluded from the hearing at the discretion of the hearing examiner when the student's psychological evaluation or emotional problems are being discussed.
- 15) Anyone may be excluded from the hearing if the hearing examiner determines he/she is substantially disrupting the proceedings.
- 16) Use of the student's cumulative folder.
  - i) In cases involving firearms as defined in 18 U.S.C. 921, in cases involving behaviors prohibited by the Guidelines section of the *Student Code of Conduct*, except those involving guns which are not firearms, that part of a student's cumulative folder or other information regarding the student's academic performance or school behavior which the principal determines is relevant to the charge against the student or pertinent for deciding the appropriate sanction shall be placed in evidence by the principal.
  - ii) That additional part of a student's cumulative folder or other information regarding the

student's academic performance or school behavior which the student, his/her parent(s) or guardian(s) or representative(s), determine is relevant to defending against the charge against the student or pertinent for mitigating the sanction recommended by the principal shall be placed in evidence by the student.

- iii) Only those portions of the cumulative folder or other information regarding the student's academic performance or school behavior actually introduced into evidence at the hearing are part of the record. The hearing examiner may not examine, refer to, or rely in any way upon any part of the cumulative folder or other information regarding the student's academic performance or school behavior not introduced into evidence.
- iv) In cases which involve behaviors prohibited by the policy section of the *Student Code of Conduct*, except for those involving firearms as defined in 18 U.S.C. 921, the principal shall not place in evidence any information regarding the student's academic performance or school behavior (except for evidence regarding the misbehavior in issue before the hearing examiner) unless such evidence is necessary to correct misinformation previously put into evidence by the student, his/her parent(s) or guardian(s) or representative(s).
- v) In cases in which a student, his/her parent(s) or guardian(s) or representative(s) publicly raise the issue of the student's academic performance or school behavior, the school district reserves the right to publicly correct any misinformation on the student's academic performance or school behavior publicly raised by the student, his/her parent(s) or guardian(s) or representative(s) even if such correction requires revelation of information on the student which is not otherwise a matter of public record.

17) Use of the statements in affidavit form.

- i) Statements in writing of persons having knowledge of the events leading up to the sanction may be introduced at the hearing and used by the hearing examiner only if they are in proper affidavit form recognized by the courts of the state of Nebraska.
- ii) Such statements may be used only if they were made available to the opposite party at least twenty-four hours prior to the hearing.
- iii) Normally, personal testimony is to be preferred to statements in affidavit form, particularly where the statements are eye witness descriptions of the events leading to the sanction.

18) Testimony by student witnesses.

- i) No student under the age of 19 may testify for either party in a hearing without the written consent of the student and the student's parent(s) or guardian(s).
- ii) The student, his/her parent(s) or guardian(s) or representative(s), shall be advised in the hearing examiner's written notice specified in Section c1(b) 2)c) of their right to request the presence of student witnesses.
- iii) If the student or his/her parent(s) or representative(s) want to have another student testify on the student's behalf or be present to answer questions about the statements he/she made in affidavit form, they shall so inform the hearing examiner. The hearing examiner will contact the school and advise the presenting administrator to contact the parent(s)/guardian(s) of the requested student, indicate the request being made, explain the reason for the request and then send home with the student a **Student Witness Parent Consent Form (SP20)** for the parent/guardian to indicate his/her applicable response. The school administrator shall make appropriate arrangements to see that the student witness(es) and his/her parent understand the seriousness of

the matter and request that the signed **Student Witness Parent Consent Form (SP20)** be returned at the earliest possible time. The SP20 and applicable affidavit will be presented in the hearing.

- (a) If such consent is obtained, the school administrator will arrange appropriate transportation to bring requested student witnesses to the hearing and return the student(s) to school after the hearing. All efforts will be made to reduce the time the student(s) is/are absent from classes.
  - (b) If such consent is denied, the school administrator will state in the hearing for the hearing record, his/her efforts to contact the parent(s)/guardian(s), the results of that conversation and present the SP20 showing the applicable denial or state that the SP20 was not returned.
  - (c) At no time will the presenting administrator influence the parent(s)/guardian(s) in their response to the request. However, the presenting administrator may answer their questions or refer the parent(s)/guardian(s) to the hearing examiner's office for any questions.
- 19) School personnel witnesses: Any school employees with knowledge of the events leading up to the sanction shall testify in person if so requested by the principal or by the student, his/her parent(s), or guardian(s) or representative(s).
- 20) The hearing examiner has no responsibility other than that specified above to obtain the presence of witnesses at the hearing.
- 21) The hearing examiner is not bound by the rules of evidence or any other courtroom procedure, except that all testimony shall be under oath administered by the hearing examiner.

- 22) Any person giving testimony is given the same immunity from liability as a person testifying in court.
  - 23) The proceedings shall be recorded at the expense of the school district.
  - 24) If more than one student is charged with a violation of the same rule and acted in concert, a single hearing may be held, unless the students' interests may be substantially prejudiced, as determined by the hearing examiner.
- g) Qualifications of the hearing examiner: The hearing examiner shall be any person designated by the Supervisor who has not brought the charges against the student, who will not be a witness at the hearing, and who has no involvement in the charge.
- 3) Procedure if a request for hearing is not received by the office of the Supervisor within five days of receipt by the student, his/her parent(s) or guardian(s) of the notice of the principal's determination.
    - a) The sanction recommended by the principal shall go into effect automatically at the close of the fifth school day following receipt of the notice of the principal's determination by the student, his/her parent(s) or guardian(s).
    - b) The same hearing procedures outlined above in Section d 1 b) 2) (f) should be followed.
    - c) A hearing may be requested within thirty calendar days of the receipt of the notice of the principal's determination by the student, his/her parents or guardian(s).
  - 4) The report of the hearing examiner.
    - (a) The task of the hearing examiner is to make two decisions:
      - 1) Did the student engage in the action specified in the charge by the principal?
      - 2) If so, what sanction should be imposed on this student for that action?
    - b) The hearing examiner's report shall contain his/her written finding on the first question and the reasons for this finding; and if the hearing examiner finds the student guilty of the

action in the principal's charge, the report shall also contain a specification of the sanction to be imposed and the reasons for imposing the particular sanction.

- c) In making his/her report, the hearing examiner may consider only the evidence presented at the hearing. The hearing examiner may not on his/her own seek evidence from any other source. Evidence dealing with the appropriate sanction for the student may be used by the hearing examiner only for that purpose and may not be used for determining whether the student engaged in the action specified in the charge by the principal.
  - d) If the hearing examiner determines that the student engaged in the action specified in the charge by the principal, the hearing examiner may impose the same sanction as the principal recommended or one less severe or one more severe, provided the sanction is consistent with the *Student Code of Conduct's* provisions regarding sanctions.
  - e) The hearing examiner should make his/her report to the Supervisor within three school days of the completion of the hearing.
- 5) Review by the Supervisor
- a) The report of the hearing examiner is given to the Supervisor.
  - b) The Supervisor shall review the hearing examiner's report and make his/her own decision based solely on the evidence before the hearing examiner.
  - c) In no event may the Supervisor impose a more severe sanction than that recommended by the hearing examiner. Any sanction imposed by the Supervisor must be consistent with the provisions regarding sanctions as found in the *Student Code of Conduct*.
  - d) The Supervisor must complete his/her review of the hearing examiner's report within two school days of receipt of the report from the hearing examiner.
  - e) Upon completion of his/her review, the Supervisor shall notify the student, his/her parent(s) or guardian in writing of the decision. This written notice shall be sent by certified mail or registered mail or personally delivered to the student, his/her parent(s) or guardian(s).

- f) The decision of the Supervisor shall take effect immediately upon receipt of the notice by the student, his/her parent(s) or guardian.

## 2. Appeal to the Board of Education

- a) The student, his/her parent(s) or guardian or representative may appeal the decision of the Supervisor of Community, School, and Family Engagement to the Board of Education by filing within seven school days a receipt of the written notice of the decision of the Supervisor, a written request for an appeal with the Secretary to the Board of Education.
- b) The appeal to the board must be held within ten school days after receipt by the secretary of the board of the written request for an appeal or at a later date by mutual agreement of the student and the department head.
- c) The record for the appeal to the board shall consist of the charge by the principal, the notice of the charge, the evidence presented to the hearing examiner, the hearing examiner's findings and recommendations, the decision of the Supervisor. Policy 5101 of the *Policies and Regulations of Douglas County School District No. 001*, any pertinent finding of the board on the appropriateness of mandatory penalties and any pertinent individual school rules. A written transcript of the hearing will be prepared and provided to all concerned parties involved with the board appeal.
- d) Evidence not presented to the hearing examiner may be presented to the board by either the Supervisor or the student if the presentation of such evidence is necessary to avoid a substantial threat of unfairness, provided new evidence is given to the Supervisor at least 24 hours prior to the hearing. Upon receipt of any new evidence, the Secretary to the Board of Education, shall immediately forward that evidence to the pertinent party. The new evidence shall be part of the record. The opposing party shall be provided and opportunity to respond to the new evidence.
- e) Except for cases in which the prescribed penalty is expulsion for one calendar year, the appeal to the board shall be heard by a committee of the board which shall be called the Ad Hoc Student Discipline Hearing Committee (hereinafter "Ad Hoc Committee"). These Ad Hoc Committee members shall be selected according to the following procedure:
  - 1) All board members may be present as fully participating members at any meeting of the Ad Hoc Committee. Accordingly, the Secretary to the Board of Education, shall notify all board members of each meeting of the Ad Hoc Committee.

- 2) No board member may participate in the hearing unless he/she is present prior to any information being presented to the Ad Hoc Committee by the student, student's parent(s), guardian(s) or representative(s).
  - 3) It shall be the responsibility of the Secretary to the Board of Education to obtain the presence of at least three board members for each meeting of the Ad Hoc Committee.
  - 4) The date and time for Ad Hoc Committee meetings shall be arranged by the Secretary to the Board of Education, with the parties and the board members.
- f) Each meeting of the board or of the Ad Hoc Committee shall be conducted by the president of the Board of Education if the president is present. In the absence of the president, the vice president of the Board of Education shall conduct the meeting. In the absence of both the president and the vice president of the Board of Education, the Secretary to the Board of Education, shall designate on a rotation basis, another member of the Board of Education to act as chairperson. It shall be the responsibility of the chairperson to maintain appropriate order, announce the opening of the meeting, recognize and identify those persons present, and determine who may speak when.
  - g) The Secretary to the Board of Education shall attend all meetings and deliberations of the board or of said committee.
  - h) It shall be the duty of all board members to be impartial throughout the hearing before them.
  - i) Each meeting on an appeal shall be conducted according to the following procedures:
    - 1) The chairperson shall open the meeting and announce that it will be conducted in accordance with Sections 79-254 to 79-294, R.R.S. Neb. 1976, and the public meeting statute.
    - 2) The chairperson shall then recognize and identify all those present.
    - 3) The chairperson shall next determine whether the meeting should be conducted in executive session by giving the student, his/her parent(s), guardian(s) or representative(s), the opportunity to request a public hearing. If the student does not request a public hearing, the board or the Ad Hoc Committee shall go into executive session upon the motion of one member, the second of another and the affirmative vote of a majority of the members of the Ad Hoc Committee present on a roll call vote or for board meetings on the affirmative vote of a majority of

all the members of the board. Both the vote and the time of going into executive session shall be recorded by the director.

- 4) The chairperson shall then inform the parties about the function of the meeting; i.e., an opportunity for the student, his/her parent(s), guardian(s) or representative(s), to tell the board or Ad Hoc Committee in their own words why they think the decision of the department head should not be carried out. The chairperson should inform the parties about the procedure for the meeting and the order of presentation. The chairperson should inform them what evidence presented to the hearing examiner is already before the board or Ad Hoc Committee in written form and need not be repeated. The chairperson should inform the parties that information not presented to the hearing examiner may not be referred to in their statements to the board or Ad Hoc Committee unless such information qualifies as new evidence under c2d) above.
- 5) The chairperson shall then determine whether there is any new evidence to be presented. If either party indicates that they wish the board or Ad Hoc Committee to consider information not presented to the hearing examiner, the chairperson should first, determine whether the other party received sufficient advance notice of the new information and second, inquire of the party offering the new information why he/she thinks the information is necessary to avoid a substantial threat of unfairness. The other party should also be given an opportunity to comment on whether the new information should be heard by the board or Ad Hoc Committee. Following comments from both parties, the board or Ad Hoc Committee must vote on whether to hear the new information. If a majority of those present vote to hear the new information, it shall be received by the board or Ad Hoc Committee. If a majority do not vote to hear the new information, it shall not be received and it shall not be mentioned by either party.
- 6) The chairperson shall next call upon the student, his/her parent(s), guardian(s) or representative(s), to tell the board or Ad Hoc Committee why they think the decision of the Supervisor should not be carried out. If the student desires to present new information and the board or Ad Hoc Committee has decided to hear that new information, the student should present the information before the student tells why the decision of the Supervisor should not be carried out. The Supervisor should be given an opportunity to ask questions about any new information presented and to cross-examine any witness giving new evidence. Board members should have the opportunity to ask questions concerning any new information following the questioning by the Supervisor. All other questions of board members should be reserved until the Supervisor has presented his/her response to the student's appeal.

- 7) The chairperson shall next call upon the Supervisor to tell the board or Ad Hoc Committee why he/she thinks the Supervisor's decision should be carried out. If the Supervisor desires to present new information and the board or Ad Hoc Committee has decided to hear that new information, the Supervisor should present that information prior to any statement about why his/her determination should be carried out. The student, his/her parent(s) or guardian(s) or representative(s) should be given an opportunity to ask questions about any new information presented and to cross-examine any witness giving new information. Board members should have the opportunity to ask questions concerning any new information following questioning by the student. All other questions of board members should be reserved until the Supervisor has completed his/her response to the student's appeal.
- 8) Following completion of the presentation by both parties, the board members may ask questions about any matter in the record before the board or Ad Hoc Committee.
- 9) The parties may not question one another except concerning new information which the board or Ad Hoc Committee has decided to hear.
- 10) Following questions by board members, the chairperson should inquire whether either party wishes to make any other comment.
- 11) The chairperson shall then close the meeting and inform the parties that the board or Ad Hoc Committee will deliberate privately on the appeal and inform the parties of its decision thereafter by personal delivery or certified or registered mail to the student.
- j) Following completion of the hearing on the appeal, the board or Ad Hoc Committee shall deliberate privately on the appeal. If the board or Ad Hoc Committee decides that more information is necessary for it to reach a decision, it may reopen the hearing and request any information from the parties. Each party has the right to be present during any additional hearing.
- k) The decision of the board or Ad Hoc Committee must be based on the record before it.
- l) The board or Ad Hoc Committee may alter the decision of the Supervisor provided such alteration does not impose a more severe sanction on the student. Any sanction imposed by the Ad Hoc Committee must be consistent with the *Student Code of Conduct's* provisions regarding sanctions. The board has the authority to modify the penalty of a one calendar year expulsion on an individual case basis.

- m) The decision of the board or Ad Hoc Committee must be made within three school days from the date of the closing of the hearing. This decision shall be personally delivered or sent by registered or certified mail to the student and his/her parents or guardian within one school day of the time the board or Ad Hoc Committee reaches its decision.
  - n) There is no appeal to the Board of Education from a decision of the Ad Hoc Committee.
- c. Review of Expulsions (Other Than One Calendar Year Expulsions) That Will Remain in Effect for the First Semester of the Following School Year
- 1) Within two weeks following the end of the school year, notices will be sent to parents of all students expelled for the first semester of the following school year. The notice will inform the parents of an automatic review of the student's expulsion and the opportunity to submit in writing newly discovered evidence or evidence of changes in circumstances to be considered by the hearing examiner during the review.
  - 2) The hearing examiner will automatically review all expulsions remaining in effect for the first semester of the following school year. Evidence received from the parent or student will be considered if received in the office of the hearing examiner by the first working day after July 4.
  - 3) The hearing examiner's decision will be based on a review of the written evidence and a recommendation advanced to the Supervisor for a final decision. (A hearing will not be held.)
  - 4) In cases in which the expulsion under review was not appealed to the Ad Hoc Committee, the written decision of the Supervisor will be sent to the parent/student no later than two weeks prior to the beginning of the new school year.
  - 5) If the Ad Hoc Committee took the final action to expel the student in the case under review, the student may be readmitted only if the recommendation of the hearing examiner and department head to readmit the student is affirmed by the board. In cases in which the expulsion under review was not appealed to the Ad Hoc Committee, the student may be readmitted by action of the department head without any further review by the board.
  - 6) Any decision by the board will be sent to the parent/student prior to the beginning of the school term.

Date of Adoption: August 21, 2017



*Every student.  
Every day.  
Prepared for  
SUCCESS.*

## **Omaha Public Schools**

# Student Code of Conduct

*2018-2019 School Year*

### **Parent(s)/Guardian(s) and Students**

We ask that you take time to sit down and together read through these rules.

Especially note the behaviors that will result in expulsion for the remainder of the semester, the next semester, and one calendar year.



## **VISITORS TO SCHOOL**

Parent(s)/guardian(s) and other patrons of the district are welcome and encouraged to visit the schools and to be involved in and supportive of the schools' educational programs. All visitors are expected to report to the main office to notify staff they are in the building or on school grounds. Visitors to the schools must respect the learning environment and maintain proper behavior and decorum.

Omaha Public Schools encourages involvement and provides many opportunities to visit the schools. Visitors are welcome to observe and learn about the educational programs at each school subject to expectations developed by school administrators. Responsible groups are encouraged to use school facilities made available to the public, such as media centers or meeting spaces, as provided in school board policy. Our community members are also invited to attend school events that are open to the public, such as athletic events, musical programs, and dramatic productions.

Only behaviors supportive of the orderly process of the schools are allowed. The principal or her/his designee is authorized to take action to ensure the safety of our young scholars, respect of the learning environment, and maintain proper behavior and decorum. Details of these student support processes are located in the Additional Information section of this guide.

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## **Omaha Public Schools Guiding Principles**

Principle 1: Safe, Healthy, and Engaged Students

Principle 2: High Expectations, Rigorous Curriculum and Effective Instruction

Principle 3: Committed, Diverse, and Effective Teachers, Administrators, and Staff

Principle 4: Equitable and Efficient Systems and Resources

Principle 5: Engaged and Empowered Parents & Families

Principle 6: Involved and Supportive Community Partners

Principle 7: Accessible, Transparent, and Two-Way Communication



# Stakeholder Expectations

## The Student Is Expected to:

1. Behave in a Respectful, Responsible, and Safe manner;
2. Abide by expectations, guidelines, rules and regulations established by the School and District;
3. Attend school daily on time; and
4. Hold him or herself to a high standard of academic effort and achievement.

## The Parent(s)/Guardian(s) Are Expected to:

1. Set an example of respecting the worth of other persons;
2. Review school expectations, guidelines, rules and regulations with student and family members;
3. Collaborate with school officials;
4. Seek help from school and community agencies when necessary to support a student's achievement;
5. Inform school officials of concerns relative to student needs; and
6. Make sure the student attends school daily on time.

## The Teacher is Expected to:

1. Treat each child with dignity and respect;
2. Teach and positively reinforce the **Student Code of Conduct**;
3. Review with students the school expectations, procedures, and routines;
4. Establish and maintain an atmosphere of high achievement and appropriate behavior in the classroom;
5. Communicate with students and parent(s)/guardian(s) if student behavior is inappropriate; and
6. Report frequent student misbehavior promptly to appropriate school personnel, and report immediately any misbehavior that will or may result in expulsion or suspension.

## The Principal Is Expected to:

1. Establish school expectations, procedures, and routines in conjunction with staff, school and district policy and procedures.
2. Communicate school expectations, procedures, and routines as well as the **Student Code of Conduct** to parent(s)/guardian(s), staff, and students;
3. Consistently enforce school expectations and the **Student Code of Conduct**; and
4. Collaborate with parent(s)/guardian(s), in conjunction with the teacher, regarding student behavior problems.

## The Board of Education and Central Office Administration are Expected to:

1. Establish school district policy relative to student behavior and discipline; and
2. Train and support school administrators in appropriate application of the **Student Code of Conduct**.

## The Community Is Expected to:

1. Maintain a standard of conduct for adults, youth, and children that will foster appropriate behavior;
2. Cooperate with the Board of Education and school personnel in the enforcement of the **Student Code of Conduct** and school expectations, procedures, and routines; and
3. Provide educational and recreational opportunities to allow for the development of appropriate student behavior.

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Omaha Public Schools  
**STUDENT CODE OF CONDUCT**

The Board of Education believes school is an appropriate setting for all children and youth. The **Student Code of Conduct** is designed to support this concept by developing, through reasonable and consistent practices, appropriate student behavior patterns. Those behaviors and disciplinary actions set forth in the **Code** are designed to serve as learning experiences for students.

The **Student Code of Conduct** includes those behaviors having disciplinary actions and/or intervention strategies that shall be carried out by the school building administrators. The **Code** applies to conduct on school grounds, in a vehicle owned, leased or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or his or her designee or at a school-sponsored activity or athletic event.

Compliance with the **Student Code of Conduct** is expected of all students. This **Student Code of Conduct** applies to all students attending the Omaha Public Schools. School administrators will consider student age and grade level amongst other factors when assigning disciplinary actions.





# **Early Childhood Education**

## **Interventions & Responses**

This list of Interventions is not intended to be exhaustive. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

## **Early Childhood Practices**

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One of the purposes of early childhood education is to assist students in developing appropriate social-emotional skills. For many students, this may be their first experience in a structured setting and they may need greater support in meeting social-emotional expectations. What may be perceived as inappropriate behavioral choices may be a deficit in executive functioning and self-regulation or could be due to toxic stress or an unmet need (ex. hunger, sleep, feelings of safety and security). Young children need to practice, be taught and then practice self-regulation to develop memory, attention and self-control in environments where adults scaffold the child's practice of these skills. Social skill development must be embedded throughout the daily routine and throughout the entire school year to ensure generalization. The focus is on developing appropriate skills rather than punishing for inappropriate behaviors.

Early Childhood student interventions aim to teach alternative behavior, so students can learn and demonstrate safe, respectful and responsible behavior. Staff members are encouraged to try a variety of teaching and classroom management strategies which may include, but are not limited to:

- Collaborate with the student's family to discuss student strengths and strategies that are successful in the home environment and develop a communication system between home and school.
- Create and maintain stable relationships among students and staff.
- Develop social connections through play.
- Establish routines and predictability using visual schedules.
- Consistently use visual supports and modeling to teach social skills.
- Teach students how to cope with stress and self-regulate when they are overwhelmed.
- Teach students the appropriate language to meet their needs.
- Use positive language in a calm tone when redirecting students so they know what is expected (ex. "please walk" rather than "don't run").
- Consistently reinforce the positive behaviors of the student, which will reduce the negative behaviors displayed.
- Consider sensory needs and strategies (ex. fidget toys, alternative seating, options for quiet areas in the classroom, etc.).
- Implement reinforcement systems for individual students or for the entire class.
- Collaborate with early childhood support staff, including Special Education, regarding strategies.
- Consult the building school psychologist for additional support.
- Schedule a SAT/IEP meeting to address concerns and strategies.
- Contact Kid Squad for classroom support and/or family support.
- Consider the MANDT Crisis Cycle for additional student support.
- Develop a behavior plan.

# LEVEL

# 1

## Interventions & Responses

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 1 interventions aim to teach alternative behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff members are encouraged to try a variety of teaching and classroom management strategies which may include, but are not limited to:

- Parent(s)/guardian(s) conference or contact made
- Parent(s)/guardian(s) accompany student to school
- Implementation of classroom Multi-Tiered Systems Support for Behavior (MTSSB):
  - Expectations established and taught
  - Positive rapport/relationship
  - Re-teaching, prompting, feedback
  - Effective classroom supervision
- Verbal correction
- Collaborative Problem Solving
- Written reflection or apology
- Seat change
- Behavior card
- Functional Behavior Assessment (FBA)
- In-class time-out
- Establish Buddy Teacher/Classroom system
- Positive referral
- Loss of classroom privileges
- Teacher or student conference
- Detention/Late School/Suspension After School (SAS)
- Classroom contribution/service
- Skills Teaching/Social Emotional Learning
- Student Success Center (SSC)/ Positive Action Center (PAC)

# 1

## Leveled Interventions and Responses

**Level 1** interventions aim to teach alternative behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.

**Level 2** interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.

**Level 3** violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for short-term suspension, an assistance plan (Behavior Intervention Plan, Student Assistance Plan) should be developed.

**Level 4** violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the reassignment of a student to another school or to an alternative program that will provide additional structure to support the child's behavior.

Level 1 Violations	Level				Mandatory Response
	1	2	3	4	
<b>Cheating or Plagiarizing</b> Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests, and using the ideas of writings of another person	•	•			
<b>Classroom Disruption/Other Behavior Disruptive to the School Environment</b>	•	•			
<b>Disrespectful to Adults/Others</b> Using words or actions that are impolite or indicate a lack of respect or courtesy	•	•			
<b>Engaging in Verbal Conflict</b> Disrupting the school environment by engaging in a loud argument that includes disparaging comments or discussion of potential physical conflict	•	•			
<b>Excessive Tardies/Hall Sweep</b> Arriving late to class excessively, as determined by individual school procedures or is caught in the hallway by school staff after the tardy bell has rang	•	•			There will be no out of school suspension for attendance infractions; OPS attendance policy will be followed
<b>Failure to Serve Detention</b> Student does not serve an assigned detention, whether it is scheduled during the school day or after school hours	•	•			
<b>Misuse of Pass/Out of Area</b> Student is out of his or her assigned area during the school day, uses a hall pass in a way not intended by the issuer	•	•			
<b>Inappropriate Clothing</b> Clothing which is construed to be distracting to the learning environment, per district and/or school guidelines	•				
<b>Inappropriate Language</b> Using inappropriate words or topics of conversation in school	•				
<b>Insubordination/Non-Compliance with Behavioral Expectations</b> Failure to comply with the instructions of school staff when current behavior prevents success of the student or impacts learning	•	•	•		
<b>Parking, Unauthorized</b> Parking in an unauthorized area on school property	•				
<b>Truancy</b> Neither the family nor school officials know the student's whereabouts or the student is refusing to attend school or class	•	•			There will be no out of school suspension for attendance infractions; OPS attendance policy will be followed

For more information on Repeated Violations and a note regarding level of response, see page 13.  
Full definitions for all violations can be found in the Glossary, beginning on page 14.

# LEVEL 2

## Interventions & Responses

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 2 interventions often involve the family, support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experiences at school so that misbehavior is less likely to continue or escalate.

Short-term suspension may be applied due to the severity or chronic nature of an individual behavior. In cases of multiple suspensions, an assistance plan such as a Behavior Intervention Plan (BIP) or a Student Assistance Team (SAT) should be developed.

Interventions for Level 2 Violations may include, but are not limited to:

- Level 1 Interventions
- Parent(s)/guardian(s) collaboration [a parent(s)/guardian(s) meeting is a mandatory element of response to chronic Level 2 misbehavior]
- School or Community Counselor support
- Change in schedule or class
- House Call
- Behavior Interventionist support
- Consultation with School Psychologist
- Gang Interventionist
- Social Worker
- Mentoring
- Peer mediation
- Referral to School-based Health Centers
- After-school program
- Service to School/Service to Community
- Conflict resolution
- Restorative Practices
- Loss of school privileges
- Temporary removal from the bus
- Revision of Individual Educational Plan (IEP)/504 Plan
- Referral to community agency
- Late School
- Saturday School
- School Transition Program
- Student Success Center (SSC)/  
Positive Action Center (PAC)



## Leveled Interventions and Responses

<p><b>Level 1</b> interventions aim to teach alternative behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.</p>	<p><b>Level 2</b> interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.</p>
<p><b>Level 3</b> violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for short-term suspension, an assistance plan (Behavior Intervention Plan, Student Assistance Plan) should be developed.</p>	<p><b>Level 4</b> violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the reassignment of a student to another school or to an alternative program that will provide additional structure to support the child's behavior.</p>

Level 2 Violations	Level				Mandatory Response
	1	2	3	4	
<b>Absence or Tardiness, Excessive</b> In accordance with Student Attendance Policy 6.27, school staff will intervene when a pattern of attendance emerges that is concerning or seems counter to the student's continued school success	•	•			There will be no out of school suspension for attendance infractions; OPS attendance policy will be followed
<b>Bus Misconduct</b> Activity on the bus which is unsafe; refusal to follow directions of the driver or aide	•	•			
<b>Careless Driving</b> Driving on school grounds carelessly or without due caution so as to endanger a person or property		•			
<b>Fighting, Less Serious</b> Mutual physical combat that does not result in injury or a substantial disruption to the school environment, other than the disruption of the fight itself		•	•		
<b>Misuse of Computers, Digital Devices, or Network</b> Creation or access of inappropriate material; vandalizing; gaining or attempting to gain unauthorized access; using computers, digital devices or networks for harassing or threatening or other non-educational purpose (see full definition in Glossary)	•	•	•		
<b>Possession of Obscene or Pornographic Literature, Materials, or Electronic Images</b> The possessing, taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise			•	•	
<b>Reckless Behavior</b> Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk, resulting in substantial disruption..	•	•	•		
<b>Reckless Behavior Resulting in Personal Injury</b> Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk resulting in personal injury.			•	•	•
<b>Refusal to Cooperate with School Administrative Staff</b> A student, who has already been sent to the office for misbehavior, continues to fail to comply with directions from staff.			•	•	
<b>Tobacco, Use of</b> To include students found to be in use of tobacco or a product that may be used to distribute tobacco or the chemical nicotine while in the school building, or on school grounds	•	•			
<b>Unauthorized Use of Camera, Video Device, Personal Device that Attaches to School/District Network, Cell Phone or Recording Device</b> Student use of cameras/video devices without explicit, prior written authorization of the principal is prohibited	•	•			
<b>Verbal or Written Abuse to Staff, Nonthreatening</b> Language or behavior that is disrespectful to a staff member	•	•			
<b>Vulgarity/Profanity</b> Written or oral language that is disgusting and/or repulsive, but does not constitute harassment	•	•			
<b>Youth Gang Apparel and Behaviors</b> Wearing apparel as identified by the Omaha Public Schools as gang related; wearing or carrying any item meant to identify a person as a gang member; writing gang graffiti, possessing items containing gang graffiti, or the display of gang hand signs	•	•	•		

For more information on Repeated Violations and a note regarding level of response, see page 13.  
Full definitions for all violations can be found in the Glossary, beginning on page 14.

# LEVEL

# 3

## Interventions & Responses

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 3 violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for short-term suspension, an assistance plan (Behavior Intervention Plan, Student Assistance Team) should be developed.

Interventions for Level 3 Violations may include, but not limited to:

- Interventions from all previous levels
- Parent(s)/guardian(s) collaboration [parent(s)/guardian(s) meeting may be required upon re-entry from a suspension]
- Plan of assistance (Behavior Intervention Plan, Student Assistance Team)
- Substance abuse screening
- Consult with Behavior Interventionist
- Credit recovery program
- Restitution
- Restorative Practices strategies, including school and community service
- Communication with law enforcement (as needed)

### Suspension Guidelines for Grades K-6

Suspension discipline practices should be avoided whenever possible when working with students in Early Childhood programs and Kindergarten.

If an elementary student must be removed from the school environment, the following short-term suspension guidelines are recommended (per event):

- 1st and 2nd Grade: 2 day maximum
- 3rd and 4th Grade: 3 day maximum
- 5th and 6th Grade: 4 day maximum

There may be circumstances when it is necessary and appropriate to exceed these guidelines. Final decisions regarding length of suspension will be made by the Elementary Principal. For students in grades K-6, expulsion will not be a consequence for a violation of the **Student Code of Conduct** except in cases of knowingly and intentionally possessing a firearm.

# 3

## Leveled Interventions and Responses

<p><b>Level 1</b> interventions aim to teach alternative behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.</p>	<p><b>Level 2</b> interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.</p>
<p><b>Level 3</b> violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for short-term suspension, an assistance plan (Behavior Intervention Plan, Student Assistance Plan) should be developed.</p>	<p><b>Level 4</b> violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the reassignment of a student to another school or to an alternative program that will provide additional structure to support the child's behavior.</p>

Level 3 Violations	Level				Mandatory Response
	1	2	3	4	
<b>Assault, No Injury</b> Attempting to cause injury to another person; intentionally placing another person in reasonable apprehension of imminent personal injury		•	•		
<b>Bullying</b> Any intentional ongoing pattern of written or verbal expression, electronic abuse, physical acts, or gestures intended to cause distress/harm upon one or more students and includes an imbalance of power			•	•	OPS reporting and intervention procedures will be followed, as appropriate
<b>Damage to School, Staff or Student Property</b> Willfully or recklessly causing or attempting to cause damage			•	•	Restitution may be required, additional consequences may be applied if restitution is not made
<b>Drugs, Possession or Under the Influence</b> Drugs, alcoholic beverages, controlled or imitation controlled substances, or other mood-altering chemicals *See definitions for level of interventions at the school level.	•	•	•	•	Referral to Counselor for Substance Abuse Screening
<b>False Allegations Against Staff</b> Any knowingly or recklessly false allegation against a staff member, written, spoken or otherwise communicated which is harmful to the reputation of the staff member, or which may impede the ability of the staff member to perform assigned duties			•	•	
<b>Fighting, Serious</b> Mutual physical combat that results in injury, creates a substantial disruption involving large numbers of students, and/or results in the potential for continued fighting				•	
<b>Harassment</b> Any physical, verbal, graphic, electronic, or written material or behavior, which may be related, but not limited to a person's disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status which has the effect of creating an intimidating, hostile, or offensive school environment * see Glossary			•	•	
<b>Public Indecency</b> Behaviors described in Nebraska Statute 28-806			•	•	
<b>Theft</b> Stealing or attempting to steal property.	•	•	•		Restitution may be required, additional consequences may be applied if restitution is not made
<b>Threats or Intimidation</b> Use of violence, force, coercion, threat, intimidation or similar conduct in a manner that constitutes a substantial interference with school purposes			•	•	Threats considered serious in nature require evaluation through threat assessment
<b>Unlawful Activity</b> Engaging in any activity forbidden by state or federal law and not otherwise specifically included in this <b>Code</b> which creates potential danger in the school environment or interferes with school purposes			•	•	
<b>Verbal or Written Abuse to Staff, Threatening</b> Abusive communication directed at staff which includes words or actions that threaten the individual's safety and security			•	•	Threats considered serious in nature require evaluation through threat assessment

For more information on Repeated Violations and a note regarding level of response, see page 13.

Full definitions for all violations can be found in the Glossary, beginning on page 14.

# LEVEL

# 4

## Interventions & Responses

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 4 violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the reassignment of a student to another school or to an alternative program that will provide additional structure to support behavior. These interventions focus on maintaining the safety of the school community and correcting self-destructive and dangerous behavior.

Long-term suspension may be applied when it is feasible to reintegrate the student back into the school environment. Reassignment may be applied when chronic mis-behaviors are present and school staff have documented efforts to intervene and support acceptable behavior. Expulsion may be applied when the student's presence at school is deemed too dangerous or disruptive for staff to maintain a safe and positive climate.

Upon return to a traditional school setting after a reassignment or expulsion, the school staff will establish a plan of support (i.e. a SAT plan) for the student's ongoing success at school.

Interventions for Level 4 Violations may include, but not limited to:

- Interventions from all previous levels
- Parent(s)/guardian(s) notification
- Long-Term Suspension or Reassignment
- Expulsion
  - For student in grades K-6, expulsion will not be a consequence for a violation of the **Student Code of Conduct** except in cases of knowingly and intentionally possessing a firearm.
- Referral to IEP team (students with disabilities) for manifestation determination
- Alternative educational placement
  - High School (grades 9-12)
  - Middle School (grades 6-8)
- Communication with law enforcement (as needed)

# 4

## Leveled Interventions and Responses

**Level 1** interventions aim to teach alternative behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.

**Level 3** violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for short-term suspension, an assistance plan (Behavior Intervention Plan, Student Assistance Plan) should be developed.

**Level 2** interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.

**Level 4** violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the reassignment of a student to another school or to an alternative program that will provide additional structure to support the child's behavior.

Level 4 Violations	Level				Mandatory Response
	1	2	3	4	
<b>Arson</b> Intentionally setting or attempting to set a fire on or in school property.		•	•	•	Contact law enforcement
<b>Assault of Staff</b> Assault of a staff member where a student knowingly and intentionally uses force towards a staff member			•	•	
<b>Assault with Injury (Intentional)</b> Assault of another person where the student knowingly and intentionally uses force to cause personal injury.			•	•	
<b>False Alarm/Bomb Threat</b> Causing a substantial disruption to the school environment and/or placing students at risk by making a false report or activating an alarm.		•	•	•	
<b>Firearm</b> Knowing and intentional possession, use or transmission of a firearm as defined in 18 U.S. Code 921 (see firearm definition in Glossary section).		Per federal law, expulsion for one calendar year; law enforcement will be contacted			
<b>Injury to a Staff Member Attempting to Intervene when Preventing or Breaking-up a Fight</b>			•	•	
<b>Selling, Distributing, Intent to Distribute, or Attempting to Distribute Drugs, Alcoholic Beverages, or a Controlled/ Imitation Controlled Substance</b>			•	•	Contact law enforcement
<b>Sexual Assault</b> Sexual Assault in the first or second degree as defined in Nebraska Statutes 28-319 and 28-320 * see Glossary				•	Mandatory reassignment away from the victim or expulsion/Contact law enforcement/Report to the OPS Title IX coordinator
<b>Weapon (other than firearm)</b> Knowing and intentional possession, handling, transmission, or use of any knife or dangerous weapon (see Glossary section for listing and definition of a weapon).			•	•	

Full definitions for all violations can be found in the Glossary, beginning on page 14.

### Repeated Violations

Concerning a violation at any level, it may be relevant that the student has committed the same, or similar, violation multiple times during the same school year. In such a case, Repeated Violations may be added as a secondary violation. Repeated Violations will not be used as a primary violation or alone. There may be instances of repeated violations that warrant a higher level of response than indicated in this **Code**.

### A note regarding level of response:

When determining the level of response to a violation of the **Student Code of Conduct**, school staff will consider the age of the student, the student's intent, the severity of the circumstances, the level of disruption to the school environment (either during or after the violation), the repeated nature of the situation (if applicable), and any other mitigating or aggravating factors. School response will not necessarily begin at the lowest level indicated for a first offense and may result in a higher resolution than that which is noted in the level of interventions and responses.

# Glossary

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## Level 1 Violations

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### **Cheating or Plagiarizing**

Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests, and using the ideas or writings of another person

### **Classroom Disruption/Other Behavior Disruptive to the School Environment**

Behaving in such a way that interferes with teaching and learning

### **Disrespectful to Adults/Others**

Mildly disrespectful behavior that does not rise to the level of verbal or written abuse

### **Engaging in Verbal Conflict**

Disrupting the school environment by engaging in a loud argument that includes disparaging comments or discussion of potential physical conflict

### **Excessive Tardies to Class/Hall Sweep**

Arriving late to class excessively, as determined by individual school procedures or caught in the hallway by school staff after the tardy bell has rang

### **Failure to Serve Detention**

Student does not serve an assigned detention, whether it is scheduled during the school day or after school hours

### **Misuse of Pass/Out of Area**

Student is out of his or her assigned area during the school day, uses a hall pass in a way not intended by the issuer

### **Inappropriate Clothing**

Clothing which is construed to be distracting to the learning environment, per district and/or school guidelines. Refer to section: DRESS AND PERSONAL APPEARANCE.

### **Inappropriate Language**

Using inappropriate words or topics of conversation in school

### **Insubordination/Non-Compliance with Behavioral Expectations**

Failure to comply with the instructions of school staff when current behavior prevents success of the student or impacts learning

### **Parking, Unauthorized**

Parking in an unauthorized area on school property

### **Truancy**

Neither the family nor school officials know the student's whereabouts or the student is refusing to attend school or class

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## Level 2 Violations

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### **Absence or Tardiness, Excessive**

**Absences:** The District may report to the county attorney when the school has documented that efforts, as required by the collaborative plan, have not been successful in improving regular attendance, and the child has been absent more than twenty days per year. The school shall also provide notice to the parent(s)/guardian(s) prior to the referral to the county attorney. A referral cannot be made to the county attorney's office until at least 20 days of absence are accrued; however the school may involve the county attorney at any point in the process of addressing the student's absences. For additional information see the "Student Attendance Policy."

**Tardies:** Students who report to class after class has started or leave school before the end of the school day will have the total time missed calculated and will become an absence when it is equal to the length of the school day. Repeated tardiness will be reported to the parent(s)/guardian(s).

### **Bus Misconduct**

Any offense committed by a student on a district owned, leased or contracted bus being used for a school purpose shall have the same level of Intervention or Response in the same manner as if the offense had been committed at the student's assigned school; this will include activity on the bus which is unsafe and refusal to follow directions of the driver or aide.

## Safety Guidelines for Transportation Student

- The driver is in full charge of the bus and students. Please show respect and obey the driver.
- Only assigned students are eligible to ride the bus.
- Wait until the driver instructs you to get on or off the bus.
- Board the bus in an orderly manner.
- Sit facing forward.
- Remain seated until the driver directs you to unload.
- Do not extend your arms or head outside bus window.
- Do not throw any items out of the bus window.
- Keep your voices at a quiet level, so to not distract the bus driver.
- Eating, drinking, and smoking are not permitted on school buses.
- The school district cannot be responsible for items left on the bus.

Level 1 Resolutions	Level 2 Resolutions	Level 3 Resolutions	Level 4 Resolutions
Structured entry on the bus Bus safety training review	Assigned seating Student Conference	Student Conference with video Parent(s)/guardian(s) conference with the student 1-5 day suspension from the bus	Parent(s)/guardian(s) conference with the student to view the video (District Video Policy will apply) 6-19 day suspension from the bus

**Student Code of Conduct** will be applied to behaviors on the bus.

## Careless Driving

Driving on school grounds carelessly or without due caution so as to endanger a person or property.

## Fighting, Less Serious

Mutual physical combat that does not result in injury or a substantial disruption to the school environment, other than the disruption of the fight itself; any fight, whether more serious or less serious, may be punished more severely if the students who are fighting do not stop fighting when a school employee orders them to stop

## Misuse of Computers, Digital Devices, or Network

The use of computers or digital devices, whether stand-alone or as a part of a local area network, or as part of a wide area network such as the Internet, is a privilege, not a right, and must be consistent with and driven by the educational objectives of the Omaha Public Schools. Any use that is not consistent with these objectives is prohibited.

Computers and all associated networks, communication facilities, data storage and transfer devices, printers, scanners, peripherals, and other associated equipment or facilities (referred to as "computing facilities") are owned by the school district. The school district exercises exclusive control over this school property, and students should not expect privacy regarding their use of any computing facilities because school district property is subject to search and inspection at any time by school officials. This search and inspection includes but is not limited to electronic mail, Internet access, network access, file storage and transfer, and any personal computing, communication, and data storage devices used in conjunction with the computing facilities. If the device is participating on the district network, it will fall under the acceptable use policy as well as the BYOD (Bring Your Own Device) guidelines defined by BYOD schools. Students are responsible for any use of computing facilities made by or through their account, regardless whether at school or at home. Students are responsible for whatever is contained in computer files assigned to them.

Students using computing facilities to access the Internet, an international computer network, are able to access computers and people all over the world. Sites exist on the Internet that contain illegal, indecent, defamatory, inaccurate, or offensive material. The Omaha Public Schools does not condone students' access to unsuitable materials, and it maintains software designed to restrict student access to such materials. The Omaha Public Schools also recognizes that it cannot control the information on other computer systems and that it may not be physically possible to screen out all such inappropriate information and materials. All student Internet activities are subject to being monitored.

It is the primary responsibility of the parent(s)/guardian(s) to establish and convey the standards that their student should follow. In support of parent(s)/guardian(s) the Omaha Public Schools will enforce the minimum appropriate computer use standards set out below. If a student uses a computer or the Internet inappropriately, he or she will be subject to the disciplinary actions previously stated.

Inappropriate use of computing facilities shall be defined as:

- The creation, display, access, transmission, reception, exchange or distribution of any text, image or sound that is indecent, obscene, racist, sexist, pervasively vulgar, defamatory, illegal, or that promotes harm to self or others or otherwise in violation of the Omaha Public Schools Internet Safety Policy.
- Using computing facilities to harass or threaten individuals or groups.
- Vandalizing computing facilities. This includes any **attempt to alter or destroy data of another or to endanger the integrity of a computer** or computer network or the data stored thereon (including the introduction of any virus, time bomb, trojan horse or the like), any deletion of or alteration to system files or data, and damaging equipment. The unauthorized examination or copying of files or data belonging to others is also defined as vandalism.
- Violating copyright law. This includes using unauthorized copies of software, music, photographs, movies or any other audiovisual or multimedia work and making, transmitting, receiving, exchanging and/or distributing such unauthorized copies. Violating copyright laws will be considered theft.

- Plagiarizing computer-based copyrighted materials in reports and assignments is also defined as inappropriate use.
- Gaining or attempting to “hack” or otherwise gain unauthorized access to computers, computer networks, or computer files or data. This includes, but is not limited to, exceeding the authority granted or attempting to evade security restrictions or software designed to prevent or monitor inappropriate access to the Internet or networks.
- Gaining or attempting to gain unauthorized access to a personal account or file of another individual.
- Forgery of or interference with electronic mail messages. This includes impersonation of another person while sending electronic messages, using a false or anonymous name, age, gender or identifier, and the reading, deleting, copying or modifying of any other person’s electronic messages.
- Using computers or computer networks to commit, facilitate, encourage or promote illegal acts.
- Using computers or computer networks to commit, facilitate, encourage or promote the unauthorized or fraudulent use of a credit card.
- Using computers or computer networks for a *non-educational purpose*, such as advertising, games, or commercial purposes, unless driven by learning objectives/educational objectives, etc. by the Omaha Public Schools.
- Giving a personal password to another individual or letting another individual use a personal account.
- Knowingly introducing materials forbidden by the Omaha Public Schools into the Omaha Public Schools computers and/or systems via any electronic storage media. This is defined as indecent, obscene, racist, sexist, pervasively vulgar, defamatory, offensive, or illegal material, or materials promoting harm to self or others.

### **Possession of Obscene or Pornographic Literature, Materials, or Electronic Images**

Students are prohibited from possessing pornographic or obscene books, magazines, pictures or material of any kind. The taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be subject to the disciplinary procedures of the school district; and reported to law enforcement and/or other appropriate state or federal agencies, which may result in arrest, criminal prosecution, and lifetime inclusion on sexual offender registries.

### **Reckless Behavior**

Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk, resulting in substantial disruption.

### **Reckless Behavior Resulting in Personal Injury**

Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk resulting in personal injury. The term personal injury includes the infliction of pain for which first aid or medical attention is sought.

### **Refusal to Cooperate with School Administrative Staff**

A student, who has already been sent to the office for misbehavior, continues to fail to comply with directions from staff.

### **Tobacco, Use of**

To include students found to be in use of tobacco or a product that may be used to distribute tobacco or the chemical nicotine while in the school building, or on school grounds; the use of tobacco by students in the school or on school grounds is forbidden; This practice is in accordance with state and city statutes that forbid minors to purchase and use tobacco and in accordance with directives from the Fire Department.

### **Unauthorized Use of Camera, Video Device, Personal Device that Attaches to School/District Network, Cell Phone or Recording Device**

Student use of cameras/video devices without consent from school staff is prohibited. The school accepts no responsibility for personal cellular telephones, and personal electronic communication devices present on campus. Refer to section: CELL PHONE/PORTABLE DEVICE GUIDELINES FOR STUDENTS.

### **Verbal or Written Abuse to Staff, Nonthreatening**

Language or behavior that is disrespectful to a staff member

### **Vulgarity/Profanity**

Written or oral language that is disgusting and/or repulsive, but does not constitute harassment.

### **Youth Gang Apparel and Behaviors**

For the safety and welfare of students and the continued maintenance of a positive and secure learning environment the following rules relative to youth gang apparel, possessions and behaviors apply to all students on school grounds or at school activities:

- Dress as identified by the Omaha Public Schools as gang related apparel is not allowed. Any item worn or carried to identify a person as a gang member is not allowed.
- Writing gang graffiti, possessing items containing gang graffiti, or the display of gang hand signs are an indication of gang involvement and are not allowed.

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## Level 3 Violations

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### Assault, No Injury

Attempting to cause injury to school staff, volunteer, other person, or student; intentionally placing this person in reasonable apprehension of imminent personal injury. A student's intent may be inferred from the words and acts of the student.

### Bullying

Any intentional ongoing pattern of written or verbal expression, electronic abuse, physical acts, or gestures intended to cause distress/harm upon one or more students and includes an imbalance of power; see the [OPS Due Process/School Support Handbook](#) for Reporting and Intervention Procedures, Best Practices, and information regarding Nebraska Revised Statute 79-267 (72-2, 137). Bullying on the basis of disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status constitutes a violation of the Board's policies prohibiting unlawful discrimination or harassment.

#### Bullying Prevention Policy No. 5415

One of the guiding principles of the Omaha Public Schools is safe, healthy, and engaged students.

The administration and staff are to implement strategies and practices to reinforce and support a positive school culture. This will encourage students to engage in positive behaviors including: empathy, cooperation, teamwork, problem solving and self-control.

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including bullying prevention 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 bullying prevention policy annually.

#### Forms of Bullying

- Physical Bullying – Hitting, kicking, hair pulling, pushing, or any physical aggression.
- Verbal Bullying- Teasing, name calling, put-downs, or other behavior that would deliberately hurt others' feelings.
- Sexual Bullying – Any bullying behavior, whether physical or non-physical, that is based on a person's sexuality or gender or gender identity.
- Emotional or Exclusion Bullying – Starting rumors, telling others not to be friends with someone, eye rolling, or other actions that would cause someone to be without friends or intentionally left out.
- Cyber-bullying – Using electronic devices such as computers, cell phones, and pagers to bully others through methods such as posting comments, statements, or pictures on blogs or websites, text messaging, instant messaging, and email.

#### Rationale

The Nebraska State Legislature finds and declares that:

- (a) Bullying disrupts a school's ability to educate students; and
- (b) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.

On or before July 1, 2009, each school district shall develop and adopt a policy concerning bullying prevention and education for all students. The school district shall review this policy annually.

### Damage to School, Staff, or Student Property

Willfully or recklessly causing or attempting to cause damage. Any student who willfully causes or assists in causing damage or attempts to cause damage in any way to any property, real or personal, is subject to disciplinary action. The parent(s)/guardian(s) shall also be liable to the School District for all property belonging to the School District, loaned to the student, which is returned to the District in damaged condition. Restitution may be required.

### Drugs, Possession or Under the Influence

Drugs, alcoholic beverages, controlled or imitation controlled substances, or other mood-altering chemicals

Possession includes any knowing and voluntary having, taking, receiving or handling of drugs, alcoholic beverages or controlled/imitation controlled substances.

A student is considered to be under the influence when there is evidence the student has consumed an alcoholic beverage or a controlled/imitation controlled substance and there is an impairment of the student's ability to think and act correctly and efficiently.

Evidence of consumption may include the odor of alcohol on the student's breath, the odor of marijuana on the student's breath or person, other physical signs of consumption or the testimony of reliable witnesses that the student did consume alcohol or a controlled/imitation controlled substance prior to coming on to school grounds or on to a vehicle owned, leased or contracted by a school being used for a school purpose or into a vehicle being driven for a school purpose by a school employee or by his or her designee or attending a school sponsored activity or athletic event.

Evidence of impairment of a student's ability to think and act correctly and efficiently may include rapid mood swings, vomiting, slurring of words, lack of motor control and balance, glassy eyes and difficulty in orienting to time and place.

The use of drugs, alcohol, controlled substance, imitation controlled substance or abuse of non-controlled substance in the school is forbidden.

## **Level of Interventions and Responses**

### First Offense:

- Suspension 3 - 5 days
- Recommendation/requirement (school choice) to visit community counselor, social worker, and/or SRO.
- Provide the parent(s)/guardian(s) a list of community agencies that can address substance use/abuse.
- Required SRO notification.

### Second Offense:

- Suspension 5 days
- Mandatory visit with community counselor for drug & alcohol screening with invitation of parent(s)/guardian(s) participation.
- Required SRO notification
- Social worker will follow up upon student's return to school.
- SAT will be scheduled.
- Mandatory intake with administrator and parent(s)/guardian(s) will be held before student is allowed to return. Student will be marked as *suspended* until parent(s)/guardian(s) attends intake.
- Other interventions as appropriate and determined by the school such as transition room, student success center, etc.

### Third Offense:

- Suspension 6-10 days
- Mandatory visit to community counselor for discussion of further interventions and support. Student may return any time during days 7-10 once community counselor visit is complete. If community counselor visit is not complete, student may not return until day 11.
- Required SRO notification
- Second SAT will be scheduled.
- Social Worker to continue to follow up.
- Mandatory intake with administrator and parent(s)/guardian(s) will be held before student is allowed to return. Student will be marked as *suspended* until parent(s)/guardian(s) attends intake.

### Fourth Offense:

- Expulsion
- Required SRO notification.

## **False Allegations Against Staff**

Any knowingly or recklessly false allegation against a staff member, written, spoken or otherwise communicated which is harmful to the reputation of the staff member, or which may impede the ability of the staff member to perform assigned duties.

## **Fighting, Serious**

Mutual physical combat that results in injury, creates a substantial disruption involving large numbers of students, and/or results in the potential for continued fighting. Any fight, whether more serious or less serious, may be punished more severely if the students who are fighting do not stop fighting when a school employee orders them to stop.

## **Harassment**

Any physical, verbal, graphic, electronic, or written material, which may be related, but not limited to a person's disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status which has the effect of creating an intimidating, hostile, or offensive school environment.

Examples of prohibited harassment include, but are not limited to, the following:

- Unwelcome, intentional touching or grabbing of another student's intimate parts or the clothing covering a student's intimate parts.
- Explicit and offensive sexual references or gestures;
- Name calling or taunting on the basis of a person's: disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status.
- Language of any kind, including graffiti, which is disparaging, demeaning or threatening to others on the basis of a person's: disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status.
- Any other verbal or physical conduct which, judged from the perspective of a reasonable person with the same disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status, as the person claiming he or she was harassed, creates a hostile school environment.

## **Public Indecency**

As described in Nebraska Statute 28-806: (1) A person commits public indecency if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public: (a) An act of sexual penetration; or (b) An exposure of the genitals of the body done with intent to affront or alarm any person; or (c) A lewd fondling or caressing of the body of another person of the same or opposite sex. (2) Public indecency is a Class II misdemeanor for persons 18 years of age or over.

## **Theft**

Stealing or attempting to steal property. The parent(s)/guardian(s) shall also be liable to the School District for all property belonging to the School District, loaned to the student, and not returned on demand of the employee of the District authorized to make the demand. Restitution may be required, additional consequences may be applied if restitution is not made.

## **Threats or Intimidation**

Use of violence, force, coercion, threat, intimidation or similar conduct in a manner that constitutes a substantial interference with school purposes and which is not otherwise specifically prohibited by other provisions of the **Student Code of Conduct**.

## **Unlawful Activity**

Engaging in any activity forbidden by state or federal law and not otherwise specifically included in this **Student Code of Conduct** which creates potential danger in the school environment or interferes with school.

## **Verbal or Written Abuse to Staff, Threatening**

Abusive communication directed at staff which includes word or actions that threaten the individual's safety and security.

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# **Level 4 Violations**

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## **Arson**

Intentionally setting or attempting to set a fire on or in school property. Fire Marshall will be contacted.

## **Assault of staff**

Assault of a staff member where a student knowingly and intentionally uses force towards a staff member.

## **Assault with Injury (Intentional)**

Assault of student, school employee, visitor, or volunteer, where the student has knowingly and intentionally used force to cause personal injury. A student's intent may be inferred from the words and acts of the student. The term personal injury includes the infliction of pain for which first aid or medical attention is sought.

## **False Alarm/Bomb Threat**

Causing a substantial disruption to the school environment and/or placing students at risk by making a false report or activating an alarm

## **Firearm**

Knowing and intentional possession, use or transmission of a firearm as defined in 18 U.S. Code 921.

Under 18 U.S.C. 921 the following are firearms:

1. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosion.
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device which includes:
  - a. Any explosive, incendiary, or poison gas –
    - i. bomb,
    - ii. grenade,
    - iii. rocket having a propellant charge of more than four ounces,
    - iv. missile having an explosive or incendiary charge of more than one-quarter ounce,
    - v. mine, or
    - vi. device similar to any of the devices described in the preceding clauses;
  - b. Any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and
  - c. Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (a) or (b) and from which a destructive device may be readily assembled. The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of federal law; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, or is an antique.

The term "firearm" does not include an antique firearm.

Guns, including antique firearms, BB guns, paint ball, "air soft" guns, dart guns, or pellet guns which are not firearms

as defined above are considered dangerous weapons. Students are forbidden knowingly and intentionally to possess, use, or transmit any such gun.

Per federal law, expulsion for one calendar year; law enforcement will be contacted.

### **Injury to a Staff Member Attempting to Intervene when Preventing or Breaking-up a Fight**

Causing personal injury to a staff member when he/she is attempting to intervene when preventing or breaking-up a fight to help maintain the safety of the students and school environment. The term personal injury includes the infliction of pain for which first aid or medical attention is sought.

### **Selling, Distributing, Intent to Distribute, or Attempting to Distribute Drugs, Alcoholic Beverages, or a Controlled/ Imitation Controlled Substance**

Evidence of an intent or attempt to distribute may include, but are not limited to, the following:

- Possession of quantities of prohibited substances greater than those reasonably considered for personal use.
- Possession of paraphernalia associated with distribution of prohibited substances, such as but not limited to possession of scales, bags, and foil.
- Evidence of an exchange of prohibited substances.

An **imitation controlled substance** is a substance that looks very much like an illegal drug and is said to be an illegal drug, but is not an illegal drug. The following are to be considered in determining whether a particular pill/capsule is an imitation controlled substance:

1. The substance is said to produce the same or similar effects as the illegal drug or substance;
2. The person who has it or who is distributing it says that it is a specific illegal drug;
3. The person who is selling it charges more per pill/capsule than the pill/capsule's contents usually sell for;
4. The pill/capsule is packaged in the same or similar bottle or box as the illegal pill/capsule drug;
5. The pill/capsule looks like the illegal drug it is said to be.

Law enforcement will be contacted.

### **Sexual Assault**

Sexual Assault in the first or second degree as defined in Nebraska Statutes 28-319 and 28-320. *See also Nebraska Statutes 28-319.01 and 28-320.01*

Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person is a violation of this **Student Code of Conduct**.

Sexual assault or attempting to sexually assault any person is a violation of this **Student Code of Conduct**, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity or event, in accordance to Nebraska Statute 79-267.

Mandatory response for this violation:

- Law enforcement will be contacted.
- Mandatory reassignment away from victim or expulsion.
- Report all incidents to the OPS Title IX coordinator.

### **Weapon (other than firearm)**

Students are forbidden to knowingly and intentionally possess, handle, transmit or use any instrument that is generally considered a weapon. Dangerous weapons (other than firearms) shall include: (a) Guns, including antique firearms, BB guns, paint ball, "airsoft" guns, dart guns, or pellet guns which are not firearms as defined above (b) knives of all kinds, including pocket knives, regardless of the length of the blade, dirks, or stiletos of any type, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds; or (c) knuckles and brass or iron knuckles that consist of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury by striking a person with a fist enclosed in the knuckles. (d) Any object which could be used to injure another person and which has no school related purpose for being at the time in the student's possession will be considered a weapon for purposes of this **Student Code of Conduct**. The following are examples of objects generally considered to be weapons: ammunition, stun gun, taser, lead pipes, chains, chuck-sticks, throwing stars, darts, black-jacks, unauthorized tools, fireworks, pepper spray, mace, or chemicals.

It is not a defense to a charge of possessing, handling, transmitting or using a weapon that the student did not intend to hurt anyone.

## Immediate Surrender of an Unknown Weapon

Students may not be in possession of weapons of any type. If at any time a student discovers that he or she has possession of a weapon the student must immediately turn the weapon in to the nearest teacher, counselor, administrator or other school staff person. If the student immediately turns in a weapon, the student will not face the consequence for weapon possession. If, however, the student continues to possess the weapon, to go on to further classes, to display the weapon to other students, or otherwise does not take the immediate action of reporting, the student will be subject to consequences as defined in the **Student Code of Conduct**. This clause does not apply to possession of a firearm or gun.

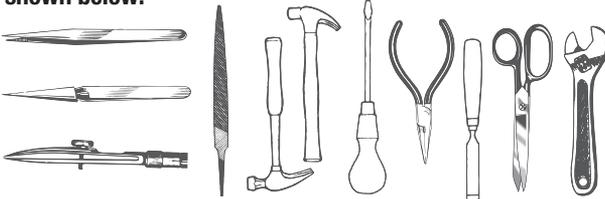
# Notice To All Students

## The items below are used as tools in some of your classes:

*exacto knives, art knives, any item having a blade, blades of any kind, scissors, kitchen knives, awls, screwdrivers, punches, hammers, vise grips, and any other tool that may be used in a class.*

**Take the tools out of class or bring them from home and they become weapons. Possession of these items may result in expulsion.**

**Examples of some, but not all, unauthorized tools are shown below:**



**Examples of some, but not all, knives are shown below:**



**STOP!**

**Leave Them In Class! Don't Bring Them!**

Any object which could be used to injure another person and which has no school related purpose for being at the time in the student's possession will be considered a weapon for purposes of the **Code of Conduct**.

### **WEAPON POSSESSION** – Read Carefully

Students may not be in possession of weapons of any type. If at any time a student discovers that he or she has possession of a weapon other than a firearm/gun the student must immediately turn the weapon in to the nearest teachers, counselor, administrator or other school staff person. If the student immediately turns in a weapon, the student will not face the consequence for weapon possession. If, however, the student continues to possess the weapon, to go on to further classes, to display the weapon to other students, or otherwise does not take the immediate action of reporting, the student will be subject to expulsion/consequences as defined in the **Code of Conduct**.



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## Intervention and Response Terms

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### Community Service

Duties performed for the benefit of the school or community. Examples include but are not limited to cleaning, outside work, or assisting students or staff.

### Emergency Exclusion

The recommendation to exclude a student from school for a period of time as long as the student's presence in the school presents a danger to self or others

### Expulsion

Expulsion shall mean a student may not attend any school in the district for the period of the expulsion. This includes any school function including graduation ceremonies or being on any OPS school property during the duration of the expulsion. However, an expelled student may participate in a district specified alternative school, class, or educational program during the term of expulsion. If misconduct punishable by a one semester expulsion occurs during the last 10 days of a semester, the expulsion will be for the remainder of the semester and the next semester or the remainder of the semester, summer school and the first semester of the next school year. No student may return to the school from which the student was expelled. Any student expelled more than once during his/her high school enrollment years will be readmitted to an alternative program after completing coursework at the Expelled Student Program in areas specific to the student need(s).

### Overnight Suspension

Student remains home until a parent(s)/guardian(s) comes to the school for an intake conference with the administration. Not to exceed 3 days.

### Reassignment

Mandatory transfer to another school or program; no student may return to the school from which he or she was reassigned

### Saturday School

Saturday School requires that the student spend a block of time at school on a Saturday morning(s). Exact time(s) will be determined by the building principal. Transportation will not be provided to or from Saturday School.

### Secondary Transition Programs

The secondary school transition programs provide on-site behavioral intervention for students. Students are assigned to the Transition Program through the Student Assistant Team (SAT) problem solving process. Students work in the transition room to acquire the necessary skills to be successful in the school setting, while receiving support to stay on track academically. The transition room staff provides coordination of intervention for each student.

### Student Success Center (SSC)/Positive Action Center (PAC)

SSC/PAC is an in-school suspension option, provided to students as an effort to keep students in school and to minimize absences. In the SSC/PAC room, the students work in a closed classroom environment which minimizes distractions while allowing them to focus on their needs both academically and socially. Components of the SSC/PAC include individual guidance and/or instruction on writing skills, study skills, social skills, and conflict resolution. The SSC/PAC encourages students to accept responsibility for their actions. The use of the SSC/PAC rooms may also be used as a preventative measure to help students make positive choices as it relates to behaviors.

### Late School

Late School requires that the student spend a block of time after school as determined by the building principal. Transportation will be provided for eligible students.

### Suspension, Long-Term

Exclusion from school for a period of time exceeding five (5) school days but less than twenty (20) school days

### Suspension, Short-Term

Exclusion from school for a period of time up to five (5) school days

## Additional Information

### BEHAVIOR RULES FOR CONDUCT OFF SCHOOL GROUNDS, NOT AT A SCHOOL FUNCTION – Policy No. 5103

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It is the belief of the Omaha Public Schools that it is important to support the total student. Expectations for our students go beyond the school day and into the community. We believe that part of learning is accepting responsibility for one's actions. Thus, the school district is extending its authority to hours and places beyond the regularly perceived boundaries when conduct off school grounds causes substantial disruption to the school environment. Our intent is to support all students in their decision-making and their development into responsible adult citizens while serving as a deterrent to certain unlawful behaviors. Students engaged in inappropriate conduct off school grounds may be disciplined as provided for in the rules governing participation in co-curricular activities.

## Disciplinary Action

Any student engaging in behaviors off school grounds that substantially disrupt the school environment and that violate the **Student Code of Conduct** may be subject to:

- A. Emergency exclusion if the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education;
- B. Suspension by the principal for up to five (5) school days; and/or
- C. Participation in and successful completion of a district substance use screening by a qualified community provider or community counselor at the discretion of District/school administration.

## **BEHAVIOR RULES FOR PARTICIPANTS IN CO-CURRICULAR ACTIVITIES AND ATHLETICS – Policy No. 5103**

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Students who participate in extracurricular activities are deemed to be held to a higher standard when it comes to representing their respective schools – both on- and off-campus. It is therefore critical for those students to always be mindful of their behavior, and how it reflects on their schools. A substantial disruption to the school environment is not required in order to be suspended from participation in co-curricular music/sports/clubs.

In addition to any other discipline imposed for violations of the **Student Code of Conduct** or for violations of the behavioral rules for conduct off school grounds, not at a school function, any student participating in any co-curricular music/sports/club at the time the student commits the violation will be subject to suspension from participation in said activity or activities as described below. The sanction shall be implemented upon confirmation and notice to the student by the school administration, and the sanction applies to all activities, public or private, that occur on school property or at a school function. In addition, the teacher/coach/sponsor may impose other sanctions as permitted and described pursuant to "Rules Regarding Other Conduct" in the **Student Code of Conduct**.

First Offense: 15 Activity Days upon confirmation and notice to the student

Second Offense: 90 Activity Days upon confirmation and notice to the student

Third Offense: 180 Activity Days upon confirmation and notice to the student

### **School Building Administrators will:**

Take action based upon first-hand information. This may include contact with witnesses to the student's prohibited conduct. Prior to any decision, the administrator must confer with the student to inform the student of the charge and the available information, give the student an opportunity to tell the student's version of the incident, weigh the evidence as to the offense, make a decision whether the student engaged in the prohibited conduct, and then inform the student of the decision.

The administrator will contact the parent(s)/guardian(s) in writing of the decision on the student's conduct. The administrator is required to report the decision to the Office of Community, Schools and Family Engagement.

### **Appeal Process**

- A. Any student suspended from participation in co-curricular and athletic activities may appeal the suspension to the Office of Community, Schools and Family Engagement Administrator/Hearing Officer. Any such appeal must be in writing and must be received by the Administrator's Office within seven (7) calendar days of receipt of the written notice of suspension.
- B. If the student disagrees with the decision of the Office of Community, Schools and Family Engagement Administrator/Hearing Officer, he or she may appeal the decision to the Supervisor of the Office of Community, Schools and Family Engagement. Any such appeal must also be in writing and must be received by the Supervisor of the Office of Community, Schools and Family Engagement within seven (7) calendar days of receipt of the written notice of the Administrator/Hearing Officer's decision.

### **Rules Regarding Other Conduct**

Individual coaches, activity sponsors, or staff responsible for an activity may impose participation restrictions or eligibility restrictions for participation in co-curricular activities on students for behavior other than those listed previously provided:

- A. Students and parent(s)/guardian(s) have first been advised of the participation/eligibility rules and the types of misbehavior that would cause a student to become subject to such participation and/or eligibility restrictions.
- B. Restrictions and/or ineligibility are imposed only after the coach, activity sponsor or responsible staff has:
  1. investigated the alleged misbehavior;
  2. given the student written or oral notice of the charges against the student;
  3. explained the evidence against the student; and
  4. given the student a chance to tell his or her version of what happened.
5. The coach, activity sponsor or responsible staff has decided the student, in fact, violated the participation and/or eligibility rules.

The student has the right to appeal the individual coach's, activity sponsor's or responsible staff's decision, as specified above, to the school principal.

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## BOOK BAGS

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### Middle School

To ensure the safety and security of staff, students, and visitors at middle school buildings, the following items are banned from use by students in middle schools: book bags, totes, backpacks, duffel bags, briefcases, luggage or storage containers used to carry items. These items can be brought to school, but are no longer allowed to be carried from class to class, and must be stored in lockers during the school day. All lockers and their contents are subject to random searches by school staff without prior notification to students. This does not include district provided carriers for district owned electronic devices.

### High School

Students may carry book bags, backpacks, and similar items to transport books, supplies, and other belongings. Bags are subject to inspection, and the student is responsible for all contents.

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## DRESS AND PERSONAL APPEARANCE

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Your personal appearance is basically a concern of you and your parent(s)/guardian(s). However, the administration of a school has the responsibility to help students develop good taste in manners of dress and appearance. The development of good judgment in personal appearance should be a cooperative effort between the school and the home.

The following general statements apply to all students.

1. The nature of your appearance should contribute to a positive learning environment.
2. Interpretation of the rights of a minority of the student body should not be such that it negatively influences the general image of the student body or that of the school.
3. Appropriate dress for some activities and learning situations are not necessarily appropriate for others. The health and safety of the individual will not be jeopardized in favor of the students personal preference as to appearance and attire.
4. Shoes and shirts are essential for proper attire. Hats and hair in curlers are not considered proper attire.
5. Printed wording or pictures on clothing that advertise or promote alcohol or drugs or carry derogatory connotations, etc., are prohibited.
6. It is NEVER appropriate to display undergarments.

Standards of dress also include the wearing of caps and gowns by seniors at Commencement Exercises. This public function is memorable for the graduating seniors of the Omaha Public Schools and the wearing of caps and gowns lends the proper dignity to the occasion.

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## MAKE-UP WORK DURING SUSPENSION

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Students will be given an opportunity and must assume responsibility for making up work, including tests, missed during suspension. Completion of makeup work is equal to the time the student has been suspended from school but is not to exceed ten (10) days. Credit will be awarded for acceptable makeup work. See OPS Policy No. 5207 for more information on Make-up work.

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## MISCONDUCT BETWEEN SEMESTERS OR BETWEEN SCHOOL YEARS

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If misconduct otherwise covered by the **Student Code of Conduct** occurs between semesters or between school years, the penalties provided for in the **Student Code of Conduct** shall be enforced during the next semester. The registration for and completion of a district substance abuse assessment may take place prior to the beginning of the next semester if either a hearing on the misconduct is waived or any hearing requested is completed sufficiently in advance of the beginning of the next semester to permit successful completion of the assessment. If the assessment is not successfully completed prior to the beginning of the next semester, the penalties otherwise provided for in the **Student Code of Conduct** shall be enforced on the student during the next semester.

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## NO TRESPASS/BAN AND BAR RESTRICTION

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Visitors to the schools must respect the learning environment and maintain proper behavior and decorum. Disruption of the orderly process of the school is prohibited. The principal or his/her designee is authorized to deny access, ban or bar future access, remove or request the removal of any visitor whose behavior is disruptive to the educational/working environment of the school as outlined below:

1. Presents a risk to the safety of others resulting in the likelihood of violence (i.e. specific threats, posturing, or actions)
2. Presents a disruption to the learning environment adversely affecting students/staff (i.e. yelling or destroying property)
3. Repeated failures to follow school policy/procedures (i.e. refuses direction from school administrators or check-in process)
4. Does not have legitimate purpose to be on school grounds or activities (i.e. loitering or wandering inside building)

An individual in receipt of a "No Trespass or Ban/Bar Restriction" may not come onto the grounds of an issuing school. All restrictions are applicable from date of issuance through the subsequent summer and are made void, unless otherwise specified, each August. Any visitor to the schools who has been denied access or who has been asked to leave may appeal to Community, Schools, and Family Engagement (CSFE).

## **PERSONAL CELL PHONE/PORTABLE DEVICE GUIDELINES FOR STUDENTS**

The purpose of these guidelines is to provide a district-wide procedure regarding the use of cell phones and other Personal Electronic Devices (PEDs) by students and the consequences for noncompliance with the procedure to ensure that the use of cell phones and PEDs does not interfere with teaching and learning during the school day.

### **GUIDELINES**

High school students are permitted to use cell phones and PEDs only during lunch and passing periods, as well as before and after school. Elementary and middle school students shall leave cell phones powered off in their backpacks or lockers and may only use them before or after school and/or at the approval of their building administration. The use of cell phones and PEDs should not interfere with teaching and learning during the school day. The school assumes no liability for theft, loss, or damage of cell phones and/or other PEDs possessed by students on school property or held by school officials during the confiscation period.

### **DEFINITIONS**

1. "Cell phone" includes, and is not limited to, iPhones, "smart" phones, Internet enabled phones and other PEDs that are capable of placing and/or receiving telephone calls (including personal listening device such as earphones, ear buds, "Bluetooth", etc.), text messages, creating and distributing videos, taking photographs, and the like.
2. "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a smartphone, cellular phone, or tablet.
3. "Personal Electronic Device" is an electronic device that emits an audible signal, visual signal, vibration, displays a message, or otherwise summons the possessor, including, but not limited to, paging devices, electronic emailing devices, radios, CD players, DVD players, video cameras, iPods or other MP3 players, laser pointers, portable video game players, personal digital assistants (PDAs), cameras, and any device that provides a connection to the Internet.
4. "School Hours" means the time a student enters the school bus or school property until the end of the school's designated "school day." "School Day" means the regular school day with a designated starting time and ending time as defined by the local school building.
5. "School property" includes parking lots, school buses, and outside or inside all areas of the school building.
6. "Turned off" or "powered off" means the device is not activated. Devices in quiet vibrate or other modes, except off, are not considered turned off or powered off.
7. "Use" includes carrying or possessing a cell phone or PED that is either visible or can be heard, with or without a personal listening device such as earphones, ear buds, "Bluetooth", etc. A cell phone set on "vibrate" or "manner mode" shall be considered to be in use. A cell phone or PED that emits an audible signal, vibrates, displays a message or otherwise summons the possessor shall be deemed "in use." A cell phone or PED, even if placed in an "off" position but visible to others, may be deemed "in use." A cell phone or PED in an "off" position and stored out-of-sight in a back-pack, book bag, pocket, purse, vehicle, locker, etc. shall be not be deemed "in use."

### **PROCEDURES**

Students are permitted to use cell phones and PEDs only during the following times:

- Before school hours on school property (as directed by school administration).
- After school hours on school property (as directed by school administration).
- Lunch period (high school students only).
- Passing periods (high school students only).
- At evening or weekend activities on school property.
- An emergency situation with the permission of the teacher, instructor, coach, program director, or administrator.
- For approved instructional use by the student's teacher (high school students only).

Building administration will have the discretion to determine the use of cell phones and PEDs for students participating in after school and/or extracurricular activities while on school property or while attending school sponsored or school related activities on or off school property.

#### **Prohibited Use of Cell Phones and PEDs:**

- The use of cell phones and PEDs at any time other than those specified.
- The sharing or electronic posting of images taken or stored on cell phones or PEDs during school hours and/or on school property.

**If guidelines for use are not followed, then the Personal Electronic Device (PEDs) and/or cell phone may be confiscated:**

When a PED and/or cell phone is confiscated the device should be turned over to the designated staff member. The individual who confiscated the item shall take reasonable measures to secure the item until such time the PED and/or cell phone is given to the building administration by the end of the day. Once the device is turned over to the designated staff member, the staff member shall take appropriate action to store the device in a secured location within the school building. Return of the device will occur according to building policy, which may include communication with the parent(s)/guardian(s) and possible disciplinary action.

**Noncompliance with Attempted Confiscation:**

Students committing repeated violations of this Procedure shall be subject to additional disciplinary action consistent with the **Student Code of Conduct**. Students who refuse to comply with a request to turn over their cell phone and/or PED shall be subject to discipline for insubordination and such other disciplinary action consistent with the **Student Code of Conduct**.

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## **SCHOOL EXCLUSION AND DUE PROCESS RIGHTS**

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A principal (or designee) may determine that it is necessary to exclude a student from classes. The decision to exclude is made after the principal has investigated the facts, given the student oral or written notice of the charges against the student, and provided an opportunity for the student to present the student's version.

The range of possible exclusions includes short-term suspension, emergency exclusion, long-term suspension, expulsion, or reassignment. It is the principal's responsibility to determine the type of exclusion and/or action recommended. A student cannot attend school, take part in any school function including graduation ceremonies, or be on school property during the duration of a suspension, exclusion, or expulsion.

The administrator will take action based upon first-hand information. This may include contact with witnesses to the student's prohibited conduct. Prior to any decision, the administrator must confer with the student to inform the student of the charge and the available information, give the student an opportunity to tell the student's version of the incident, weigh the evidence as to the offense, make a decision whether the student engaged in the prohibited conduct, and then inform the student of his/her decision.

In cases of recommendations for long-term suspension, reassignment, exclusion or expulsion, the student may, upon request, have a hearing on the specific charges. Students are advised of this right when a principal decides to recommend one of the above actions. If a hearing is not requested within five school days the recommendation will go in effect. See OPS Policy No. 5101 for more information on student discipline and exclusion of students from school.

### **Rights for the Student Receiving Special Education Services**

If a student receiving special education services violates a provision of the **Student Code of Conduct** resulting in a recommendation for expulsion, mandatory reassignment, or a long-term suspension in excess of five consecutive days, an IEP Manifestation Determination (Due Process) meeting shall be convened within three working days of the recommendation. The IEP team shall determine if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability and will also determine if the conduct in question was a direct result of the school district's failure to implement the IEP. If a student or parent(s)/guardian(s) wishes to appeal the outcome of the IEP Manifestation Determination an appeal could be placed through the Special Education Department with the Director of Special Education.

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## **SCHOOL RESOURCE OFFICERS (SRO)**

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SROs or police officers shall not be responsible for school discipline issues. SROs and police officers are primarily responsible for responding to criminal law matters where it is mandated by law that such offenses be referred to the criminal justice system. Absent an immediate threat of serious bodily injury and/or criminal law matters, school discipline issues should be addressed by school staff. Such school discipline issues include but are not limited to:

- Loitering;
- Profanity;
- Insubordination/defiance;
- Verbal abuse;
- Dress code policies;
- Cell phone policies;
- Skipping class, absenteeism, or truancy;
- Perceived drunkenness or intoxication.

SROs or police who witness school discipline issues listed above, shall locate school personnel to respond to the situation. The SRO shall not act as a school disciplinarian. SROs should act as any school adult in redirecting minor misbehavior, and may choose to de-escalate a situation using conflict resolution techniques and leverage existing positive relationships with those involved. Incidents must be referred to school personnel to determine appropriate response for violation of the **Student Code of Conduct**.

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## **STUDENT SEARCHES – Policy No. 5406**

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### **Drug Searches by Police/Sheriff Canine Units**

The District retains the right to utilize the services of Omaha Area Law Enforcement Authorities Canine Units in the detection of illegal drugs and/or contraband at any time, announced or unannounced at the District's schools and programs.

- A. The Superintendent or his designee (in consultation with District Operational Services Office of School Safety) may request the canine unit be utilized to search all inside areas of a school building, including lockers, at a time when students are or are not present. If a search takes place in a classroom when students are present, all will exit the room, leaving all items behind.
- B. A building principal (in consultation with District Operational Services Office of School Safety) may request that a canine unit be utilized to search vehicles in a school parking lot or in other areas where student vehicles are parked during or after school hours. If a dog alerts to a student's vehicle, the student will be required to unlock the vehicle doors and trunk for internal inspection. Any refusal to unlock the vehicle will be handled by law enforcement.
- C. Any illegal drugs and/or contraband found on school grounds, whether in a student locker, vehicle, or any other place on school grounds, will be confiscated and the student may be subject to disciplinary action specified in the **Student Code of Conduct**.
- D. The student's parent(s)/guardian(s) shall be notified should illegal drugs and/or contraband be discovered.
- E. This policy shall be included in the student handbooks. This policy shall not be implemented until parent(s)/guardian(s) and students are provided written notice of this policy.

### **Searches of School Lockers, Student Automobiles, and Students' Persons**

Student lockers, desks and other such property are owned by the school. The school exercises exclusive control over this school property, and students should not expect privacy regarding items placed in school property because school property is subject to search at any time by school officials. Students are responsible for whatever is contained in desks, lockers, and district owned electronics issued by the school.

Automobiles parked on school property are subject to search by the principal or the principal's designee if the principal or his or her designee has reasonable cause to believe that contraband is in or on the automobile.

Students and their personal effects are subject to being searched by the principal or his or her designee if there is reasonable cause to believe that the student is in possession of contraband or evidence indicating that the student has otherwise violated the **Student Code of Conduct**. This includes all student pockets, purses, backpacks, and other kinds of carrying devices, and any personal computing, communication, and data storage devices. If the student does not allow the search, Law Enforcement may be called.

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### **SECRET ORGANIZATIONS**

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Under state law, it is "unlawful for the pupils of any public secondary school to participate in or be members of any secret organization." The Board of Education is empowered to deny to any student who violates the law any or all privileges of the school, or it may expel such student for failure to comply with the law.

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### **STUDENT ATTENDANCE – Policy No. 5008**

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After FIVE days of unexcused absence, or its hourly equivalent, the District shall render services to address barriers to attendance. Such services shall include, but are not limited to:

1. Verbal or written communication by school officials with the parent(s)/guardian(s) of the child; and
2. One or more meetings between, at a minimum, a school attendance officer, a school social worker, or a school administrator, or his or her designee, the parent(s)/guardian(s) and the child, when appropriate, to attempt to address the barriers to attendance. During this meeting or meetings, a collaborative plan will be developed to improve attendance. This plan shall consider, but not be limited to:
  - a. Illness related to physical or behavioral health of the child;
  - b. Educational counseling;
  - c. Educational evaluation;
  - d. Referral to community agencies for economic services;
  - e. Family or individual counseling; and
  - f. Assisting the family in working with other community services.

After TEN cumulative days of unexcused absences, the student's records will be reviewed by the school's attendance team, individualized problem solving or updating of collaborative plan may occur as needed.

After FIFTEEN cumulative days of unexcused absences, a letter will be sent to the parent(s)/guardian(s) by the designated school official. This letter shall provide notice to the parent(s)/guardian(s) that the District may refer the absences of the child to the county attorney upon twenty days of unexcused absences. This letter shall also provide notice to the parent(s)/guardian(s) that they may request a meeting to review the collaborative plan.

### **Reporting Excessive Absenteeism to the County Attorney:**

The District may report to the county attorney when the school has documented the efforts made as required by the collaborative plan have not been successful in improving regular attendance and the child has been absent more than twenty days per year. The school shall also provide notice to the parent(s)/guardian(s) prior to the referral to the county attorney being made.

A referral cannot be made to the county attorney's office until at least 20 days; however the school may involve the county attorney at any point in the process of addressing the student's absences.

The school's Attendance Team will be responsible for implementing and monitoring this process.

The following circumstances will not be counted toward intervention as required by Neb. Rev. Stat. § 79-209:

**Excused absences will include but not limited to:**

1. School Sponsored Activities – School related activities that take a student out of their scheduled classes; i.e. field trips, competitions, athletic events, school matinees, speakers, testing, etc.
2. Bereavement – Parent(s)/guardian(s) notifies the school the student is attending a funeral.
3. Court/Legal Appearance – The student is required to attend a court or legal proceeding. This is specific to only the student.
4. Ill – Parent/Guardian notifies the school the student is ill.
5. Medically Excused – A medical provider's note is required to verify the absence to include; a medical appointment, hospitalization, or a long term chronic illness; or the school nurse is required to send the student home.
6. Military Leave – The student's absence is specific to deployment and/or military leave activities.
7. Office – The student is in the school, but in the office (visiting the nurse, counselor, administrator, etc.).
8. Post Secondary Visit – The student is visiting a post secondary program.
9. Religious Holiday Observance
10. Student Success Center – Student is assigned to the Student Success Center.
11. Suspension
12. Bus – A delay due to school bus transportation.

**The following circumstances will require intervention as required by Neb. Rev. Stat. § 79-209:**

**Unexcused absences will include but not limited to:**

1. Absent – The school has been notified of an absence that does not meet the definition of excused.
2. Truant – Neither the family nor school officials know the student's whereabouts, the student is refusing to attend school or class, or the school has been notified that the student has been reported as a run-away.
3. Unverified – No one has contacted the school, or the school has been unable to confirm the reason for the absence, or the school has not confirmed the reason for absence.

**Tardiness**

Students who report to class after class has started or leave school before the end of the school day will have the total time missed calculated and will become an absence when it is equal to the length of the school day. Repeated tardiness will be reported to parent(s)/guardian(s).

**Senior High School Attendance Practices:**

Student attendance in school is the key to learning. The goal is for each student to be in class every day, on time. The responsibility for attendance is shared by the student, the parent(s)/guardian(s), the teacher, and other school staff. Although each person's performance affects reaching the goal, everyone will be responsible for the student's actions and consequences for their actions will follow.

**Students:**

High school students have the primary responsibility to be at school on time, every day, and to report on time to their assignment each period. All absences, except for school sponsored activities, shall count as an absence from school. Because the work covered in each class period is important, any absence from class affects student performance.

Students who are absent more than ten days a semester will most often have difficulty completing required work at a passing level. Students enrolled in schools with block scheduling will most often find it difficult to complete the required work at a passing level if they are absent more than five days a quarter. Marks will be determined by teacher evaluation of student participation and completed work.

Students have the responsibility to make arrangements for makeup instruction and to promptly complete all work missed due to absences.

Promptness to class is also very important. Practices dealing with tardiness must be in place at the classroom and school level and be communicated clearly to all students.

**Parent(s)/Guardian(s):**

Parent(s)/guardian(s) have the responsibility to emphasize the importance of school attendance and see that the student is in school on time every day. Parent(s)/guardian(s) shall call the school if a student is absent and shall provide appropriate written notice including doctor's notes if applicable. Parent(s)/guardian(s) have the responsibility to encourage their students to make up work promptly. Parent(s)/guardian(s) should attend parent-teacher conferences and contact the teacher, principal or other school official if they have questions. Parent(s)/guardian(s) involvement in or

attendance at school events and activities supports the importance of school and also creates better understanding and communication.

**Teachers:**

Teachers must provide the classroom climate, instruction and acceptance of all students that promotes learning and good attendance. Clear expectations for student performance and activities that are an essential part of instruction must occur at the very beginning of each class as well as throughout the class period. Teachers are responsible for assisting students to complete makeup work following the student's absence. Teachers must keep accurate records and maintain contact with parent(s)/guardian(s). The parent(s)/guardian(s) must be considered an extension of the instructional plan.

**Administrative and Support Staff:**

Principals, Assistant Principals, Counselors, and other support staff must demonstrate a firm but caring demeanor that communicates high expectations and concern for the individual. Parent(s)/guardian(s) must be informed of cumulative absences at regular intervals.

Students who are absent must be given the support, encouragement and instructional help they need to master the appropriate learning outcomes. Although any absence may lower a student's academic achievement, the goal shall be to support the student in learning with the overall goal to be mastery of learning outcomes.

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### **STUDENT SIGNATURE OF RECEIPT OF SCHOOL RULES**

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The signature on the Receipt of Student Handbook verifies that a copy of the Student Handbook, which contains the **Student Code of Conduct** and other school rules, was received. The signature shows agreement to the accepted responsibility to know the contents of the handbook, to understand the rules for students contained in it, and that the rules will be followed. In elementary schools, the signature is received by the parent(s)/guardian(s) of the student. In secondary schools, the student signs the Receipt of Student Handbook.

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### **SUMMER SCHOOL AND DUE PROCESS**

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Students attending school classes during non-traditional times, such as spring and summer sessions, are also held to the requirements of the **Student Code of Conduct**. However, disciplinary consequences may be limited to short-term suspension, long-term suspension and Expulsion from Summer School. Students have the right to a hearing if more than five days of the session are missed due to a disciplinary action.

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### **SURVEILLANCE CAMERAS – STUDENTS**

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Surveillance cameras are located on all school buses and in various public spaces in school buildings. These cameras are present to assist school officials in providing a safe learning environment for all students. Video from these cameras although otherwise confidential student records, may be reviewed in the presence of school officials by parent(s)/guardian(s) of students being disciplined as a result of misconduct recorded on tape. If an incident involves two or more students, then all parent(s)/guardian(s) must provide written consent to view the video. Written consent is not needed for students who are seen in the video, but who are not involved in the incident. Video may be used as evidence in student hearings. See OPS Policy No. 3231 for more information on video surveillance.

Students should know that they have no expectation of privacy in those places where surveillance cameras are installed and that student hearing records become public records if a student in an appeal to the Ad Hoc Student Discipline Hearing Committee of the Board of Education requests a public hearing on the appeal or files a lawsuit challenging the decision of the Committee.

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### **TOBACCO, ALCOHOL, DRUGS**

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The use of tobacco, drugs, alcohol, controlled substance, imitation controlled substance or abuse of non-controlled substance in the school is forbidden. The school district recognizes that student drug and alcohol abuse is a public health issue and not a school discipline, juvenile justice, or criminal issue. When students are suspected of using or abusing drugs, school staff will collaborate with the parent(s)/guardian(s) to address the issue, and students may be referred to student assistance programs. Suspension is not considered intervention for drug use or abuse, but may be utilized in order to maintain a safe and drug free school environment.

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### **UNAUTHORIZED VISIT TO OTHER CAMPUSES**

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A violation committed by a student on school grounds other than those of the school to which the student is assigned or at any school sponsored activity or athletic event shall be punished in the same manner as if the offense had been committed at the student's assigned school.









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## **Mission Statement**

Omaha Public Schools prepares all students  
to excel in college, career, and life.

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## **Vision Statement**

Every student.  
Every day.  
Prepared for success.

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Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to accept allegations regarding non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (531-299-9822). The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director for the Office of Equity and Diversity, 3215 Cuming Street, Omaha, NE 68131 (531-299-0307).

StudentsAcademic Eligibility for High School Students Who Participate in Any Sanctioned Activities Sponsored by the NSAA**Purpose:**

To delineate system-wide academic eligibility guidelines for students who participate in Nebraska School Activities Association (NSAA) sanctioned activities.

**Background:**

This policy will outline academic eligibility procedures to be used by high school students who choose to participate in any NSAA extracurricular activity. The sanctioned NSAA activities are as follows: cross country, football, golf, softball, tennis, volleyball, basketball, swimming, wrestling, baseball, soccer, track & field, debate, journalism, music, play production and speech.

**Definitions:**

- A. Extracurricular Activities Requiring Academic Eligibility is defined as sanctioned NSAA activities (see above listing.)

Non-NSAA activities, whose sponsor receives a qualifying intramural unit of salary, listed as nonathletic and athletic in the Negotiated Agreement between the Omaha Education Association and the Omaha Public Schools Board of Education does not require academic eligibility.

- B. Eligibility Period is defined as the length of the season in which the student is participating.
- C. An Audit course is taken for no credit and is not a part of a student's grade point average (GPA).

**Procedures:****A. Eligibility:**

1. **No pass, no play.** All middle and high school students participating in, or who plan to participate in sanctioned NSAA activities, must maintain a passing grade in every class for the eligibility period.
2. Grades reported as incomplete (INC) as a result of district excused absences shall be considered passing grades until changed. Incomplete grades that are not changed to a passing grade within ten school days after report cards are issued will be considered failing grades for eligibility purposes until they are changed.
3. Student Withdraw from Courses

- a. A student may withdraw from a course within 15 school days from the beginning of the course or less without penalty.
  - b. A student must be enrolled in a minimum of six courses per semester. Seniors must have their schedules meet the approval of their guidance counselor, and should be enrolled in a minimum of four courses per semester
  - c. When a student withdraws from a course after 15 school days after the start of the course, the student will be given a drop grade at the time of the withdrawal from the course, and that grade will be factored into the grading period average.
4. When a student transfers into an OPS high school, the grades from the previous high school will be used to determine academic eligibility.
  5. Each activity sponsor, athletic director, or coach will verify student's academic eligibility for sanctioned NSAA activities every two weeks. Grade reports will be generated every two weeks.
  6. Students enrolled in less than a full day schedule must pass each course and to be eligible.
  7. High school students who do not maintain a Term (quarter) GPA of 2.0 must attend academic coaching a minimum of one hour a week for nine weeks until he/she demonstrates a Term (quarter) GPA of 2.0. All students have the opportunity to retake any course that they earn a "D" or "F" to replace this grade with a higher grade.

**B. Exceptions:**

1. This policy does not govern activities related to course objectives or extension of a graded course or of a high school credit course e.g., concert or drama presentation, that would adversely affect the student's grade.
2. An unsatisfactory evaluation in an audit course is not considered failing for student eligibility.
3. Students who have an Individual Education Plan (IEP) will be exempt from the Term GPA 2.0 (quarter) and no pass, no play requirements. Students with an IEP must continue to meet the NSAA requirement of passing four classes during the prior (quarter) term.
4. In cases where there are extenuating circumstances, students who do not meet the Term (quarter) GPA 2.0 requirement and/or are failing courses and who wish to participate have the option to use a waiver available to them one time during their high school years. A student can only use the waiver option if he or she is participating in intervention and/or support programs. The waiver may be used as long as all other NSAA requirements are met. The waiver is approved or denied by the building principal or the principal's designee.

**C. Local School Responsibilities:**

1. Schools (middle and high school) shall communicate in writing to students and parents a list of opportunities for all students to participate in extracurricular

- activities and a copy of the OPS academic eligibility requirements for NSAA sanctioned activities. In addition, parents/guardians shall also receive a copy of the OPS Academic Coaching Program brochure.
2. Schools must have the OPS Academic Coaching Program in place to help students retain or regain academic eligibility for all NSAA sanctioned activities.
  3. Schools shall evaluate the effectiveness of their OPS Academic Coaching Program annually.

**Implementation Practice:**

- A. The policy will be phased in the following manner:

**2016-2017:**

- Grade reports will be generated every two weeks for all students (9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup>) who are currently participating or plan on participating in sanctioned NSAA activities.
- GPA reports will be generated every 9 weeks for all students (9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup>) who are currently participating or plan on participating in sanctioned NSAA activities.
- Each student will participate in the Academic Coaching Program if the student has one or more grade(s) below a “C” or his/her Term (quarter) GPA is below a 2.0.
- All in-season 9<sup>th</sup>, 10<sup>th</sup> & 11<sup>th</sup> grade students will have a two week period to raise his/her failing grade(s) without penalty. The student remains eligible to participate during this two week period.
- If the in-season 9<sup>th</sup>, 10<sup>th</sup> & 11<sup>th</sup> grade student does not raise his/her failing grade(s) after the two week period, he/she will be ineligible for competition during the subsequent two week period. The student will continue to remain ineligible for competition until his/her grade is passing.

**2017-2018:**

- Grade reports will be generated every two weeks for all students (9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup>) who are currently participating or plan on participating in sanctioned NSAA activities.
- GPA reports will be generated every 9 weeks for all students (9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup>) who are currently participating or plan on participating in sanctioned NSAA activities.
- Each student will participate in the Academic Coaching Program if the student has one or more grade(s) below a “C” or his/her Term (quarter) GPA is below a 2.0.
- All in-season 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup> grade students will have a two week period to raise his/her failing grade(s) without penalty. The student remains eligible to participate during this two week period.
- If the in-season 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup> & 12<sup>th</sup> grade student does not raise his/her failing grade(s) after the two week period, he/she will be ineligible for competition during

the subsequent two week period. The student will continue to remain ineligible for competition until his/her grade is passing.

**Academic Coaching Program:**

The Omaha Public Schools Board of Education initiated the Academic Coaching Program in fall of 2014-15 school year. In-season students involved in Nebraska School Activities Association (NSAA) activities who have any grade below a “C” shall be required to participate in the Academic Coaching Program. Please refer to the NSAA Webpage, at [www.nsaahome.org](http://www.nsaahome.org) for additional details regarding NSAA Sponsored Activities.

The NSAA Activities are:

- Cross Country
- Football
- Girls Golf
- Softball
- Boys Tennis
- Volleyball
- Basketball
- Swimming
- Wrestling
- Baseball
- Boys Golf
- Soccer
- Girls Tennis
- Track and Field
- Debate
- Journalism
- District Music Competitions
- Play Production
- Speech

**The Goals for Academic Coaching:**

- To enhance academic achievement opportunities for all OPS students participating in sanctioned NSAA activities.
- To assist incoming freshmen with the transition from middle school to high school.
- To increase communication between the school guidance directors, athletic directors, teachers, coaches and students participating in sanctioned NSAA activities regarding eligibility for Division I or Division II and other post-secondary options.

**Academic Coaching Requirements for NSAA Activities:**

- Beginning in the in the 2015-2016 school year, all students who participate in NSAA sanctioned activities grades will be checked every two weeks to determine whether or not they are required to attend Academic Coaching. **All students, who have a “D” or “F” will continue to attend Academic Coaching sessions until the student is passing all courses** The minimum number of academic coaching sessions per week is a one-hour session; however, some students who are failing may need to attend more than the minimum one-hour academic tutoring session.
- Any student who has maintained a GPA above a 2.0 or no grade lower than a “C” in all coursework is also welcome to attend, at any time, an academic coaching session, but it is not required.

**Content of Academic Coaching Sessions:**

The academic coaches will provide assistance to students in all of the following areas:

- Provide study, test-taking (ACT), organizational and time management skills.
- Monitor academic progress to assist in helping students achieve academic success during their high school experience.
- Assist students in preparing for post-secondary educational and extracurricular opportunities.
- Guide students in their understanding of college/university requirements, including, but not limited to, the rules and regulations of the National Association of Intercollegiate Athletics (NAIA) and the National Collegiate Athletic Association (NCAA).

Date of Adoption: September 7, 2016



StudentsExtracurricular Activity**Behavior Rules for Conduct Off School Grounds, Not at a School Function:**

It is the belief of the Omaha Public Schools that it is important to support the total student. Expectations for our students go beyond the school day and into the community. We believe that part of learning is accepting responsibility for one's actions. Thus, the school district is extending its authority to hours and places beyond the regularly perceived boundaries when conduct off school grounds causes substantial disruption to the school environment. Our intent is to support all students in their decision-making and their development into responsible adult citizens while serving as a deterrent to certain unlawful behaviors. Students engaged in inappropriate conduct off school grounds may be disciplined as provided for in the rules governing participation in co-curricular activities.

**Disciplinary Action:**

Any student engaging in behaviors off school grounds that substantially disrupt the school environment and that violate the Code of Conduct may be subject to:

- A. Emergency exclusion if the student's conduct presents a clear threat to the physical safety of himself, herself, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education;
- B. Suspension by the principal for up to five (5) school days; and
- C. Participation in and successful completion of a district substance use screening by a qualified community provider or community counselor at the discretion of District/school administration.

**Appeal Process:**

Nebraska statutory provisions regarding Short-term suspension and emergency exclusion shall apply to each of these disciplinary measures respectively.

**Behavior Rules for Participants in Co-Curricular Activities and Athletics:**

Students who participate in extracurricular activities are deemed to be held to a higher standard when it comes to representing their respective schools – both on- and off-campus. It is therefore critical for those students to always be mindful of their behavior, and how it reflects on their schools.

A substantial disruption to the school environment is not required in order to be suspended from participation in co-curricular music/sports/clubs.

In addition to any other discipline imposed for violations of the **Student Code of Conduct** or for violations of the behavioral rules for conduct off school grounds, not at a school function, any

student participating in any co-curricular music/sports/club at the time the student commits the violation will be subject to suspension from participation in said activity or activities as described below. The sanction shall be implemented upon confirmation and notice to the student by the school administration, and the sanction applies to all activities, public or private, that occur on school property or at a school function. In addition, the teacher/coach/sponsor may impose other sanctions as permitted and described pursuant to "Rules Regarding Other Conduct" in the **Student Code of Conduct**.

First Offense: 15 Activity Days upon confirmation and notice to the student

Second Offense: 90 Activity Days upon confirmation and notice to the student

Third Offense: 180 Activity Days upon confirmation and notice to the student

**School Building Administrators will:**

Take action based upon first-hand information. This may include contact with witnesses to the student's prohibited conduct. Prior to any decision, the administrator must confer with the student to inform the student of the charge and the available information, give the student an opportunity to tell the student's version of the incident, weigh the evidence as to the offense, make a decision whether the student engaged in the prohibited conduct, and then inform the student of the decision.

The administrator will contact the parent/guardian in writing of the decision on the student's conduct. The administrator is required to report the decision to the Office of Community, Schools and Family Engagement.

**Appeal Process:**

- A. Any student suspended from participation in co-curricular and athletic activities may appeal the suspension to the Department of Community, Schools, and Family Engagement Administrator/Hearing Officer. Any such appeal must be in writing and must be received by the Administrator's Office within seven (7) calendar days of receipt of the written notice of suspension.
- B. If the student disagrees with the decision of the Office of Community, Schools and Family Engagement Administrator/Hearing Officer, he or she may appeal the decision to the Supervisor of the Office of Community, Schools and Family Engagement. Any such appeal must also be in writing and must be received by the Supervisor of the Office of Community, Schools and Family Engagement within seven (7) calendar days of receipt of the written notice of the Administrator/Hearing Officer's decision.

**Rules Regarding Other Conduct:**

Individual coaches, activity sponsors or staff responsible for an activity may impose participation restrictions or eligibility restrictions for participation in co-curricular activities on students for behavior other than those listed above provided:

- A. Students and parents/guardians have first been advised of the participation / eligibility rules and the types of misbehavior that would cause a student to become subject to such participation and/or eligibility restrictions.
- B. Restrictions and/or ineligibility are imposed only after the coach, activity sponsor or responsible staff has:
  - 1. investigated the alleged misbehavior;
  - 2. given the student written or oral notice of the charges against the student;
  - 3. explained the evidence against the student; and
  - 4. given the student a chance to tell his or her version of what happened.
  - 5. The coach, activity sponsor or responsible staff has decided the student, in fact, violated the participation and/or eligibility rules.

The student has the right to appeal the individual coach's, activity sponsor's or responsible staff's decision, as specified above, to the school principal.

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

Date of Adoption: August 21, 2017



Students

Promotion and Retention

Students will typically progress annually from grade to grade. A student may be retained at a grade level or be required to repeat a course or program when such is determined in the judgment of the Principal, in consultation with the student's teacher(s), counselor, and parent or guardian, to be appropriate for the educational interests of the student and the school's educational program.

Legal Reference: Neb. Rev. Stat. 79-526

Date of Adoption: September 7, 2016



StudentsAccess to Student Records

Students and their parents/guardians shall annually be notified in writing of their rights to inspect, review, challenge, amend, and give or withhold consent for the disclosure of personally identifiable educational records. The annual notification shall be accomplished by annual publication in the student handbook.

A student or his/her parent/guardian may review the educational records of the student at the location where they are on file. Any request to review student records must be honored as soon as possible but within ten days of receipt of the request.

The school district will not provide full access to or disclosure of educational records to the student or his parents/guardians if educational records contain information regarding more than one student. In such cases access will be provided only to information regarding the student who is or whose parent/guardian is requesting such access or disclosure.

The school district will charge according to a schedule developed by the person responsible for the records. Where the fee represents an unusual hardship, it may be waived in part or entirely by the custodian of the records.

Types of educational records maintained by the school district and the individual responsible for those records:

- A. The following school based records are available from the principal of each school. A current list of principal names and school addresses is available from the Student Information Services Office, 3215 Cuming Street, Omaha, NE 68131-2024.
  - Permanent record card of grades, attendance, and achievement test scores
  - Cumulative folders of students currently enrolled in an Omaha Public School
  - Health records of students currently enrolled
  
- B. The following central office based records are available from the coordinator of Student Information Services Office, 3215 Cuming Street, Omaha, NE 68131-2024.
  - Cumulative folders of students previously enrolled in an Omaha Public School
  - Psychological Services records
  - Student placement records
  - Student due process records
  - Special education placement records
  - Health records of students previously enrolled in an Omaha Public School
  - Other student support records

**Rights of Privacy for Student Records:**

Personally identifiable information will not be released from the educational records of a student without prior written consent of the parent/guardian of the student if the student is under 18 years of age or of the student if he/she is 18 years of age or older except as provided by 34 C.F.R. Section 99.31 (Federal regulations which enforce the Family Educational Rights and Privacy Act) and this policy. Personally identifiable information from students' educational records may be disclosed to school officials for legitimate educational purposes.

**Directory Information:**

Information designated by the School District as “directory information” may be released without prior parent/guardian or student consent unless the parent/guardian or student 18 years of age or older timely notifies the Student Information Services Office that such information is not to be released. Parents/guardians and students 18 years of age and older shall be notified annually of their rights regarding directory information. The Board of Education has designated the following as “directory information”:

1. Name
2. Grade level
3. Date and place of birth
4. Dates of attendance
5. The current and most recent educational agency or institution attended
6. Major field of study
7. Degrees, honors, and awards received
8. Participation in officially recognized activities and sports
9. Weight and height of members of the athletic teams
10. Photograph

Directory information may not be used for political or commercial purposes, nor shall it be released to an agency or individual if personal profit is the object of the receiver.

The School District no longer lists address, phone number and parent name as Directory information in an effort to protect students and parents from disclosure of this information for non-school purposes. However, there are many school-related purposes (scholarships, yearbook publishers, senior pictures, etc.) for disclosing this information. Therefore, the School District annually requests written consent from parents to release addresses, phone numbers and parent names for these type of limited purposes, which are detailed on the release.

**Correction or Amendment of Student Records:**

Upon written request, a parent/guardian or student 18 years of age or older may request that the Omaha Public Schools correct the student's education record, obtain a hearing to challenge the content of the educational records, and/or add a statement to the student's educational record. Any such request must be made to the Student Information Services Office.

Date of Adoption: May 2, 2016

StudentsGrading System

Grades for students enrolled in the Omaha Public Schools are based on achievement of District-wide/State content standards, which specify what students should know and be able to do. Standards are the same across schools and classrooms for the same grade level and/or courses in the Omaha Public Schools. Common grading practices ensure students have the knowledge and skills necessary for the next level of a course, the next grade or readiness for college or the workforce.

Common grading practices provide specific, clear learning goals for students, parents, teachers and administrators of what a student must know and be able to do to master the content of a course. OPS grading practices are provided to all OPS teachers annually and are posted in the OPS Practices and Procedures Handbook. They allow teachers to be consistent with common best practices for grading based on educational research. Most importantly, common grading practices provide tremendous clarity for students and families as to what the grading criteria and expectations are between and amongst teachers, courses, and schools in the district.

Date of Adoption: September 7, 2016



Students

Graduation

A. The minimum program of instruction in the schools shall be that prescribed by the statutes. Guaranteed and viable curriculum shall be provided in every school. The curriculum may be augmented and extended

B. Graduation Requirements

Any 8<sup>th</sup> grade student enrolled in a high school course at a high school and/or a student taking a high school course taught by a high school teacher in the middle school may earn high school credit for such course work. Only high school elective credit may be awarded for successful completion of approved high school level courses. A home school student who passes a district approved end of course assessment may also earn credit as they matriculate into an OPS Secondary School.

A minimum of 49 credits is required for graduation from the School District of Omaha. Each student must earn the minimum credits listed below within each designated subject area during Grades 8-12:

English	8 credits
Social Studies	7 credits
Mathematics	6 credits
Science	6 credits
Physical Education	4 credits
Human Growth & Development	1 credit
	(option for opt out)
Personal Finance	1 credit
	(beginning class of 2019)
Elective Subjects	17 credits
	(16 credits beginning class of 2019)

*Total Minimum Credits Required* *49 credits*

Seniors must meet all graduation requirements in order to participate in any manner in commencement exercises.

Legal Reference: Neb. Rev. Stat. 79-729  
NDE Rule 10

Date of Adoption: September 7, 2016



StudentsMake-up Work

Make-up work for students who are absent from school shall be governed by guidelines developed by the Superintendent or Superintendent's designee. The Guidelines shall state the criteria to be used in determining whether and to what extent the opportunity to complete class work, including assessments (formative and summative), missed during a period of disciplinary suspension will be granted.

The make-up work of students will be counted toward course credit when satisfactorily completed according to the guidelines stated below; which are the Superintendent's guidelines, or such other guidelines as approved from time to time by the Superintendent or the Superintendent's designee.

To receive credit for work missed due to excused absences (e.g., personal illness, bereavement or emergency in the family, participation in an approved school activity), the student, upon returning to school, is responsible a) for requesting assignments for make-up work and b) for completing the make-up work on his/her own initiative by the due date. The teacher will provide materials and assistance to a student who is making up work for these reasons.

To receive credit for work missed due to a parent requested prearranged absence (e.g., medical or dental appointment, religious observance, spectator at a school activity, family trip, college visit), the student is responsible a) for requesting assignments for make-up work prior to his/her absence and b) for completing the make-up work on his/her own initiative by the due date.

Make-up work is due within two (2) days, for each day absent up to a maximum of ten (10) days. Students who plan to miss school due to scheduled school activity or a parent requested prearranged absence may request assignments and make arrangements to complete part or all of the work prior to the absence.

Students and parents/guardians are advised that equivalent experiences for students who miss class are difficult and sometimes impossible to recreate. Parents/guardians are also advised that testing and summarizing activities often are scheduled at the end of the quarter and the end of the semester; parent requested prearranged absences should be avoided during these times.

Date of Adoption: September 7, 2016



StudentsStudent Organizations

The building principals shall approve formal student organizations, provide adequate supervision, and administer student finances for student organizations and activities. Student organizations, as a vital part of the total education program, should consider the following objectives:

- 1) Extend and reinforce the instructional program.
- 2) Give students practice in democratic self-government.
- 3) Develop student morale and support for the school.
- 4) Honor outstanding student achievement.
- 5) Provide wholesome social and recreational activities.

Date of Adoption: September 7, 2016



StudentsStudent Activities, Hazing, and Supervision**Secret Organizations:**

- A. Under state law, Sections 79-2,101, 79-2,103, and 79-2,102, it is “unlawful for the students of any public high school to participate in or be members of any secret fraternity or secret organization whatsoever that is in any degree a school organization.” The Board of Education is further empowered to deny to any student who violates the law any or all privileges of the school, or it may expel such students for failure or refusal to comply with the law. The law makes it a misdemeanor for any person, whether a student or not, to go upon school grounds or within any school building for the purpose of rushing or soliciting any student to join such secret club, even though organized outside of the schools.
- B. Participation shall include membership, pledging, and attendance at meetings or social gatherings, the purpose of which is to bring together the members of any secret fraternity, sorority, or substitute therefore, whether made up wholly or largely of present or former members. The wearing of any ring, pin, or insignia of such organization or having any connection with any organization which comes within the scope and spirit of the law is also prohibited.
- C. Any student who violates the law and this policy of the Board of Education shall, by such action, immediately forfeit all privileges of participating in any extra-curricular activities, honors, or offices whatsoever in any of the public high schools of Omaha.

**Initiation & Hazing Activities:**

Initiations and hazing activities are not permitted. Students who violate this rule may be denied any or all school privileges and may be expelled.

**Campaigns or Activities for Raising Money:**

- A. Except as hereinafter noted, public school students shall not be requested on, in or about the premises of the Board of Education to participate in any organized campaign to raise funds for any purpose, nor may teachers permit such campaigns or drives within their classrooms. The only community drive officially recognized and permitted on school premises by the Board of Education is that organized by the United Way of the Midlands. It is the intent of this rule that all such drives for funds shall be consolidated with the United Way of the Midlands and that all funds so raised be allocated to the various participating agencies by the proper officers of the United Way of the Midlands.
- B. In the conduct of any campaign for funds, no quotas may be set for students, and donations must be entirely voluntary without any pressure which compares the giving of one student with the giving of another.

- C. At the secondary level, fund-raising activities are permitted to maintain co-curricular activities which are not totally self-supporting. A relevant need must be established before fundraising activities are begun. Proceeds from such activities may be spent only for the purpose for which the fund was created. All such drives must have the approval of the principal to assure proper procedures are followed.
- D. Fundraising activities sponsored by the parent organization for the school are permissible as long as they do not detract from the instructional program of the school, assure that participation on the part of students, parents, and staff is entirely voluntary, and are held with the single purpose of benefiting the children within the school and community.
- E. Students volunteering to participate in fundraising activities are not permitted by the school district to engage in door-to-door solicitation.
- F. Participation in athletic contests, all-star games, or games for commercial or charitable purposes is prohibited since such activities are in violation of the spirit and letter of the rules of the Nebraska High School Activities Association.
- G. General fundraising opportunities for district needs will be coordinated through the Omaha Schools Foundation, a 501 C (3) non-profit organization.

**Adult Sponsors:**

Adult sponsors must be in attendance at all school sponsored activities.

**Adult Drivers:**

The District does not sponsor activities involving driving vehicles unless a school employee or sponsor or an adult is driving.

Legal Reference: Neb. Rev. Stat. 79-2,101 to 79-2,103

Date of Adoption: September 7, 2016

StudentsSelection of Students for Participation in Activities

“Team selection” and “playing time” decisions are the responsibility of the individual coach or sponsor of the activity. Consistent, however, with the purposes of the activities program, the coaches and sponsors shall follow the following established guidelines for team selection and playing time decisions, along with such other guidelines as each individual coach and sponsor may develop which are not inconsistent with these established guidelines:

1. **School Representative:**

Student participants must demonstrate that they can and will represent themselves and their school in a manner which reflects the development of high ideals and appropriate values, which shall include good citizenship in the school and in the community.

2. **Success:**

Student participants must demonstrate that they can make the activity program more successful, both from a standpoint of competitive success and success in promoting a positive school spirit. Characteristics for purposes of these criteria include the student's: (1) talent or skill, (2) desire to improve the student's own skills or talents as well as those of others in the activity, and (3) attitude of respect towards teammates, the coach, the school, and the community.

Date of Adoption: September 7, 2016



StudentsSchool Dances

A school sponsored dance is a school activity subject to all provisions of the Code of Conduct and is a privilege available to students meeting all requirements for participation.

**General Rules of Student Conduct at Dances:**

In addition to all rules of student conduct in the Student handbook, students attending dances shall adhere to the following rules of conduct:

**Who Can Attend:**

- A. Only students of Omaha Public Schools and their guests may attend.
- B. Students currently attending an Omaha High School or another Nebraska high school who have not been restricted from attending extracurricular activities at an Omaha High School or their own school are generally considered appropriate dates or invited guests.
- C. Persons who are younger than 16 or older than 19 years of age and not attending high school are generally considered to not be appropriate dates or invited guests for our school dances.
- D. Some school dances may be restricted to students attending specified grades levels at Omaha Public Schools. For any dances at the middle school level, only students attending Omaha Public Schools in the grade(s) for which the dance is being held may attend.
- E. Students who have been suspended from school or from extracurricular activities may not attend.
- F. The school reserves the right to exclude persons who may or do cause a disruption or detract from the event. Dates or invited guests not attending our school are expected to follow the same rules of conduct which apply to our students.
- G. Rules for dances may restrict students and their guests from leaving the dance until the dance ends without written parental permission.
- H. Students or their guests who engage in inappropriate behavior, whether on or off of the dance floor, may be asked to leave and parents/guardians will be contacted.
- I. For middle school dances, only those students enrolled in that middle school may attend.

**Prohibited Substances:**

Alcoholic beverages, illegal drugs, tobacco and vapors are prohibited. Anyone using these or showing the affects of use will not be allowed admission or, if discovered after admission, be removed from the dance. Their parents/guardians will be contacted.

Students and their dates may be required to submit to a breathalyzer prior to gaining entrance. Those who choose not to submit to a breathalyzer will not gain entrance. Law enforcement will be contacted if there is reasonable suspicion that the student or a student's date is under the influence of alcohol or drugs.

**Appropriate Attire:**

Students and their guests must meet the dress code requirements established for each dance. Teachers or administrators will make the final decision as to whether or not a student's attire is appropriate. Students will be asked to change unacceptable items, which may mean that the student may have to return home to change the inappropriate clothing. It is advisable to check in advance of the dance with the Principal or staff sponsor for the event if you are uncertain about your attire.

Date of Adoption: September 7, 2016

StudentsCampaigns or Activities for Raising Money

- A. Except as hereinafter noted, any solicitation or charity campaign to be conducted in any school must be approved in advance by the principal of the school. Districtwide solicitations must be approved by the Superintendent or Superintendent's designee. Sanctioned solicitations should not interfere with the instructional program.
- B. In the conduct of any campaign for funds, no quotas may be set for students, and donations must be entirely voluntary without any pressure which compares the giving of one student with the giving of another.
- C. At the secondary level, fund-raising activities are permitted to maintain co-curricular activities which are not totally self-supporting. A relevant need must be established before fundraising activities are begun. Proceeds from such activities may be spent only for the purpose for which the fund was created. All such drives must have the approval of the principal to assure proper procedures are followed.
- D. Fundraising activities sponsored by the parent organization for the school are permissible as long as they do not detract from the instructional program of the school, assure that participation on the part of students, parents, and staff is entirely voluntary, and are held with the single purpose of benefiting the children within the school and community.
- E. Students volunteering to participate in fundraising activities are not permitted by the school district to engage in door-to-door solicitation.
- F. Participation in athletic contests, all-star games, or games for commercial or charitable purposes is prohibited since such activities are in violation of the spirit and letter of the rules of the Nebraska High School Activities Association.
- G. General fundraising opportunities for district needs will be coordinated through the Omaha Schools Foundation, a 501 C (3) non-profit organization.

Date of Adoption: January 8, 2018



StudentsContests and Awarding of Prizes

Contests and activities which are sponsored by outside agencies and which involve participation by students or granting of awards or prizes to students shall not be announced or permitted in the schools unless approved by the Office of the Superintendent of Schools. Such activities must be adjudged to have educational value for the participants before permission may be granted. The giving of prizes and awards to individual students shall be discouraged.

Date of Adoption: January 8, 2018



Students

Child Abuse and Neglect

Nebraska law mandates that when any school employee has reasonable cause to believe that a child has been subjected to child abuse or neglect, or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, the employee shall report such incident or cause a report of child abuse or neglect to be made to the principal and shall also personally assure that the matter has been reported to Child Protective Services or the appropriate law enforcement agency within 24 hours of receipt of such allegation. Allegations that an adult is engaging in sexual harassment of a student as defined herein may constitute an allegation of child abuse and shall be reported as described in this policy.

Legal Reference: Neb. Rev. Stat. 28-711

Date of Adoption: October 3, 2016



Students

Married/Pregnant Students

Married students shall have the same educational opportunities in this school system as unmarried students.

Further, students who are pregnant, whether married or unmarried, shall be allowed to remain in school, and services for them shall be made a regular part of the school system. Any variation from their continuing in regular school classes shall be based upon their assessed needs.

Legal References: Neb. Rev. Stat. 79-2114 to 79-2124  
20 U.S.C. 1681 (Title IX)

Date of Adoption: October 3, 2016



StudentsCooperation with Law Enforcement

Cooperation between school districts and the various law enforcement agencies in our community is vital to school safety and the administration of justice. To these ends, the District pledges to cooperate with Law Enforcement, within the confines of the law and consistent with its legal responsibilities. Law enforcement officials are encouraged to work cooperatively with the District and its Principals when entering District buildings. District officials must cooperate with law enforcement authorities when law enforcement authorities deem it necessary to arrest or remove a student on school grounds. Law enforcement officers may arrest or remove a student from the school without the principal's or principal's designee's permission, but are encouraged to do so only when absolutely necessary. The principal or principal's designee should not attempt to obstruct the officers in the line of duty. The principal or principal's designee shall contact the student's parent(s)/guardians(s) as quickly as possible to advise the parent(s)/guardians(s) of law enforcement's actions, unless otherwise directed by law enforcement. Nebraska law permits law enforcement officers, under certain circumstances, to remove a student from school without an arrest warrant. The decision on whether to remove a student from school without an arrest warrant is one for law enforcement officers and not for school officials to make. If a student is arrested or otherwise removed from school by law enforcement officers, the principal or principal's designee should immediately notify the Executive Director assigned to his or her building.

Date of Adoption: August 21, 2017



Students

Corporal Punishment

Corporal punishment is prohibited. No staff member or other agent of the District may use physical force with a student except to the extent such is reasonably necessary for self-defense, the protection of persons or the safe-guarding of property, and only such physical force as is reasonably necessary for such purposes shall be used.

Legal Reference:     Neb. Rev. Stat. 79-295  
                          NDE Rule 27

Date of Adoption:    October 3, 2016



StudentsSearch and Seizures**School Lockers, Student Cars and Students' Persons:**

## A. Student Lockers:

Student lockers, desks and other such property are owned by the school. The school exercises exclusive control over this school property, and students should not expect privacy regarding items placed in school property because school property is subject to search at any time by school officials. Students are responsible for whatever is contained in desks and lockers issued to them by the school.

## B. Student Cars:

Automobiles parked on school property are subject to search by the principal or the principal's designee if the principal or his or her designee has reasonable cause to believe that contraband is in or on the automobile.

## C. Students' Persons:

Students and their personal effects are subject to being searched by the principal or his or her designee if there is reasonable cause to believe that the student is in possession of contraband or evidence indicating that the student has otherwise violated the Student Code of Conduct. This includes all student pockets, purses, backpacks, and other kinds of carrying devices, and any personal computing, communication, and data storage devices. If the student does not allow the search, Law Enforcement may be called.

**Drug Searches By Police/Sheriff Canine Units:**

The District retains the right to utilize the services of Omaha Area Law Enforcement Authorities Canine Units in the detection of illegal drugs and/or contraband at any time, announced or unannounced at the District's schools and programs.

- A. The Superintendent or his designee (in consultation with District Operational Services Office of School Safety) may request the canine unit be utilized to search all inside areas of a school building, including lockers, at a time when students are or are not present. If a search takes place in a classroom when students are present, all will exit the room, leaving all items behind.
- B. A building principal (in consultation with District Operational Services Office of School Safety) may request that a canine unit be utilized to search vehicles in a school parking lot or in other areas where student vehicles are parked during or after school hours. If a dog alerts to a student's vehicle, the student will be required to unlock the vehicle doors and trunk for internal inspection. Any refusal to unlock the vehicle will be handled by law enforcement.

- C. Any illegal drugs and/or contraband found on school grounds, whether in a student locker, vehicle, or any other place on school grounds, will be confiscated and the student may be subject to disciplinary action specified in the **Student Code of Conduct**.
- D. The student's parents/guardians shall be notified should illegal drugs and/or contraband be discovered.
- E. This policy shall be included in the student handbooks. This policy shall not be implemented until parents/guardians and students are provided written notice of this policy.

Legal Reference: Neb. Rev. Stat. 28-1204.04 (firearms)  
State Records Administrator Guidelines:  
Schedule 10: Records of Local School Districts (Feb. 1989) Schedule  
24: Local Agencies General Records (March 2005) Electronic  
Imaging Guidelines (March 2003)

Date of Adoption: August 21, 2017

Students

Student Interviews

Individual students may not be interviewed by any person, except an employee of the Board of Education, without the approval of the principal or designee.

No principal, or designee, shall grant such an interview unless deemed essential to the welfare of a child or unless it is required by court order.

Date of Adoption: May 1, 2017



StudentsHealth Inspections

The school district shall follow regulations from the Nebraska Department of Health and Human Services, which directs schools in school health inspections, which is a term used synonymously with health screening. Schools will determine abnormal results from hearing, vision, and dental screenings. Height and weight measurement is included in the minimum required health screening schedule. Such inspections shall be conducted on a schedule prescribed by the Department and shall be based on current medical and public health practice. Health screening is not a regulated act reserved for licensed health professionals. Health screening does include: inspection, accurate measurement, and comparison of individual measurement with an objective standard to identify the individual student with an abnormal result.

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

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

A child shall not be required to submit to an inspection required by this policy if his or her parent or guardian provides school authorities with a statement signed by a physician, a physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her respective credentialing act or other qualified provider as identified by the Department's applicable rules and regulations, stating that such child has undergone such required inspection within the past six months. A child shall submit to any required inspection for which such a statement is not received.

Legal Reference:      Neb. Rev. Stat. 79-248 and 79-249  
                              Neb. Rev. Stat. 79-264  
                              Neb. Rev. Stat. 79-526  
                              173 NAC 3  
                              173 NAC 7

Date of Adoption:     September 7, 2016



StudentsCommunicable Diseases**Communicable Disease Control:**

Omaha Public Schools shall cooperate with county and state health department officials in developing procedures for the control of communicable diseases in the schools. All procedures shall conform to the regulations for communicable disease control set up by the state health department.

In general, a student with a communicable condition will be allowed to attend school in the student's usual class setting only after written approval has been secured from the student's physician stating that the disease is not in a communicable stage. Without such a written statement, a student with a communicable condition is subject to an emergency exclusion. The school reserves the right to consult with a second physician to secure another opinion if a second opinion is deemed necessary by school personnel.

**Students' Communicable Conditions:**

- A. The school principal and the Student Assistance Team will function as liaisons with the student's physician as necessary, and will coordinate the health management procedures within the school building.
- B. The decision to exclude a student from school shall be made by the building principal. Decisions regarding the type of educational setting for students who are not excluded from classes will be based on the behavior, neurological development and physical condition of the student and the expected type of interaction within others in that setting. Educational plans for these students will be developed by the Student Assistance Team, with the help of parents or guardians and the appropriate medical personnel.
- C. The privacy of the student and family must be protected, and knowledge that a student has a communicable condition should be confined to persons with a direct need to know. If it becomes necessary to inform others, these persons will be provided with information concerning necessary precautions, and they will be made aware of confidentiality requirements.
- D. Students who present a high risk of disease transmission may be temporarily excluded from school by the administration after consultation with the Student Assistance Team, the student's physician, parents, and/or their representative, school nurse, or the school's physician.
- E. A student might be considered at high risk if the student: exhibits behaviors that may spread the disease (e.g., biting, lacks toilet training or is incontinent) or has an open sore that cannot be concealed or hygienically covered, any of which could result in direct spreading of the condition or disease.

- F. During the time a student is excluded from the classroom, an appropriate alternative or adjustment to the student's education will be provided. The Student Assistance Team will review long-term cases at least monthly, or more often if necessary.

**Students:**

- A. Contagious and Infectious Diseases:

Contagious and infectious diseases subject to this part include those diseases regulated by the Nebraska Department of Health and Human Services regulations pertaining to school health and communicable disease control (173 NAC 3). A student showing any signs or symptoms of a contagious or infectious disease will be excluded from attending Omaha Public Schools or programs in accordance with the Contagious and Infectious Disease Chart attached to those regulations and not be allowed to return until the minimum isolation period has elapsed, and all signs or symptoms of illness have disappeared in accordance with the Chart. Students with contagious or infectious diseases or conditions other than those listed in the Chart will be subject to exclusion until the student's physician gives a written statement that the disease or condition is not in a communicable stage or there is minimal risk of transmission to others in a school program setting.

- B. Bloodborne Pathogen Communicable Diseases:

Communicable diseases subject to this part include diseases spread via bloodborne pathogens, including Human immunodeficiency virus (HIV) (including AIDS) and Hepatitis B (only carriers are of concern). A student with such a disease shall not be excluded or be subject to different treatment concerning services or participation in activities in the absence of an individualized determination that exclusion or modifications are appropriate because the student's condition poses an imminent threat to the health or the safety of others in the School District or program community. Such a determination shall be made by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers are to consult with the student's physician and parent or guardian; respect the student's and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

In making such a determination, the following factors will be evaluated: (1) the nature of the disease; (2) the age of the student; (3) the behavior of the student; (4) the neurological development of the student; (5) the physical condition of the student; (6) the expected type of interaction which the student will have with other individuals in the proposed placement setting; (7) the degree to which other individuals may be exposed to infectious organisms; (8) the hygienic practices of the student; (9) the risk of transmission of the disease from the student to those individuals with whom the student will interact; and (10) any other pertinent factor reasonably related to the decision.

C. Reporting:

Employees who become aware that a student has been diagnosed with or is suspected of having a reportable disease shall immediately inform the Superintendent or designee, who shall notify the appropriate Superintendent of the school in which the student is enrolled and make a report to the Board of Health where required by law.



StudentsMissing Persons

A missing person shall mean a person sixteen (16) years or younger reported to any law enforcement agency as abducted or lost.

Upon notification by the Nebraska State Patrol of a missing student, the school will flag the student's records in such a way that any personnel looking at such birth certificate or record shall be alerted to the fact that the birth certificate or record is of a missing person. If the record has been flagged as that of a missing person, and a request for transfer of the student's records is received, school personnel shall not forward such records to the requesting school, but shall instead notify the Principal, who shall notify the Police Department of the request and that the student is a reported missing person.

Legal Reference:      Neb. Rev. Stat. 79-214  
                              Neb. Rev. Stat. 43-2001 to 43-2012

Date of Adoption:    October 3, 2016



Students

Identification of Learners with High Ability

The Board of Education recognizes that the student population includes students with exceptional academic abilities. Efforts to refer and identify learners with high ability will be made at each grade level. Multiple criteria shall be used for identification purposes and identification efforts shall be inclusionary.

Learners with high ability shall be identified in the academic area of their strength. Identification of learners in grades 3-11 with high ability shall be based on multiple criteria including Cognition, Achievement, Motivation/Performance, and Creativity/Leadership.

Beginning in the 2016-2017 school year, a student shall also be identified if they had been identified for services for three or more years of his or her Omaha Public Schools' enrollment.

Legal Reference: Neb. Rev. Stat. 79-1106 to 79-1108.03  
NDE Rule 3

Date of Adoption: October 3, 2016



Students

Bullying Prevention Policy

One of the guiding principles of the Omaha Public Schools is safe, healthy, and engaged students.

The administration and staff are to implement strategies and practices to reinforce and support a positive school culture. This will encourage students to engage in positive behaviors including: empathy, cooperation, teamwork, problem solving and self-control.

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including bullying prevention 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 bullying prevention policy annually.

Legal Reference: Neb. Rev. Stat. 79-2137

Date of Adoption: July 6, 2015



StudentsStudent Fees Policy

The Board of Education of Omaha Public Schools adopts the following student fees policy in accordance with the Public Elementary and Secondary Student Fees Authorization Act.

The District's general policy is to provide for the free instruction in school in accordance with the Nebraska Constitution and state and federal law. This generally means that the District's policy is to provide free instruction for courses which are required by state law or regulation and to provide the staff, facility, equipment and materials necessary for such instruction without charge or fee to the students.

The District does provide activities, programs and services to children which extend beyond the minimum level of constitutionally required free instruction. Students and their parents have historically contributed to the District's efforts to provide such activities, programs and services. The District's general policy is to continue to encourage and, to the extent permitted by law, to require such student and parent contributions to enhance the education program provided by the District.

Under the Public Elementary and Secondary Student Fee Authorization Act, the District is required to set forth in a policy its guidelines or policies for specific categories of student fees. The District does so by setting forth the following guidelines and policies. This policy is subject to further interpretation or guidance by administrative or Board regulations which may be accepted from time to time. Parents, guardians and students are encouraged to contact their building administration or their teachers or activity coaches and sponsors for further specifics.

**PART ONE: Permissible Fees:**

No fees shall be charged to students, nor shall materials be required from students, for their participation in any school-related course or activity, whether curricular, co-curricular or extra-curricular, except as expressly permitted below.

**A. Extra-curricular activities:**

The District shall annually set a single fee for high schools and a single fee for middle schools which may be required for participation in any extra-curricular activity, and which shall also be the fee for purchase of an activity card.

1. Extra-curricular activities are those activities or organizations which are supervised or administered by the District, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the District.
2. The District will generally furnish students with specialized equipment and attire for participation in extracurricular activities. The District is not required to provide for the use of any particular type of equipment or attire. Equipment or attire fitted for the student and which the student generally wears exclusively,

such as dance squad, cheerleading and music/dance activity (e.g. choir or show choir) uniforms and outfits, along with T-shirts for teams or band members, will be required to be provided by the participating student. The cost of maintaining any equipment or attire, including uniforms, which the student purchases or uses exclusively, shall be the responsibility of the participating student. Equipment which is ordinarily exclusively used by an individual student participant throughout the year, such as golf clubs, softball gloves and the like, are required to be provided by the student participant. Items for the personal medical use or enhancement of the student (braces, mouthpieces and the like) are the responsibility of the student participant. Students have the responsibility to furnish personal or consumable equipment or attire for participation in extracurricular activities or for paying a reasonable usage cost for such equipment or attire. For musical extracurricular activities, students may be required to provide specialized equipment, such as musical instruments or specialized attire, or for paying a reasonable usage cost for such equipment or attire.

3. Any student who participates in an extra-curricular activity will receive an activity card. All extra-curricular participation fees shall be deposited into the Student Fee Fund as described in PART TWO of this policy, and as further described in the accounting practices of the District.
4. The extra-curricular participation fee shall be waived for students who qualify for a fee waiver pursuant to PART THREE of this policy.
5. Students who do not participate in extra-curricular activities but wish to purchase an activity card to obtain admission as a spectator to those extra-curricular activities open to spectators may do so on a voluntary basis.
6. The fee for the purchase of an activity card shall be waived for students who qualify for a fee waiver pursuant to PART THREE of this policy. Fees collected from the purchase of activity cards shall be deposited into the Student Fee Fund as described in PART TWO of this policy, and as further described in the accounting practices of the District.
7. Fieldtrip fees may only be charged if participation by the student is voluntary, if the fieldtrip is not part of the curriculum or an extension of the curriculum, and if the fieldtrip occurs after school hours and/or does not count toward school attendance. All extra-curricular fieldtrip fees shall be deposited into the Student Fee Fund as described in PART TWO of this policy, and as further described in the accounting practices of the District.
8. Students may be required to furnish minor personal or minor consumable items necessary for participation in extracurricular activities.
9. Schools may continue to seek and accept donations, and participate in fundraisers according to District policy in order to fund school day and/or curriculum-related fieldtrips.

10. Clubs, teams and organizations for which there may be a fee required for participation may also, as a club, team, or organization, decide to make purchases, and may fundraise and/or seek donations according to District policy to assist in the funding of their organizations and such purchases, which may include, but are not limited to, apparel and trips. Fundraising by an organization for the activities of that organization is not a fee charged by the District.
11. Money raised through fundraising and donations is not deposited in the Student Fee Fund.

**B. Spectator events:**

Spectators may be charged admission fees and transportation charges, if transportation is provided, to attend extra-curricular activities, as defined by this policy.

**C. Minor personal or minor consumable items for classes or courses:**

The District may request students to furnish minor personal consumable items, including but not limited to, pencils, paper, pens, erasers and notebooks, for courses or activities which count for graduation or advancement between grades, or in which participation is otherwise required by the District. The request for such items shall be made in such a way that it is clear the furnishing of same is voluntary. If a student is unable to provide the minor personal consumable item required, the school will supply the item to the student.

**D. Clothing:**

In addition to school guidelines about general appropriateness of attire, schools may require students to furnish and wear non-specialized clothing meeting general written guidelines for specified courses and activities, if the written guidelines are reasonably related to the course or activity.

**E. Musical Instruments:**

Students who take elective (optional) music courses such as band and orchestra shall be permitted to supply their own instrument, and music stand, or shall be provided without charge by the District an instrument and stand, if a stand is necessary. The District shall not be required to provide for the use of a particular type of musical instrument for any student. The District shall supply the music for such courses.

1. Personal supplies related to musical instruments including but not limited to items such as reeds, cork lubricant, pipe cleaners, cleaning cloths and other cleaning supplies are considered minor personal consumable items, and shall be the responsibility of the student. If a student is unable to provide the minor personal consumable item required, the school may, as appropriate, supply the item to the student.

2. For music courses that are extracurricular activities, schools may require fees or require students to provide specialized equipment, such as musical instruments, or specialized attire consistent with the Public Elementary and Secondary Student Fee Authorization Act.

**F. Lost or damaged school district property:**

Students are responsible for the careful and appropriate use of school property. Students and their parents or guardian may be held responsible for damages to school property where such damage is caused or aided by the student and may be held responsible for the reasonable replacement cost of school property which is placed in the care of and lost by the student. A school may require a student to reimburse the school district or educational service unit for school district or educational service unit property lost or damaged by the student, and pursuant to Neb. Rev. Stat. §79-737.

**G. Parking:**

Students may be charged a fee to park their cars on school property. Each school shall publish its parking fee, if any, in the student handbook.

**H. Yearbooks, class rings and other optional purchases:**

Students may be charged for the purchase of items such as yearbooks, class rings, class sweatshirts, and other such voluntary purchases.

**I. Graduation items:**

Students may be required to pay the necessary fee to cover the cost of graduation robes, caps, tassels and other items required to participate in graduation ceremonies.

**J. Food:**

Students may be charged a fee for the purchase of breakfast or lunch. The cost of items to be sold to students shall be consistent with applicable federal and state laws and regulations.

Students are also responsible for the cost of food, beverages and personal or consumable items which the students purchase from the District or at school, whether from a "school store", a vending machine, a booster club or parent group sale, a book order club or the like. Students may be required to bring money or food for field trip lunches and similar activities.

**K. Summer school:**

The District may annually set fees for student participation in non-remedial classes offered during the summer. There shall be no fee charged for courses offered by the District in summer school for remediation which is provided as defined in Nebraska

Statute for students between ages 6-15 for which participation is recommended by the District. Fees collected pursuant to this subsection shall be deposited into, and expended from, the Student Fee Fund as described in PART TWO below and as further described in the accounting practices of the District.

**L. Night school/Adult education:**

The District may annually set fees for student participation in classes offered to students taking classes through the District's night school/adult education program or summer school for students age 16 or beyond. Any and all fees collected pursuant to this subsection shall be deposited into, and expended from, the Student Fee Fund as described in PART TWO below and as further described in the accounting practices of the District.

**M. Post-secondary education costs:**

For a course in which students receive high school credit and for which they may also choose to apply for postsecondary education credit, a student may be charged the tuition and other fees only associated with obtaining credits from a post-secondary educational institution. Any and all fees collected pursuant to this subsection shall be deposited into, and expended from, the Student Fee Fund as described in PART TWO below and as further described in the accounting practices of the District.

**N. Student Files and Records:**

Fees may be charged for copies of student files or records pursuant to Neb. Rev. Stat. §79-2,104.

**O. Transportation:**

Students may be assessed a fee for transportation pursuant to Neb. Rev. Stat. §79-241, §79-605, and §79-611.

**PART TWO: Procedures for the collection and expenditure of student fees:**

The School Board hereby establishes a Student Fee Fund. The Student Fee Fund shall be a separate School District fund not funded by tax revenue, into which all money collected from students and subject to the Student Fee Fund shall be deposited and from which money shall be expended for the purposes for which it was collected from students. Funds subject to the Student Fee Fund consist of money collected from or on behalf of students for: (1) participation in extracurricular activities, (2) post-secondary education costs and (3) summer school or night school.

**PART THREE: Waiver of Student Fees:**

Required fees that are charged to students pursuant to PART ONE, subsections a and b, shall be waived for students who qualify for participation in the free or reduced-price lunch program under United States Department of Agriculture child nutrition programs. Students shall be

provided forms prior to, or at the beginning of each school year, or upon initial enrollment in the District, which shall permit the District to use information the student has provided for qualification in the free or reduced-price lunch program to determine eligibility for fee waiver and/or which shall provide the information necessary to determine whether a student qualifies for fee waiver because he or she meets the criteria for participation in the free or reduced-lunch program. Students who qualify for free or reduced-price lunches shall be provided a fee waiver or be provided the necessary materials or equipment without charge for: (1) participation in extracurricular activities and (2) use of a musical instrument in optional music courses that are not extracurricular activities. Students or their parents may request a fee waiver prior to participating in or attending the activity, and prior to the purchase of the materials, and the fee waiver must be submitted prior to the time the fee is due or the time the specialized equipment or attire is needed.

Legal Reference: Neb. Rev. Stat. 79-2125 to 79-2135 and Laws 2003, LB 249 (The Public Elementary and Secondary Student Fee Authorization Act)  
Neb. Constitution, Article VII, section 1.  
Neb. Rev. Stat. 79-241, 79-605, and 79-611(transportation)  
Neb. Rev. Stat. 79-2104 (student files or records)  
Neb. Rev. Stat. 79-715 (eye-protective devices)  
Neb. Rev. Stat. 79-737 (liability of students for damages to school books)  
Neb. Rev. Stat. 79-1104 (before-and-after-school or pre-kindergarten services)  
Neb. Rev. Stat. 79-1106 to 79-1108.03 (accelerated or differentiated curriculum program)

Date of Adoption: October 3, 2016

StudentsSchool Wellness Policy

The district recognizes that schools play a critical role in creating a healthy environment for the prevention of childhood obesity and combating problems associated with poor nutrition and lack of physical activity. This policy encourages all members of the school and community to maintain an environment that enhances maximum student potential.

**Nutrition Education:**

The primary goal of nutrition education is to influence students' eating behaviors. Schools will promote nutrition education throughout a student's K-12 educational program. Nutrition education is incorporated into a variety of curriculum areas. These curriculum experiences provide the knowledge and skills necessary to make healthy food choices for a lifetime.

**Physical Activity:**

The primary goals are to offer the opportunities for students to experience a variety of physical activities and to educate the value of a consistent fitness program for better health, academic success and general personal well-being. Schools will promote opportunities for physical activity throughout the school day and during after-school programs. Physical activity, health and fitness education is incorporated throughout a student's K-12 educational program.

**Nutrition Standards:**

Students' lifelong health and nutritious eating habits are greatly influenced by the types and choices of foods and beverages available to them. School reimbursable meals meet the federal program requirements and nutrition standards. District staff will promote standards and provide information relative to foods and beverages sold or served to students outside of the school meal programs. The District's minimal standards are as follows: (1) school breakfast and lunch programs will be offered which meet or exceed the requirements of federal and state law and regulatory authorities and (2) no foods in competition with the school lunch or breakfast program shall be sold or otherwise made available to students anywhere on school premises during the period of time restricted by law.

**Other School-Based Activities:**

Schools are encouraged to promote school environments which provide consistent wellness messages that are conducive to healthy eating and being physically active.

**Nutrition Education:**

Nutrition Education shall be integrated into the lesson plans of other school subjects, i.e., math, reading, science, history, social studies, and foreign languages. It shall be designed to help students learn:

- A. Nutritional Knowledge including but not limited to the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements and safe food preparations, handling and storage.
- B. Nutrition-related Skills including but not limited to planning a healthy meal, understanding and using food labels, and critically evaluating nutrition information, misinformation, and commercial food advertising.
- C. Identification of Food supplementing the diet with a variety of foods is important, understanding the input of food (calories) versus output, healthful food choices, food groups and the nutrition facts label.

Nutrition education instructional activities shall stress the appealing aspects of healthy eating and be participatory, developmentally appropriate and enjoyable.

Professional development activities shall provide the basic knowledge of nutrition combined with skill practice in program-specific activities and instructional techniques and strategies designed to promote healthy eating habits. Professional development shall focus on strategies for the integration of nutrition education into classroom lessons, the availability of nutrition education curriculum, and how to access materials and resources for nutrition education.

Schools shall collaborate with agencies and groups conducting nutrition education in the community to send consistent messages to students and their families. They shall disseminate nutrition education information to parents, students and staff.

**Physical Education:**

The school's role is to offer students the opportunity to experience a variety of physical activities and to educate in the value of a consistent fitness program in better health, academic success and general personal well-being. Physical activity has a positive impact on concentration, focus and student achievement.

Student movement and physical activity are priority goals. They shall not be used as a tool for discipline or reward.

Through school newsletters and announcements schools will inform students and parents/guardians of the importance of physical activity and those community resources which offer student and family activities.

The physical education instructor is a key resource in identifying strategies for increasing student movement and activity throughout the school day.

**Nutrition Standards:**

During each school day, the food service program shall offer breakfast and lunch under the nutritional guidelines of the USDA's National School Lunch and Breakfast Program. The meals will be appealing and attractive to children and will meet, at a minimum, the nutrition requirements established by local, state and federal statutes and regulations.

Nutrition professionals will administer the school meal programs. Professional development activities are essential for all food service staff.

Schools will offer healthy choices for their students. Outside of the standards for the school meals program, schools will offer a variety of healthy foods meeting the Nutrition Standards.

**Other School Based Activities:**

Schools shall provide, for all students and staff, an environment promoting clear and consistent wellness messages that explain and reinforce healthy eating and being physically active. Students shall have adequate space to eat meals in pleasant surroundings and have time to eat, relax and socialize in a friendly, safe and orderly atmosphere.

The Superintendent or designee will identify a committee for implementation and monitoring of the Wellness Policy and Practices and Procedures.

Legal Reference: The Child Nutrition and WIC Reauthorization Act of 2004, 42 USC 1751; Regulations and Procedures for Accreditation of Schools, NDE Rule 10; National School Lunch Program, 42 U.S.C 1751-1760, 1770; 7 CFR 210

Date of Adoption: September 7, 2016



StudentsMcKinney-Vento District Homeless Student Policy

This School District will comply with the federal and state law related to homeless students.

A. Definitions:

1. A “homeless child” for purposes of this Policy is a child who lacks a fixed, regular, and adequate nighttime residence, as defined by applicable federal and state law related to homeless students, including, but not limited to, the following:
  - a. 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; or are abandoned in hospitals;
  - b. 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;
  - c. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
  - d. Migratory children who qualify as homeless because they are living in circumstances described in (i-iii).
2. An “unaccompanied youth” is a child who is not in the physical custody of a parent or guardian.

B. Designation of Local Education Agency Liaison:

The Superintendent has designated the Homeless Liaison as the District’s Local Education Agency Liaison (LEL). The Homeless Liaison shall serve as the school liaison for homeless children and youth.

1. **Responsibilities:**

The responsibilities of the Homeless Liaison are to assist with identification, enrollment, and placement of homeless children and to provide staff development activities to all school personnel regarding the educational rights and needs of homeless children and youth. The Homeless Liaison shall ensure that:

- a. homeless children are identified by school personnel;

- b. homeless children enroll in, and have a full and equal opportunity to succeed in school;
- c. homeless children and their families receive educational service for which they are eligible and referrals to health, dental, and mental health services and other appropriate services;
- d. the parents or guardians of homeless children are informed of the educational and related opportunities available to their children and are provided with meaningful opportunities to participate in the education of their children;
- e. public notice of the educational rights of homeless children and available transportation services is disseminated where such children receive services under the federal homeless children laws, such as schools, family shelters, and other public places;
- f. enrollment disputes are mediated in accordance with law;
- g. the parents or guardians of homeless children, and any unaccompanied youth, are fully informed of transportation services available under law;
- h. homeless children and youths are enrolled in school which includes attending classes and participating fully in school activities;
- i. homeless children and youths have a full and equal opportunity to meet the same challenging State academic standards as other children and youths;
- j. homeless children and youths receive individualized counseling from counselors to prepare and improve their readiness for college, including college selection, application, financial aid, and on-campus supports.

2. **Coordination:**

The Homeless Liaison shall coordinate with State coordinators and community and school personnel responsible for the provisions of education and related services to homeless children. Coordination activities with area shelters and other homeless service providers are to be established by the Homeless Liaison.

3. **Financial:**

The Homeless Liaison shall ensure that financial records are maintained to show expenditures are for authorized activities. Title I, Part A homeless set-aside funds are also to be used for services for homeless children. Materials and equipment purchased with grant funds are properly identified and inventoried.

4. **Program Activities:**

The Homeless Liaison shall design program activities to meet the greatest need as determined by the District and homeless service providers.

5. **Documentation:**

The Homeless Liaison shall document the number of homeless children and youth receiving services.

6. **Student Records:**

The Homeless Liaison shall ensure that any record ordinarily kept related to students, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, are to be maintained so that the records of a homeless child are available, in a timely fashion, when the child enters a new school or school district and in a manner consistent with the Federal Education Rights and Privacy Act. 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.

C. Enrollment and Placement of Homeless Children:

The enrollment and placement of homeless children shall be in compliance with federal and state law.

1. **Enrollment:**

A homeless child shall be immediately enrolled even if the child is unable to produce records normally required for enrollment. Lack of previous school records, immunization and medical records, birth certificate, or other documentation from the previous school will not delay the enrollment of a homeless child or youth. Guardianship issues, uniform or dress code requirements, and residency requirements will not be obstacles to delay or deny enrollment. The District may nonetheless require the parent or guardian of the homeless child to submit contact information.

2. **Obtaining Records:**

The District shall immediately contact the school last attended by the homeless child to obtain relevant academic and other records. If the homeless child needs to obtain immunizations or medical records, the District shall immediately refer the parent or guardian of the homeless child to the Homeless Liaison, who shall assist in obtaining necessary immunizations or medical records.

3. **Placement:**

Placement decisions for a homeless child shall be made according to the District's determination of the child's best interests.

- a. The placement shall be at either:
  - i. The child's "school of origin," which is the school that the child attended when permanently housed or the school in which the child was last enrolled; or
  - ii. The school of the attendance area in which the child is actually living.
- b. If placed in the school of origin, the placement shall continue for the duration of the child's homelessness. If the child becomes permanently housed (no longer homeless) during the school year, the placement in the school of origin will be continued for the remainder of that school year.
- c. The placement shall be in the school of origin except when such is contrary to the wishes of the homeless child's parent or legal guardian. If the placement is not in the school of origin or a school requested by the homeless child's parent or legal guardian, the District shall provide a written explanation of the placement decision and a statement of appeal rights to the parent or guardian.
- d. If the homeless child is an unaccompanied youth, the Homeless Liaison shall assist in the placement decision, consider the views of the unaccompanied youth, and provide the unaccompanied youth with notice of the right to appeal.
- e. The grade placement for the homeless child will be the appropriate grade level as determined by the building principal or designee using the same procedures that are used for placing non-homeless children attending that school.

D. Educational Services and Stigmatization or Segregation:

It is the District's policy that homeless children not be stigmatized or segregated on the basis of their status as homeless. Homeless children will be provided the same free, appropriate public education as other students. Homeless students will be provided services comparable to services offered to other students in the school in which the homeless child has been placed, including the following: transportation services, educational services for which the student meets the eligibility criteria, such as services provided under Title I, educational programs for children with disabilities, and educational programs for students with limited English proficiency, programs in vocational and technical education, programs for gifted and talented students, and school nutrition programs.

## E. Transportation:

Transportation will be provided to homeless students to the extent required by law.

1. **Comparable Service:**

Transportation will be provided to a homeless student comparable to that provided to students who are not homeless.

2. **School of Origin:**

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. If the homeless child relocates out of the District but continues to be enrolled in this School District based on it being the school of origin, this School District will negotiate with the school district in which the child is residing to develop a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If agreement is not reached, the responsibility and cost for transportation shall be shared equally.

3. **Eliminate Barriers:**

Transportation will be provided when necessary to eliminate barriers to school enrollment and the retention of students experiencing homelessness.

## F. Dispute Resolution:

The process to resolve disputes concerning the enrollment or placement of a homeless child is as follows:

1. The homeless child and the parent, guardian or other person having legal or actual charge or control of the homeless child shall be referred to the Homeless Liaison. The Homeless Liaison shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute. The dispute resolution process is as follows:
  - a. The homeless child and parent/guardian will submit a written dispute statement to the Homeless Liaison. The District's Dispute Resolution Form shall be used if such is available.
  - b. When it is determined that additional information would be helpful, the Homeless Liaison will schedule a meeting within 10 days, or such time as

practicable, at which the homeless child and parent/guardian will be given the opportunity to provide information in support of their position.

- c. The Homeless Liaison will contact school officials and others as determined appropriate to obtain information to corroborate the information provided in support of the positions of the homeless child and parent/guardian and the District.
- d. The Homeless Liaison will provide a written response and explanation of a decision regarding the dispute within 30 calendar days after receiving the dispute statement.
- e. The written response and explanation of the decision will include a notice of the right to appeal using the appeal process provided for in the Nebraska Department of Education Rule 19.

2. Right to Appeal:

- a. Any parent, guardian or other person having legal or actual charge or control of a homeless child or youth or an unaccompanied youth that is dissatisfied with the decision of the District after the dispute resolution process may file a written appeal with the Nebraska Commissioner of Education within thirty (30) calendar days of receipt of the decision.
- b. A party may appeal the decision of the Commissioner or designee by filing a Petition with the State Board of Education within thirty (30) calendar days of the receipt of the decision.

3. In the event of an enrollment dispute, the homeless child's placement shall be at the school in which enrollment is sought pending resolution of the dispute in accordance with the dispute resolution process. In the case of an unaccompanied youth, the Homeless Liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

Legal Reference: Neb. Rev. Stat. 79-215  
Nebraska Department of Education Rule 19  
McKinney-Vento Homeless Assistance Act, 42 USC 11431, et seq.

Date of Adoption: August 21, 2017

StudentsStudent Privacy Protection Policy

It is the policy of Omaha Public Schools to develop and implement policies which protect the privacy of students in accordance with applicable laws. The District's policies in this regard include the following:

**A. Right of Parents to Inspect Surveys Funded or Administered by the United States Department of Education or Third Parties:**

Parents shall have the right to inspect, upon the parents request, a survey created by and administered by either the United States Department of Education or a third party (a group or person other than the District) before the survey is administered or distributed by the school to the parents child.

**B. Protection of Student Privacy in Regard to Surveys of Matters Deemed to be Sensitive:**

The District will require, for any survey of students which contain one or more matters deemed to be sensitive (see section headed Definition of Surveys of Matters Deemed to be Sensitive), that suitable arrangements be made to protect student privacy (that is, the name or other identifying information about a particular student). For such surveys, the District will also follow the procedures set forth in the section entitled: Notification of and Right to Opt-Out of Specific Events.

**C. Right of Parents to Inspect Instructional Materials:**

Parents shall have the right to inspect, upon reasonable request, any instructional material used as part of the educational curriculum for their child. Reasonable requests for inspection of instructional materials shall be granted within a reasonable period of time after the request is received. Parents shall not have the right to access academic tests or academic assessments, as such are not within the meaning of the term instructional materials for purposes of this policy.

The procedures for making and granting a request to inspect instructional materials are as follows: the parent shall make the request, with reasonable specificity, directly to the building principal. The building principal, within five school days, shall consult with the teacher or other educator responsible for the curriculum materials. In the event the request can be accommodated, the building principal shall make the materials available for inspection or review by the parent, at such reasonable times and place as will not interfere with the educator=s intended use of the materials. In the event there is a question as to the nature of the curriculum materials requested or as to whether the materials are required to be provided, the building principal shall notify the parent of such concern, and assist the parent with forming a request which can reasonably be accommodated. If the parent does not formulate such a request, and continues to desire certain curriculum materials, the parent shall be asked to make their request to the Superintendent.

**D. Rights of Parents to be Notified of and to Opt-Out of Certain Physical Examinations or Screenings:**

The general policy and practice of the District is to not administer physical examinations or screenings of students which require advance notice or parent opt- out rights under the applicable federal laws, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions: (1) hearing, vision, or scoliosis screenings; (2) physical examinations or screenings that are permitted or required by an applicable State law; and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act. For physical examinations or screenings which do not fit into the applicable exceptions, the District will follow the procedures set forth in the section entitled: Notification of and Right to Opt-Out of Specific Events.

**E. Protection of Student Privacy in Regard to Personal Information Collected from Students:**

The general policy and practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. The District will make reasonable arrangements to protect student privacy to the extent possible in the event of any such collection, disclosure, or use of personal information.

Personal information for purposes of this policy means individually identifiable information about a student including: (1) a student or parents first and last name, (2) home address, (3) telephone number, and (4) social security number. The term personal information, for purposes of this policy, does not include information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions. This exception includes the following examples: (i) college or postsecondary education recruitment, or military recruitment; (ii) book clubs, magazines, and programs providing access to low-cost literary products; (iii) curriculum and instructional materials used by elementary schools and secondary schools; (iv) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about student, or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments; (v) the sale by student of products or services to raise funds for school-related or education-related activities; (vi) student recognition programs.

**F. Parent Access to Instruments used in the Collection of Personal Information:**

While the general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information, parents shall have the right to inspect, upon reasonable request, any instrument which may be administered or distributed to a student for such purposes.

Reasonable requests for inspection shall be granted within a reasonable period of time after the request is received.

The procedures for making and granting such a request are as follows: the parent shall make the request, with reasonable specificity, directly to the building principal and shall identify the specific act and the school staff member or program responsible for the collection, disclosure, or use of personal information from students for the purpose of marketing that information. The building principal, within five school days, shall consult with the school staff member or person responsible for the program which has been reported by the parent to be responsible for the collection, disclosure, or use of personal information from students. In the event such collection, disclosure, or use of personal information is occurring or there is a plan for such to occur, the building principal shall consult with the Superintendent for determination of whether the action shall be allowed to continue. If not, the instrument for the collection of personal information shall not be given to any students. If it is to be allowed, such instrument shall be provided to the requesting parent as soon as such instrument can be reasonably obtained.

**Annual Parental Notification of Student Privacy Protection Policy:**

The District shall provide parents with reasonable notice of the adoption or continued use of this policy and other policies related to the student privacy. Such notice shall be given to parents of students enrolled in the District at least annually, at the beginning of the school year, and within a reasonable period of time after any substantive change in such policies.

**Notification to Parents of Dates of and Right to Opt-Out of Specific Events:**

The District shall directly notify the parents of the affected children, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any of the following activities are scheduled, or are expected to be scheduled:

- A. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. (Note: the general practice of the District is to not engage in the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information);
- B. Surveys of students involving one or more matters deemed to be sensitive in accordance with the law and this policy; and
- C. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance; administered by the school and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student or of other students. (Note: the general practice of the District is to not engage in physical examinations or screenings which require advance notice, for the reason that the physical examinations or screenings to be conducted by the District will usually fit into one of the following exceptions to the advance notice requirement and parent opt-out right: (1) hearing, vision, or scoliosis screenings; (2) physical examinations or screenings that are

permitted or required by an applicable State law, and (3) surveys administered to students in accordance with the Individuals with Disabilities Education Act).

Parents shall be offered an opportunity in advance to opt their child out of participation in any of the above listed activities. In the case of a student of an appropriate age (that is, a student who has reached the age of 18, or a legally emancipated student), the notice and opt-out right shall belong to the student.

**Definition of Surveys of Matters Deemed to be Sensitive:**

Any survey containing one or more of the following matters shall be deemed to be sensitive for purposes of this policy:

1. political affiliations or beliefs of the student or the students parent;
2. mental or psychological problems of the student or the students parent;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom the student has close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. religious practices, affiliations, or beliefs of the students or the students parent;
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Legal Authorities: No Child Left Behind Act of 2001, section 1061;  
Protection of Pupil Privacy Amendment (sometimes referred to as the Hatch Act@ the "Grassley Amendment" or the Tiahrt Amendment@), 20 U.S.C. ' 1232h and 34 CFR Part 98;  
Family Educational Rights and Privacy Act, 20 U.S.C. ' 1232g;  
Neb. Rev. Stat. 79-530 to 79-533

Date of Adoption: October 3, 2016

StudentsDating Violence

Omaha Public Schools strives to provide physically safe and emotionally secure environments for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Dating violence will not be tolerated.

For purposes of this policy “dating violence” means a pattern of behavior where one person uses or threatens to use, 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. 79-2139 to 79-2142

Date of Adoption: October 3, 2016



StudentsUse of Restraints and Seclusion

This policy sets forth the requirements, restrictions and procedures related to the use of physical restraints and seclusions at Omaha Public Schools.

**A. Definitions:****1. Physical Restraint:**

Physical restraint means one or more persons using a physical hold to restrict a student's freedom of movement as a response to student behavior. It does not include a temporary touching or holding of the hand, wrist, arm, shoulder or back of a student while conducting a physical escort for the purpose of inducing a student who is acting out to walk to a safe location or a light touching of a student to provide instructional assistance.

For the purposes of this Policy, physical restraint does not include vehicle safety restraints when used as intended during the transport of a student in a moving vehicle. Also excluded is the use of any devices implemented by trained school personnel or by a student if the devices have been prescribed by an appropriate medical or related services professional and are being used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

**2. Seclusion:**

Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving as a response to student behavior.

**B. Physical Restraint:****1. When Physical Restraint May Be Used:**

Physical restraint may be used only in situations in which the student's behavior poses an imminent danger of physical harm to the student or others. Destruction of or damage to property, unless it creates the risk of injury to the student or others, is not a permissible basis for using physical restraint.

- A verbal threat by a student does not present an imminent danger that a student would commit an aggressive act unless the student demonstrates the present ability and intent to carry out the threat.
- Physical restraint should be reasonable in light of the age, gender and strength of the student and known medical or physical conditions.
- Physical restraint should be discontinued as soon as imminent danger of physical harm to the student or others has dissipated. Physical restraint may not be used as a form of punishment.

2. **Conditions:**

Use of physical restraint shall take into consideration the safety and security of the student. If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless staff determines that such freedom appears likely to result in harm to the student or others.

C. **Seclusion:**

1. **Integrated Learning Program Only:**

Seclusion may only be used at the District's Integrated Learning Program.

2. **Conditions:**

Use of seclusion shall conform with all of the requirements of Special Education Practices and Procedures.

D. **Documentation and Debrief:**

1. **Documentation of Use of Physical Restraint or Seclusion:**

A written record of each use of seclusion or physical restraint shall be prepared and maintained in the student's temporary record. The student's case manager, if any, shall also maintain a copy of each such record. Each such record shall include:

- The student's name;
- The date of the incident;
- The beginning and ending times of the incident;
- A description of any relevant events leading up to the incident;
- A description of any interventions used prior to the implementation of physical restraint or seclusion;
- A description of the incident and/or student behavior that resulted in implementation of physical restraint or seclusion;
- A log of the student's behavior during physical restraint or seclusion,

including a description of the restraint technique(s) used and any other interaction between the student and staff;

- A description of any injuries (whether to students, staff, or others) or property damage;
- A description of any planned approach to dealing with the student's behavior in the future;
- A list of the school personnel who participated in the implementation, monitoring, and supervision of physical restraint or seclusion;
- The date on which the parent or guardian was notified.

The record shall be completed by the beginning of the school day following the use of seclusion or physical restraint.

**2. Notification of Administration:**

The School Safety Office shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.

**3. Notification of Parent or Guardian:**

Within 24 hours after use of seclusion or physical restraint, the principal shall send written notice of the incident to the student's parents or guardians. The parent or guardian shall be informed of the date of the incident, a description of the intervention (physical restraint or seclusion) used, and who at the school may be contacted for further information.

**4. Debrief:**

A debrief shall be conducted whenever a physical restraint or seclusion occurs.

- A certified staff person trained in the use of physical restraint, or knowledgeable about the use of seclusion, as applicable, shall evaluate the situation.
- The debrief shall consider the appropriateness of continuing the procedure in use and the need for alternate strategies.
- The results of the debrief shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the School Safety Office.

Date of Adoption: January 8, 2018



StudentsService Animals

Individuals with a disability shall be permitted to use a service animal on school premises as and to the extent provided by law.

**A. Definition of Service Animal:**

A service animal is a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Other species of animals are not service animals for the purposes of this definition, though miniature horses are in certain circumstances entitled to similar treatment.

The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks that a service dog may perform to meet this definition include:

- Navigation: assisting individuals who are blind or have low vision with navigation and other tasks,
- Alerting: alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- Protection: providing non-violent protection or rescue work,
- Pulling: pulling a wheelchair,
- Seizure: assisting an individual during a seizure,
- Allergens: alerting individuals to the presence of allergens,
- Retrieving: retrieving items such as medicine or the telephone,
- Physical support: providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
- Interrupting behaviors: helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Work or tasks that are excluded from meeting the definition are:

- Guard dogs: the crime deterrent effects of an animal's presence and
- Companion dogs: the provision of emotional support, well-being, comfort, or companionship.

**B. Permit Presence of Service Animals:**

An individual with a disability shall be permitted to be accompanied by his or her service animal in all areas where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. A bona fide trainer of a service animal also has the right to be accompanied by such animal in training. The individual may not be required to pay an extra fee for the service animal to attend events for which a fee is charged.

Service animals may be excluded from school premises if:

- a. The service animal is out of control and the service animal's handler does not take effective action to control it;
- b. The service animal is not housebroken; or
- c. The presence of the service animal poses a direct threat to the health or safety of others. To determine whether a "direct threat" exists, an "individualized assessment" is to be made to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

**C. Control of the Service Animal:**

The service animal must be under the control of its handler. In most cases, the dog must have a harness, leash, or other tether. The service animal does not need to be on a leash, however, if the handler is unable because of a disability to use a leash. A leash is also not required if it would interfere with the service animal's safe, effective performance of work or tasks. If either of the leash exceptions applies the service animal must be under the handler's control via voice control, signals, or other effective means.

**D. Responsibility for Care or Supervision:**

The school district is not responsible for the care or supervision of the service animal. The individual with the service animal shall be liable for any damage done to the premises or facilities or to any person by such animal.

**E. Inquiries:**

When addressing a service animal matter, staff shall not ask about the nature or extent of the person's disability.

Staff may not ask questions about the dog's qualifications as a service animal when it is readily apparent that the dog is trained to do work or perform tasks for an individual with a disability. Examples include where the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.

Where it is not readily apparent that the dog qualifies as a service animal, staff may ask if the dog's presence is required because of a disability and what work or task the dog has been trained to perform. Staff may not require documentation, such as proof that the dog has been certified, trained, or licensed as a service animal.

Legal Reference: Americans with Disabilities Act of 1990 (ADA), 28 CFR 28.104 and 35.136; Section 504 of the Rehabilitation Act of 1973 (Section 504); and Neb. Rev. Stat. 20-126.01 and 20-127

Date of Adoption: September 7, 2016

StudentsElementary School Uniforms

Elementary schools may initiate a student uniform practice according to the guidelines set forth below.

- A. Prior to beginning the implementation process, the elementary school principal shall communicate in writing to the superintendent of schools an interest in considering the implementation of school uniforms.
- B. Prior to any decision to implement a student uniform practice, elementary schools are to survey parents (one survey per family) regarding support for school uniforms with a recommended positive support rate which would indicate that at least 75 percent of the families with children in the school are in support of student uniforms.
- C. Schools which implement a student uniform practice are to establish a Student Uniform Committee composed of parents, staff, and students that would annually evaluate the impact of student uniforms upon school/community climate. A Principal's Advisory Committee may serve the purpose of the Student Uniform Committee.
- D. The financial responsibility to support the cost of a student uniform practice shall not rest with the Omaha Public Schools.

Date of Adoption: August 21, 2017



Students

Student Data

All data concerning the students of the Omaha Public Schools is the property of the Omaha Public Schools and shall be maintained, distributed, and released pursuant to federal law, state law, and the Guidelines for Considering Requests to Obtain Student Data in the Omaha Public Schools as created and amended from time to time by the Omaha Public Schools.

Date of Adoption: May 1, 2017



Students

Bus Transportation

Regular bus transportation shall be provided to designated stops on bus routes, outside city limits, within the school district. Occasional exceptions to regular bus schedules shall require prior administrative approval.

Date of Adoption:    October 3, 2016



Students

Use of School Buses

Omaha Public Schools may provide transportation for instructional purposes and for school sponsored activities, organizations, and groups. The district shall not operate as a “Carrier for Hire”.

Date of Adoption:     October 3, 2016



Students

Special Education Transportation

Bus transportation shall be provided for students to facilities where they may receive instruction to the extent required by law. The State of Nebraska provides funding for such transportation. Arrangements will be made through the superintendent and administrators in the receiving institution.

Date of Adoption:    October 3, 2016



StudentsSafe Pupil Transportation Plan**Omaha Public Schools Safe Pupil Transportation Plan:**

This Safe Pupil Transportation Plan sets forth the District's plan for providing safe transportation to students being transported in pupil transportation vehicles.

**A. Weapons:**

Upon becoming aware of a weapon aboard a pupil transportation vehicle, the driver will make every attempt to:

1. Radio transportation dispatch and notify them of the situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location. Examples of a safe haven include, but are not limited to, any school building site, emergency service station (law enforcement or fire department), community service agency, etc.
2. Pull vehicle over to safe and secure area.
3. Confiscate weapon (if it doesn't jeopardize student or driver safety).
4. Give description of weapon and participating parties to dispatch.
5. Dispatch will immediately notify appropriate law enforcement agencies and school administration.

**B. Pupil behavior:**

Students are expected to follow student conduct rules while in a pupil transportation vehicle. The pupil transportation driver is responsible for controlling behavior which affects safety and for reporting rule violations to school administration. In the event a student's behavior jeopardizes safety, the driver will make every attempt to:

1. First seek to resolve incident through discussion with the student(s) involved.
2. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
3. Activate emergency flashers.
4. Bring vehicle to a safe stop. Seek to resolve the incident, using physical force only as necessary to protect students or yourself.
5. Report and document discipline problems to the school administrator on a Bus Conduct Report/Incident Form.

**C. Terrorist threats:**

A person commits a terroristic threat if the person threatens to commit a crime of violence with the intent to terrorize another or with the intent of causing evacuation of a building, place of assembly or facility of public transportation or in reckless disregard of the risk of causing such terror or evacuation. Upon becoming aware of a terroristic threat

relating to a pupil transportation vehicle, the driver will make every attempt to:

1. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
2. Make every attempt to keep passengers calm (this may mean complying with the terrorist).
3. Dispatch will immediately notify appropriate law enforcement agencies and school administration.
4. Driver should wait for instructions from dispatch *if possible*.

**D. Severe weather:**

Upon becoming aware of severe weather while aboard a pupil transportation vehicle, the driver will make every attempt to:

1. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
2. Return to the school if less than five minutes away and follow the directions of the school administrator.
3. If more than five minutes away from school, go to the nearest school and follow the directions of the school administrator.
4. If more than five minutes away from the nearest school or there is immediate danger, get to the nearest basement or underground shelter with all students.
5. If there is no shelter and there is immediate danger the driver and passengers are to follow evacuation procedures and get everyone off the vehicle into the nearest ditch or culvert at least 100 feet away from the vehicle.

**E. Hazardous materials:**

Upon becoming aware of a hazardous material aboard a pupil transportation vehicle, the driver will make every attempt to:

1. Radio transportation dispatch and notify them of situation *if possible*. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
2. Pull vehicle over to safe and secure area.
3. Give description of hazardous materials in question to dispatch.
4. Dispatch will immediately notify appropriate law enforcement and school administration.
5. Driver should wait for instructions from dispatch *if possible*.

**F. Medical emergencies:**

Upon becoming aware of a medical emergency aboard a pupil transportation vehicle, the driver will make every attempt to:

1. Radio transportation dispatch and notify them of situation *if possible*. If not

possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.

2. Dispatch will immediately notify appropriate medical agencies and school administration.
3. Driver should follow instructions from dispatch, school officials, and parents when such information can be obtained quickly enough. If not available, follow emergency first aid procedures.
4. **Only if necessary**, the driver should move passengers only enough to get them out of danger of traffic or fire. If moved, the driver and aide are to keep them where placed until a medical agency arrives, unless a parent has taken charge of their child.
5. Driver should try to keep student passengers as calm as possible.

**G. Procedures in the event of mechanical breakdowns of the vehicle:**

Upon becoming aware of a mechanical breakdown aboard a Pupil transportation vehicle, the driver will make every attempt to:

1. Pull vehicle over to safe and secure area **if possible**
2. Radio transportation dispatch and notify them of situation **if possible**. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
3. Activate emergency flashers and place warning flares/reflectors in accordance with safety guidelines, if not in secure area.
4. Driver should try to keep student passengers as calm as possible.
5. Dispatch will arrange for assistance and a relief vehicle **if needed**.

**H. Procedures in the event the drop-off location is uncertain or appears unsafe to leave Students:**

In the event the drop-off location is uncertain or appears unsafe to leave students, the driver will make every attempt to:

1. Radio dispatch at transportation base and notify them of the situation if possible. If not possible, the driver will make every attempt to telephone dispatch from the nearest safe haven location. Examples shall include, but not be limited to, all Omaha Public Schools, Police Stations, Fire Stations, YMCA, and YWCA etc.
2. Immediately transport students to a safe and secure area.
3. Driver will provide dispatch explanation of why a drop off location is considered uncertain or appears unsafe.
4. Dispatch will immediately notify appropriate law enforcement and Omaha Public School Administration.
5. Driver should follow instructions from dispatch, school official and law enforcement when such information can be obtained immediately.
6. Driver should wait for instructions from dispatch **if possible**.

**I. Documentation under Safe Pupil Transportation Plan:**

Each pupil transportation driver is required to complete and submit to the school

administration a bus conduct report or incident report involving the pupil transportation vehicle operated by the driver or any pupils transported in it. Documentation is to include the occurrence of any of the following events: weapons, student behavior which affects safety, terroristic threats, severe weather, hazardous materials, or medical emergencies. Documentation of such events shall be completed and submitted as soon as practicable after the incident.

**J. Transportation of Unsafe Items:**

Drivers shall not permit pupil transportation vehicles to transport any items, animals, materials, weapons or look-a-like weapons or equipment which in any way would endanger the lives, health or safety of the children or other passengers and the driver. Look-a-like weapons associated with a school sponsored or approved activity may be transported only with written permission of a school administrator. Any items that would break or could produce injury if tossed about inside the pupil transportation vehicle when involved in an accident or sudden stop shall be secured.

**K. Supplemental Information:**

A copy of this plan shall be placed in each pupil transportation vehicle, kept at each school building, and made available upon request. Supplemental information with respect to operational and procedural guidelines used to administer this plan can be found in the District's safety and security plan adopted pursuant to 92 NAC10 and in the Nebraska Department of Education Pupil Transportation Guide.

A copy of the plan shall be placed in each pupil transportation vehicle, kept at each school building, and made available upon request.

Legal Reference: Neb. Rev. Stat. 79-318, 79-602, 79-607 and 79-608  
Title 92, Nebraska Administrative Code, Chapter 91

Date of Adoption: October 3, 2016

Students

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. 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 injectable Epinephrine and albuterol. Also, these shall ensure that each school building will procure and maintain the equipment and medication 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 Emergency Protocol shall be implemented, and the equipment and medication necessary to implement the Emergency Protocol shall be maintained, at each school building while school is in session. For purposes of the Emergency Protocol, the phrase "while school is in session" is defined as the core instructional school day. The "core instructional school day" is defined as that portion of each day school is in session during which teachers are on duty to provide and students are scheduled to receive instruction in the School District's curriculum, generally beginning at 8:00 a.m. and ending at 3:30 p.m. The Emergency Protocol shall not be required to be implemented other than in the school buildings while school is in session, and as such is not required to be implemented at extracurricular activities, on school buses, or during school field trips. Implementation of the Emergency Protocol at such non-mandatory times or places shall be made in the discretion of the administration and shall be subject to the availability of the employees designated or trained in implementation of the Emergency Protocol and the availability of the necessary equipment and medication at such times or places.

Legal Reference: NDE Rule 59.006

Cross Reference: Policies on Administration of Medication to Students

Date of Adoption: October 3, 2016



**WAIVER OF EMERGENCY RESPONSE TO  
LIFE THREATENING ASTHMA OR  
SYSTEMIC ALLERGIC REACTIONS PROTOCOL**

Omaha Public School District

Student Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

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

I am aware of the school policy that provides a protocol to follow by school personnel to administer Epinephrine/albuterol to a student when it is determined that the student is suffering a life-threatening asthma or systemic allergic reaction while school is in session.

After considering the school policy and the best interests of my child, \_\_\_\_\_, I do not wish to have him/her given or administered albuterol or injectable Epinephrine by school personnel under any circumstances for the 20\_\_\_\_ - 20\_\_\_\_ school year.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent/Guardian/Custodian

DATED: \_\_\_\_\_

\_\_\_\_\_  
Signature of Physician

**DO NOT** return this from **without** a physician's signature supporting your request to remove your child from the protocol.



StudentsDo Not Resuscitate/Do Not Intubate (DNR/DNI) Requests

Because of the complexity and severity of the medical conditions of some students, parents/guardians may request school staff to withhold care of their child in the event of a life-threatening situation.

When any student experiences sudden illness or injury, the role of staff is to render first aid and, in life-threatening emergencies, to immediately summon rescue squad assistance (911).

In the Omaha Public Schools, "do not resuscitate/do not intubate" (DNR/DNI) orders cannot be honored by school personnel. School personnel will provide any DNR/DNI orders submitted, accepted, and maintained in conformance with this procedure to emergency medical personnel when they assume responsibility for the student from the school.

Parents/guardians who request withholding care from their child are advised of the following:

- A. Do not resuscitate/do not intubate (DNR/DNI) orders will be accepted by the school nurse and placed on file at the student's school for submission to emergency medical personnel. Parents/guardians are urged to contact the Health Services supervisor at 531-299-9691 if they have any questions regarding this procedure or if they wish to confirm receipt of such order. Appropriate building staff will be informed of the orders and where they are being kept.
- B. If a life-threatening emergency arises at school involving any student, school personnel will administer first aid and will summon a rescue squad (911). Upon arrival of the emergency medical personnel at the school, the principal, the school nurse, or the principal's designee will provide the DNR/DNI order to the squad.
- C. The parent/guardian will be notified of the emergency at the earliest possible time.
- D. The parent/guardian should consult with their physician to determine the content and form for any DNR/DNI order. If the DNR/DNI order expires on a set date, it is the responsibility of the parent/guardian to file an updated "DNR/DNI" form with the school. If an emergency arises at school, the school will provide emergency medical personnel with the most recent DNR/DNI order received, but the school is not responsible for any refusal of medical personnel to act upon the order.

If the parent/guardian no longer wishes the school to pass on DNR/DNI orders to emergency medical personnel, he/she must notify the school nurse in writing. The school nurse will send the parent/guardian a letter confirming removal of the DNR/DNI order from the file. If the parent/guardian does not receive such a letter of confirmation, it is his/her responsibility to contact the school to confirm that the DNR/DNI order has been removed from the file.

Date of Adoption: May 1, 2017



# **Series 6000 Instruction**



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Instruction

General Policy Statement

The Board of Education delegates to the Superintendent and his/her designee the responsibility of maintaining the program of instruction and extracurricular activities.

The instructional program and extracurricular activities shall meet the accredited school system standard of the State Board of Education through the Nebraska Department of Education, Federal regulations, Nebraska School Activities Association regulations and the policies of the Board of Education.

The professional staff is responsible for the development of educational and activities programs which meet the objectives of Omaha Public Schools.

Date of Adoption:     October 5, 2015



InstructionScope of Instructional Program

- A. The District shall provide instruction suitable to the needs of all who are legally eligible to attend school in the District.
- B. Except for special types of instruction, the instructional program may be arranged in units commonly designated as grades, each grade approximating the work of one year. Such a program of instruction shall be organized into schools or other administrative units as follows:
1. The elementary school normally consists of early childhood or kindergarten through grades four, five, or six. The elementary school may be configured with multiage and multigrade classrooms.
  2. The secondary school commonly consist of grades five, six or seven through twelve or any consecutive combination of these grades.
  3. Instruction shall be provided on all levels, with or without grade organization, for students with special needs.
  4. Departures from the above noted organizational plan for instruction may be made by the superintendent of schools or his/her designee upon approval of the Board of Education.
- C. All public day schools organized within the School District of Omaha shall be free to all children between the ages of five and twenty-one years, whose parents or legal guardians reside within the boundaries of the School District.

The School District shall also offer special instructional services to children between the ages of identification and twenty-one years or prior completion of program whose parents or legal guardians reside within the boundaries of the School District and who have disabilities which are recognized by provisions in the state law (43-2500).

Date of Adoption: October 5, 2015



Instruction

The Program of Instruction

The minimum program of instruction in the schools shall be that prescribed by the statutes. The statutory curriculum may be augmented and extended to provide for the educational needs of individual students and differing areas in the school district.

The District shall implement a K-12 multicultural, nonsexist curriculum infusion process and provide professional development to enhance cultural competencies in staff.

Date of Adoption:     October 5, 2015



InstructionSchool Instructional Hours

Omaha Public Schools will have a school year consisting of at least (a) for kindergarten, the time equivalent to 400 hours; (b) for elementary grades one through grade eight, the time equivalent to 1,032 hours, and (c) for grades nine through twelve, the time equivalent to 1,080 hours.

An instructional hour shall mean a period of time at least sixty (60) minutes, which is actually used for the instruction of students.

Interruptions in the school year of the instructional hour minimums due to extracurricular activities (interscholastic sports, clubs, and contests) will be held to a minimum. All students participating in such events will be required to comply with the District's policies on student attendance for such absences to be excused, including the completion of assignments for missed classes.

The required 1,080, 1,032, and 400 instructional hour minimums shall not include the following:

1. When a school is dismissed for any reason such as tournaments or contests, parent/teacher conferences, funerals, parades, and school picnics;
2. Time scheduled for the school lunch period.

Legal Reference: Neb. Rev. Stat. 79-101; Neb. Rev. Stat. 79-211 and 79-212;  
NDE Rule 10

Date of Adoption: October 5, 2015



InstructionSchool Day for Students

The school day shall be scheduled in such a way that students are given the best opportunity for their educational growth and development. The length of the day, and the arrangement of time segments within it, need not be uniform for all grade levels.

- A. The length of the school day in the secondary schools shall be no less than 380 minutes.
- B. The hours of opening and closing each type of school shall be determined by the Superintendent of Schools or his/her designee. The time of opening and ending the school day may be modified where transportation or other conditions justify such a change upon the authorization of the Superintendent of Schools or his/her designee provided that the length of school sessions are not shortened.
- C. During the school year, all schools shall be in session five (5) days a week, Monday through Friday, except upon emergency authorization of the Superintendent of Schools or his/her designee or during authorized school breaks.
- D. In designing the student day, the following considerations are to be met:
  - 1. The learning activities of each student are carefully guided and supervised.
  - 2. Each student has opportunities to receive individual assistance from teachers.
  - 3. Parents shall be informed of late starts or early dismissal.
  - 4. Early dismissal for student employment shall be subject to approval of the building administration. Parental or guardian permission shall precede any early dismissal for work related activities. Early dismissal of other students shall be for reasons of health, etc., and must be validated by the student's parent or guardian.
  - 5. The length of the school day shall be subject to the approval of the Superintendent or his/her designee after meeting annually with the OEA as outlined in their master agreement.

Date of Adoption: October 19, 2015



InstructionParental/Guardian Access to the Schools

Parents/guardians are encouraged to visit their children's schools, classrooms, assemblies, counseling sessions and other instructional activities. The district will encourage home and school cooperation by promoting clear, two-way communication with parents/guardians about the instructional program, and the child's participation and progress. Special notice is routinely given to parents/guardians regarding open houses, parent-teacher conferences, award and recognition ceremonies, school activities, certain assemblies, student programs, and other special events.

Parents/guardians are also encouraged to visit or monitor their children's classrooms and daily learning environments. Parents/guardians and other visitors to the schools are expected to arrange such visits in advance.

Parents/guardians and other patrons of the district are welcome and encouraged to visit the schools. All visitors are expected to report to the main office to notify staff they are in the building or on school grounds. Visitors to the schools must respect the learning environment and maintain proper behavior and decorum. Disruption of the orderly process of the school is prohibited. The principal or his/her designee is authorized to deny access, ban or bar future access, remove or request the removal of any visitor whose behavior is disruptive to the educational/working environment of the school. Several times throughout the year, students are required to participate in district and state testing. Visits to classrooms are prohibited during this time. Any visitor to the schools who has been denied access or who has been asked to leave may appeal to the Office of Community, School and Family Engagement.

The superintendent shall formulate such practices and procedures as may be necessary to facilitate parent and other patron access to the schools while protecting the safety of students and staff.

Date of Adoption: January 8, 2018



Instruction

Emergencies

All employees of the school system are responsible for promoting the safety of students.

Procedures for fire, civil defense, and other emergencies shall be maintained.

Legal Reference: Neb. Rev. Stat. 79-706

Date of Adoption: October 5, 2015



InstructionFire Drills and Crisis Plans**Fire Drills:**

A fire drill shall be conducted every month in each school building in which the facility is in session. The monthly drills may be deferred in months of severe weather, provided that the required number of annual drills is achieved and not less than four are conducted before the drills are deferred.

**Crisis Plans:**

Schools shall have Crisis Plans for emergency responses and directions for tornado, evacuation, lockdown, lockout, shelter in place and fire drill activities developed. To be in compliance with the fire code, there are to be nine fire evacuation exercises each school year. Two tornado drills are to be exercised and two lockdown drills practiced each school year.

Since many parents may not be at home, all children and faculty will be normally retained at the school building in case of extreme emergency. The Omaha Public Schools Emergency Notification System will be activated to inform parents/guardians regarding where children may be picked up at school or at the evacuation site.

Legal Reference: Neb. Rev. Stat. 79-706

Date of Adoption: October 5, 2015



Instruction

Emergency Dismissal or Cancellation

Except for those dates designated on the school calendar, school shall not be dismissed or canceled except by action of the Board of Education or in emergency situations as determined by the Superintendent or his/her designee.

Date of Adoption: October 5, 2015



InstructionCeremonies, Observances, and the Pledge of Allegiance

Appropriate exercises may be held for the following: Veterans' Day, Martin Luther King Day, Presidents' Day, Arbor Day, Flag Day, Memorial Day, and State Fire Day (the Friday before the Fire Recognition Day, which is the second Saturday in May). An educational program on the United States Constitution shall be held on the week September 17 through the week of September 23 every year, or in the preceding or following week if September 17 falls on a weekend or a holiday.

The flags of the United States of America and the State of Nebraska shall be prominently displayed on the school grounds on each day such school is in session. All flag displays shall be in accordance with the standards prescribed for the display of the flag of the United States of America.

Each of the District's schools shall establish a period of time during the school day, when a majority of the students are scheduled to be present, during which time students will be led in the recitation of the Pledge of Allegiance in the presence of the flag of the United States of America. Student participation in the recitation of the Pledge of Allegiance shall be voluntary. Students not participating in the recitation of the Pledge of Allegiance shall be permitted to silently stand or remain seated but shall be required to respect the rights of those students electing to participate.

Legal Reference: Neb. Rev. Stat. 79-705; 79-707 and 79-708; NDE Rule 10 70  
Federal Register 55507 (Constitution Day)

Date of Adoption: October 5, 2015



InstructionSafe Schools Policy

It is the mission of Omaha Public Schools to provide a safe, secure, drug-free and welcoming environment for all students, staff and community members. The administration is authorized and directed to adopt such regulations and take such actions as determined appropriate by the board of education to advance the mission of providing safe schools. Such regulations and actions may include, but not be limited to, school security measures, such as use of metal detectors, surveillance, searches and seizures, and security officers, as well as staff training and student educational programs.

Date of Adoption:     October 5, 2015



Instruction

Curriculum Review Cycle

All major program adoptions and/or major course revisions shall be subject to the approval of the Board of Education.

Major program adoptions and/or major course revisions may be proposed by district-wide curriculum committees. The work of such committees will include review of standards, field testing and evaluation of curriculum and resources, development of curriculum pacing guides and professional development to support implementation.

The recommended curricular materials are approved, rejected or revised and approved by the Superintendent or his/her designee before being submitted to the Board of Education for final approval.

Date of Adoption: October 5, 2015



InstructionObjectives of the Instructional Program

The following goals provide the context for educational planning in the Omaha Public Schools.

## For the Learner

- Maintain and improve academic achievement.
- Develop aesthetic appreciation and ability.
- Understand the free enterprise system and the meaning of economic self sufficiency.
- Understand the rights and responsibilities of citizenship.
- Acquire the insights, knowledge, and skills necessary for the development of physical and mental health.

## For the Staff

- Promote excellence in student achievement by maintaining high standards of professionalism, preparation, and performance.
- Provide educational programs designed to promote the attainment of knowledge, competencies, and skills by students.

## For the School System and Community

- Insure access and equity for students in their pursuit of educational opportunities in a pluralistic society.
- Provide adequate financial support and professional opportunities for staff.
- Build public confidence and attain economic resources to accomplish the goals of the school system.

## The purpose of the instructional program:

- Offer each individual the opportunity to develop competence in the basic skills of communications, computations, and knowledge of basic facts concerning the environment, history, and society;
- Offer each individual the opportunity to develop higher order thinking and problem-solving skills by means of adequate preparation in mathematics, science, the social sciences and world languages and by means of appropriate and progressive use of technology;
- Instill in each individual the ability and desire to continue learning throughout her or his life;
- Encourage knowledge and understanding of political society and democracy in order to foster active participation;
- Encourage the creative potential of each individual through exposure to the fine arts and humanities;
- Encourage a basic understanding of and aid the development of good health habits; and
- Offer each individual the opportunity for career exploration and awareness.

Date of Adoption: October 5, 2015



InstructionCurriculum - Assessments**A. State Assessments:**

The Omaha Public School District has adopted an assessment plan and has aligned the curriculum with the state approved content standards. The assessment plan includes a schedule and procedures for assessing success in achieving state standards.

Teachers are to clearly articulate the learning targets and align instruction to the learning targets within each of the content standards. Teachers are to give students instruction on the content prior to students being assessed on each content standard in order to provide learning opportunities for all students.

The assessments are to be conducted in accordance with the assessment plan schedule. Teachers are to conduct the assessments in a manner that assures it accurately assesses whether or not students are meeting the targets outlined by the content standards.

Assessment results are to be reported by the teachers in the manner and within the time directed by the administration or designee. The assessment data is to be used to meet state standards, to provide students and parents with information about student progress, to enhance school improvement planning, and to improve instruction. The assessment data is to be evaluated by teachers to monitor student learning and to improve instruction or terminate ineffective teaching practices to ensure students are being given the opportunity to meet the standards.

**B. Achieving Valid Assessments:**

Educators are responsible for maintaining the integrity of the assessments to ensure that assessments provide a valid measure of student progress and accomplishments. Educators are not to engage in any practice that may result in assessment results that do not reflect student learning, knowledge, skills or abilities in the area assessed.

For purposes of this policy, student assessments include both “standardized assessments” (including state assessments, norm referenced tests, and evaluations conducted for special education eligibility) and “coursework assessments” (e.g., classroom tests, quizzes, and other evaluative tools used to assign grades).

The following specific assessment expectations and rules apply:

**1. Integrity of the Assessment Instrument:**

The integrity of the assessment instrument is to be maintained.

**a. Standardized Assessments:**

Standardized assessment instruments are not to be made available to

students at any time before the student takes the assessment. The assessment instrument is to be maintained in a secure manner.

b. **Coursework Assessments:**

Coursework assessment instruments are to be periodically modified to keep the assessments current and prevent students from effectively using “test banks.” For coursework assessments that are given on a repeat basis to students at different times (e.g., a test that is given to students throughout the school day), the educator is to remind students to not share the content of the assessment with students who will be taking the assessment later.

2. **Teaching for Success on Assessments:**

It is appropriate for educators to prepare students to do well on assessments. This is to be accomplished in a manner that assures the assessment accurately reflects the student’s knowledge, and not simply test preparation.

a. **Teach the Content:**

Educators are to prepare students to do well on assessments by teaching the subject content. Educators are not to “teach to the test” by teaching based solely on the content of the assessment. The content is to be taught to the students over an appropriate amount of time prior to the assessment. “Cramming” assessment content just before the assessment is to be taken is not appropriate. Review of content previously taught is appropriate.

b. **Practice Tests:**

Educators are to prepare students by teaching test taking skills independent of the subject matter being assessed. Educators are not to conduct reviews (drills) using earlier (no longer published) versions of the same test, using alternate (parallel) forms of the same published test, or using actual items from the current form of a standardized test that will be administered to students. Educators are not to conduct reviews (drills) using items of identical format (for example, multiple choice) to the exclusion of other formats.

3. **Conditions for Successful Assessments:**

a. **Communications:**

Educators are to communicate to students and parents when assessments will be administered, the purpose of the assessment and how the assessment results will be used. Educators are to motivate students to do their best on assessments. Educators are to read and be familiar with assessment administration directions in advance and communicate the rules to students accurately and clearly.

b. **Climate:**

Educators are to have sufficient assessment materials available (e.g., No. 2 pencils, if needed). The classroom is to be arranged to allow comfortable seating. Distractions are to be eliminated. Educators in nearby classrooms are to be informed that the assessment is to be administered so noises from neighboring classrooms are kept at a minimum. Activities or arrangements are to be made for students who finish early so such students do not cause a distraction to other students still taking the assessment.

c. **Security:**

Educators are to monitor students while administering assessments to ensure students are complying with standards of academic integrity. Students who violate standards of academic integrity are to be reported to the administration.

4. **Full Participation:**

Educators are to make efforts to have all eligible students take the assessments. The educator should develop a list of students who will be exempted from assessment and the reason for the exemption and submit the list for review and approval by the Principal.

5. **Assistance During Assessments:**

a. **Standardized Assessments:**

Educators are not to provide assistance to students while a standardized assessment is being administered except as provided for in a student's 504 Plan or IEP. This includes giving "hints," giving extra time, reading the tests to students or defining or pronouncing words for students, allowing students access to instructional material related to the content of the assessment (e.g., displaying a map during a social studies assessment) or allowing students access to mechanical aids (e.g., calculators).

b. **Coursework Assessments:**

For coursework assessments, students may be allowed access to instructional materials or mechanical aids only when all students being given the assessment are given the aids and use of the aids does not hinder the students from learning the content of the lesson.

6. **Student Answers:**

Assessments are to reflect the students' work as submitted by the students. During the assessments, educators are to monitor students to make sure directions are being followed (e.g., students are using a No. 2 pencil on all "bubble" sheet

assessments and completely erase mistaken answers and extra marks on “bubble” sheet assessments). Educators are not to change answers on a student’s assessment sheet or otherwise participate in the submission of false or misleading assessment results.

All employees are to adhere to Nebraska’s Standards, Assessment, and Accountability document as updated annually and report breaches in security to Superintendent or the Superintendent’s assessment designee for report to the Nebraska Department of Education. All employees are also to adhere to the District’s Testing Practices and Procedures to Ensure Valid and Reliable Assessments Results as amended from time to time. Professionalism, common sense, and practical procedures provide the framework for testing ethics.

Violations of the rules and expectations set forth in this policy will be considered to be a breach of the District’s standard of ethics and may result in disciplinary consequences. Educators are to report suspected violations of the expectation to the administration. The administration is to investigate and appropriately respond to violations of the expectations.

Legal Reference: NDE Rule 10.05; NDE Rule 27.004.02H and 004.03D

Date of Adoption: October 5, 2015

InstructionAssessments - Academic Content Standards

The Board of Education adopts the academic content standards of the State Board of Education (“State Board”). The District’s academic content standards shall align with those standards adopted and updated by the State Board of Education as identified in Neb. Rev. Stat 79-760 through 79-760.05.

Unless other action is taken, the Board of Education adopts the standards of the State Board as such standards are subsequently adopted or amended by the State Board.

The administration shall be responsible for implementing assessments on the state standards in accordance with the procedures established by the State Board and the Department of Education, including conducting assessments in the same subject areas and the same grade levels as established in the state standards, and the reporting of scores and sub-scores.

This policy does not supersede the existing standards adopted by the Board of Education except as set forth herein.

Legal Reference: Neb. Rev. Stat. 79-760 to 79-760.05

Date of Adoption: October 5, 2015



InstructionAcceptance of Credits**Standards for the Acceptance of Credit from Outside Accredited Institutions:**

The following standards are provided to inform and assist institutions outside the Omaha Public Schools regarding the school district accepting credit for completed course work. The acceptance of credit for course work is dependent upon the following.

- A. Students who are or have been enrolled in an Omaha Public School middle or high school should have the permission of the principal to enroll in courses offered by another accredited institution in which credit is to be earned. This permission should be in writing and obtained before enrolling in the course in which credit is to be earned. The exception being a student enrolled in a Rule 18 Interim School or a Level III Contracted School does not need prior permission.
- B. Any class for which credit is to be earned must be taught by a teacher who has appropriate, updated state certification, e.g., updated state certification with an endorsement in the appropriate field.
- C. Any class for which one credit is to be earned must meet for at least 45 hours of supervised contact time with the student.
- D. Credit will be granted for classes that convert or are similar to the curriculum and course offerings of the Omaha Public Schools.

**Procedures for Accepting Credit from Outside Accredited Institutions:**

- A. Upon completion of course work at an outside accredited institution, the outside accredited institution itself will forward a transcript or a form which includes course work information to the Department of Curriculum Instruction and Assessment for evaluation. Questions regarding content of course work may be reviewed in conjunction with Student Information Services.
- B. Upon evaluation, the Department of Curriculum Instruction and Assessment will forward information which includes the name of the outside accredited institution where the course name, the teacher's name, the teacher state staff ID, the number of credits earned, the grades earned and the dates the student was enrolled at the outside accredited institution to Student Information Services. Student information Services will enter the record of the course work into the student's historical grade file.
- C. The school which enrolls the student will accept credit from the outside accredited institution when approved by the Department of Curriculum Instruction and Assessment.

**Standards for Offering Credit Opportunities in Collaboration with Community Agencies or Non-OPS Groups:**

The following standards are provided to inform and assist agencies outside of the Omaha Public Schools regarding the school district accepting credit for completed course work, which is hosted by a non-OPS group. The issuance of credit for course work is dependent on the following:

- A. The collaborating agency hosting the credit opportunity has been approved as an OPS collaborating agency and upheld all OPS quality and content standards through an annual application and review process.
- B. Students, who are or have been enrolled in an Omaha Public School middle or high school, should have the permission of the principal to enroll in courses offered by an agency in which credit is being earned. The permission should be in writing and obtained before enrolling in the course for which credit is to be earned.
- C. Student should only be participating in this course work if there is not an option being provided by the Omaha Public Schools for the opportunity to earn a credit.
- D. Any class for which credit is issued must be taught by a teacher who has appropriate, updated state certification.
- E. Any class for which one credit is to be issued must meet for at least 45 hours of supervised contact time with the student
- F. Credit may be issued for elective classes and/or physical education courses through such collaborative arrangements offering content standards of the Omaha Public Schools.

**Procedures for The Approval of Non-OPS Group as a Collaborating Agency Eligible to Host an OPS Credit:**

- A. All agencies must complete and be approved through an application process to ensure that all standards are in place for offering credit opportunities for Omaha Public School students. This application should be submitted to the Coordinator of Secondary Education in the Department of Curriculum Instruction and Assessment 60 days prior to the agency wanting to begin the program.
- B. The learning experiences offered to OPS students in a credit opportunity hosted by collaborating agency are to fully encompass OPS content standards and expectations for quality instruction.
- C. Upon completion of course work at an outside agency, the outside agency will submit attendance and grade earned to the Program Director of Multiple Pathways for the Omaha Public Schools for evaluation. Questions regarding content of course work may be reviewed in conjunction with the Department of Curriculum Instruction and Assessment.
- D. Upon evaluation, the Program Director for Adult High School will record the grade in the student's grade file.
- E. The high school in which the student is enrolled will accept the credit for the course work hosted by the approved collaborating agency.

Date of Adoption: October 5, 2015

Instruction

Experimental/Innovative Program

The professional staff of the school system is encouraged to seek improvement of the educational program of the schools.

Experimental programs and "pilot studies" must have the approval of the Superintendent or his/her designee.

Date of Adoption: October 5, 2015



Instruction

Curriculum Guides

Curriculum pacing guides and course guides shall be prepared in harmony with the legal requirements of the state and the purposes of the program of instruction adopted by the Board.

The Superintendent or his/her designee shall have general coordinating authority over the formation of all courses of study and curriculum pacing guides and course guides.

Date of Adoption: October 5, 2015



InstructionHomework

Homework is a learning activity related to the experience within the school. Its purposes are to supplement and to enrich work done in the classrooms; to provide for individual interests; and to promote competency in skills; to use resource materials; to integrate learning and to teach the proper budgeting of time. Homework should be assigned at the discretion of the classroom teacher. Work not completed during the school day is not considered homework, but rather, the completion of assigned school work.

Date of Adoption:     October 5, 2015



InstructionField Trips

The Board of Education endorses the use of educational field trips related to curriculum objectives and other trips which provide students with positive experiences that cannot be had without travel.

**Approval of School-Sponsored Trips:**

Students taken on excursions or field trips within the vicinity of Omaha in the interest of class activities must have the approval of the principal in advance, and whenever transportation is involved in such excursion, the consent of the parent or guardian is necessary prior to the excursion. The principal shall also be satisfied as to the liability of insurance in the event any other carrier except a school bus is used.

Students may not perform errands or act as a messenger between schools located on different campuses during school hours without the approval of the principal and the permission of the student's parent or guardian.

School groups, teams, or school organizations may not take trips involving distances of over 150 miles from Omaha without the written permission of the Superintendent of Schools or the Superintendent's designee.

The expenses for student participation in school-sponsored trips must conform to Policy 5416 Student Fees.

**Routine Field Trips:**

A routine field trip is a school-sponsored activity that involves travel outside of the school building, is related to the curriculum and is conducted during the school day. Though departure may occur prior to regular school hours or the return time may be after regular school hours, there is no overnight stay on a routine field trip.

Field trips are arranged by the teacher. Prior written notification is to be given by the teacher to the principal's office. Field trips outside the city of Omaha must be approved by the principal or the principal's designee.

Staff members who conduct field trips are responsible for appropriate supervision of students. Routine field trips may not involve any expense to the student or their parents. Students may not be required to "donate" money to participate in the trip.

**Extracurricular Activity Trips:**

Coaches and sponsors who participate in extracurricular activity trips are responsible for appropriate supervision of students.

Any expenses associated with extracurricular activity trips must comply with Policy 5416 Student Fees.

**Non-Routine Trips:**

A school-sponsored trip is classified as a non-routine trip if it is sponsored by the school and does not meet the definition of a routine field trip or an extracurricular activity trip.

Prior written notification is to be given by the staff responsible for the trip to the principal's office. All non-routine trips must be approved by the principal or the principal's designee. Considerations for granting or denying approval are to include, but not be limited to, the following:

1. the length of absences from the classroom, if any;
2. the educational value of the trip to the students;
3. the ability to protect staff and student participants from harm;
4. other opportunities to participate in trips that have been or will be available to students in the program or building;
5. the financial cost of the trip to both the District and families; and
6. the amount of time to prepare financially, organizationally and programmatically between the submission of the request and the dates of the trip.

All non-routine trips must be submitted for approval of the superintendent or designee at least 60 days prior to the event. Considerations for granting or denying approval will include the same criteria as set forth above for the principals to consider.

Due to the potential costs to the District and families, the Chief Financial Officer may impose limits on the number of such trips that may occur within each building or program within established time periods.

Coaches and sponsors who participate in non-routine trips are responsible for appropriate supervision of students.

Any expenses associated with non-routine trips must comply with Policy 5416 Student Fees. Students may be required to pay for expenses associated with non-routine trips and may be required to participate in fundraising.

**Non-School-Sponsored Trips:**

Trips that are not school-sponsored trips are not the responsibility of Omaha Public Schools. Any staff member who arranges or is involved in arranging a trip that is not school-sponsored has the responsibility to clearly communicate in all meetings, publications and postings, published electronically or graphically, that the District is not responsible for the trip. Students are sometimes given the opportunity to participate in trips that have an apparent connection to the District but which, in fact, are not school sponsored. Some examples: (1) travel with a club sport team, where the team is coached the student's high school coach; (2) a band travelling to an out-of-state band contest that is arranged by a Booster Club; or (3) a foreign language teacher taking students abroad during the summer.

These opportunities are often worthwhile and beneficial to students. However, these opportunities are not school-sponsored activities. All arrangements for such trips, including costs, travel, supervision and safety, are the responsibility of the group or person making the trip available to the students. Omaha Public Schools has no responsibility for such trips.

Anyone who is uncertain as to whether or not a particular opportunity is school-sponsored should contact the building principal or building athletic director. Employees who are involved in such trips have the responsibility to ensure that parents and students are notified that the activity is not school-sponsored.

Date of Adoption: October 5, 2015



InstructionActivities

A vital component of a comprehensive education program is a properly supervised activities program which includes extracurricular activities and school sponsored clubs and intramurals. Such activities, properly supervised and kept in proper perspective, shall be maintained in the school program in order to give students opportunities for experiences not possible in classroom activities. Care and consideration should be given by educators, coaches, sponsors and parents to the amount of time these activities take students away from school during school hours or away from studies on "school nights."

Date of Adoption:     October 5, 2015



**Instruction****Activity Funds Management**

Each school will maintain an activity fund by which it will account for the receipts and expenditures involved in the activity program. School activity funds may be expended only for purposes which may benefit the student body of the school. All rules, regulations, and procedures for the conduct, operation and maintenance of extra-curricular accounts, and for the safe-guarding, accounting and auditing of all monies received and derived therefrom are to contribute to that objective.

The accounting system for managing student activity funds shall be designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

All activity accounts are closed at the end of the regular school year and reopened with the opening of school.

Date of Adoption:     October 5, 2015



InstructionConcussions**A. 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.

**B. 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.

**C. 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 health care professional who is professionally affiliated with or contracted by the school.

**2. 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.

**3. Return to Learn:**

The Superintendent or designee shall develop a return to learn protocol for students who have sustained a concussion. The return to learn protocol shall recognize that students who have sustained a concussion and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

**4. Return-to-Physical Activity:**

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 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 health care professional, (ii) has received written and signed clearance to resume participation in athletic activities from the licensed health care professional, and (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.

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 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 health care 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 health care professional. The school is not required to determine or verify the individual's qualifications.

**D. Responsibility of Coaches:**

Coaches shall comply with this policy and apply their safety and injury prevention training. A coach who fails to do so is subject to disciplinary action, including but not limited to termination of employment.

**E. 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.

**F. Return to Learn Protocol:**

Students who sustain a concussion and return to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

The school administration of the Omaha Public Schools adopts the NDE Guidance entitled "Bridging the Gap from Concussion to the Classroom" as its return to learn protocol, with the recognition that each student who has sustained a concussion will require an individualized response.

InstructionInitiations, Hazing, Secret Clubs and Outside Organizations**Initiations:**

Initiations by classes, clubs or athletic teams are prohibited except with the approval of the administration. Any student who engages in or encourages initiations that have not been approved by the administration is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

The administration may only give consent to initiation activities that are consistent with student conduct expectations and that do not present a risk of physical or mental injury or belittlement.

**Hazing:**

Hazing by classes, clubs, athletic teams or other student organizations are prohibited. Hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any school organization. Such prohibited hazing activities include but are not limited to whipping, beating, branding, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, sexual conduct, nudity, or any brutal treatment or the performance of any act which endangers the physical or mental health or safety of any person. Hazing is prohibited even though the person who has been the subject of the hazing consents to the activity. Any student who engages in or encourages hazing is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

**Secret Organizations:**

It is unlawful for students to participate in or be members of any secret fraternity or secret organization that is in any degree a school organization. Any student who violates this restriction is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

**Outside Organizations:**

It is unlawful for any person, whether a student of the District or not, to enter upon the school grounds or any school building for the purpose of rushing or soliciting, while there, any student to join any fraternity, society, or association organized outside of the schools. Any person who violates this restriction is subject to criminal prosecution and removal and exclusion from school grounds.

Legal Reference: Neb. Rev. Stat. 79-2,101 to 79-2,103  
Student Discipline Act, Neb. Rev. Stat. 79-254 to 79-296  
Reference Neb. Rev. Stat. 28-311.06 to 28-311.07 (post-secondary)

Date of Adoption: October 5, 2015



InstructionStudent Participation in Athletic Contests Between Schools

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

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

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

Legal Reference: NDE Rule 10.004.02C  
Nebraska School Activities Association Middle Level Activities Bylaws,  
Article 9

Date of Adoption: October 5, 2015



InstructionDedications and Commencement

Traditions are a cherished part of the community life and Omaha Public Schools expresses an interest in maintaining those traditions which have a significance to the community. The graduation ceremony is considered an extracurricular activity and participation in it is a privilege.

Graduation is a formal event. Students are to use good judgment to this end. Caps and gowns are available for purchase. It is suggested that young ladies wear a dress, skirt and blouse, or slacks and top and dress shoes. The recommendation for gentlemen is slacks, shirt, shoes and socks. Students may adorn robes with sashes, and or braids and medals earned at previous honor ceremonies during their senior year. Feathers on mortar boards that have cultural significance are allowed as long as the feathers do not block the view of other graduates. Any questions or concerns in regards to the guidelines should be addressed through the appropriate protocol; Building Principal, Office of Equity & Diversity, Office of School Support.

Date of Adoption: October 5, 2015



InstructionSelection and Review of Instructional and Media Materials**A. Assignment of Responsibility:**

The Board of Education reserves responsibility for the final acquisition of materials, but the responsibility for the selection of instructional materials is delegated to the Superintendent, with the assistance of the instructional and media staff, to establish procedures and regulations for the selection of instructional and media materials, reviewing their effectiveness, and dealing with complaints concerning instructional materials. The Superintendent will establish committees consisting of teachers and media staff to assist with these responsibilities.

**B. Criteria for Instructional Materials:**

The selection of instructional materials shall be made in accordance with Board of Education policies, legal requirements, and reflect the following philosophy:

1. To provide materials that will stimulate growth in factual knowledge, practical skills, literary appreciation, aesthetic values, and ethical standards.
2. To provide a background of information which will enable students to make intelligent judgments in their daily life.
3. To provide materials that will enrich and support the curriculum, taking into consideration the varied interest, abilities, and maturity levels of the students served.
4. To provide materials on opposing sides of controversial issues so that young citizens may develop, under guidance, the practice of critical thinking and analysis.
5. To provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
6. To place principle above personal opinion and reason above prejudices in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the instructional materials.

**C. Criteria for Media Materials:**

The selection of media materials shall be made in accordance with Board of Education policies, legal requirements, and with the Library Bill of Rights of the American Library Association, which Bill of Rights has been accepted by the American Association of School Librarians reflect the following philosophy:

To provide a comprehensive collection of instructional materials selected in compliance with basic, written selection principles, and to provide maximum accessibility to these materials.

To provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interest, ability, socio-economic backgrounds, and maturity levels of the students served.

To provide materials for teachers and students that will encourage growth in knowledge, and that will develop literary, cultural and aesthetic appreciation, and ethical standards.

To provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contribution to the American World Heritage and Culture, thereby enabling students to develop an intellectual integrity in forming judgments.

To provide a written statement, approved by the local Boards of Education of the procedures for meeting the challenge of censorship of materials in school library media centers.

To provide qualified professional personnel to serve teachers and students.

**D. Procedures for Reconsideration of Materials:**

Occasional objections to some materials may be voiced despite the care taken in selection and qualification of the personnel selecting materials. The following procedures apply equally to all complaints whether they be from students, parents, school personnel or district patrons.

1. Complaints should be presented to the Principal of the school where the material is used. In the event the person with the concern does not wish to make a formal complaint, the concern may be expressed to the Principal at the school at which the material was received. The Principal shall submit informal concerns to the Superintendent for the Superintendent's consideration.
2. Formal complaints about instructional materials must be presented in writing. The complainant shall be required to submit a written complaint setting forth: complainant's identity, material challenged, detailed statement of reason(s) for challenging the material, action the complainant is requesting, and such other information as the Principal may reasonably request.
3. When a formal written complaint is completed and returned to the principal, the principal will discuss the issue and the procedures to be followed in resolving the issues with the person filing the complaint. The principal with whom the complaint was filed shall notify the other school administrators and also advise those faculty members who may use the instructional material, or the media staff in the case of media material, that a complaint has been filed. The school administrators shall decide whether to appoint a building-level review committee or a district-level

review committee to study the complaint. The principals will convene building-level review committees. These building-level committees shall consist of five or more committee members composed of staff and community patrons. The superintendent of schools or his designee will convene district-level review committees. These district-level committees shall consist of five or more members composed of staff and community patrons.

4. The review committees shall consider district philosophy, the professional judgment of teachers, reviews of the material by other competent authorities, compatibility with the school district's adopted curriculum, the teacher's stated goals, as well as the views of the complainant. The review committee's recommendation and all accompanying rationale shall be forwarded to the board of education for its review and final decision. The school board's decision may be to remove the material in question from district use, to modify the material for continued uses, or to reject the complaint and continue to use the material.
5. Any materials identified in a complaint may remain in use pending its review and its disposition by the board of education. Principals may, upon written request of parent(s), excuse students from using the material, or may direct teachers to use suitable substitutes, and in the case of challenged media material the Principal may place the material on a reserve shelf where it may be checked out by students only with written parent permission. However, the school shall reserve the right to require students to use material or to engage in activities which are a part of regular and/or required curricular activities.
6. Where the same or essentially the same materials have been the subject of a challenge which has been decided by the board, and another complaint is made against the material by either the same or a different person, the complaint shall be considered by the Superintendent, who may deny the complaint without following the review procedure. In considering the complaint, the Superintendent shall consider whether the complaint raises any substantially different issue than that previously decided by the board.



Instruction

Textbook Loans

The Board of Education will purchase and loan textbooks to students attending private schools which are approved for continued operation by the Nebraska Department of Education, only to the extent that funds are provided for the purchase of such textbooks to the extent that the Legislature of the State of Nebraska appropriates funds to be distributed by the State Department of Education.

Legal Reference: Neb. Rev. Stat. 79-734  
NDE Rule 4

Date of Adoption: October 5, 2015



Instruction

Parent Requests for an Alternate Text

Parents may request that their child read an alternate text if they are uncomfortable with a book selected from the Supplementary Materials Listing. Each time a sensitive text is selected from this listing, a Parent Request Form is sent home giving the parent this option.

Date of Adoption: October 5, 2015



Instruction

Private Teaching in Schools

Public school buildings may not be used for private teaching for which a tuition charge is made either by staff members employed by the school district or by any other outside agencies or persons except as permitted under certain reciprocal agreements for use of facilities with organizations such as the University of Nebraska, American Red Cross, City of Omaha, and formal school partner organizations.

Date of Adoption: January 8, 2018



**Instruction****Recognition of Religious Beliefs and Customs**

It is accepted that no religious belief or non-belief should be promoted by the school district or its employees, and none should be disparaged. Instead, the school district should encourage all students and staff members to appreciate and be tolerant of each other's religious views. The school district should utilize its opportunity to foster understanding and mutual respect among students and parents. In that spirit of tolerance, students and staff members should be excused from participating in practices which are contrary to their religious beliefs unless there are clear issues of overriding concern that would prevent it.

Omaha Public Schools recognizes one of its educational goals is to advance the student's knowledge and appreciation of the role our religious heritage has played in the social, cultural and historical development of civilization.

Date of Adoption:     October 5, 2015



InstructionAcknowledgment of Religious Holidays

The practice of the Omaha Public School District shall be as follows:

- A. The several holidays through the year which have a religious and a secular basis may be observed or recognized in the public schools.
- B. The historical and contemporary values and the origin of religious holidays may be explained in an unbiased and objective manner without sectarian indoctrination.
- C. Music, art, literature and drama having religious themes or basis are permitted as part of the curriculum for school sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.
- D. The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature. Among these holidays included are Christmas, Easter, Passover, Hanukkah, Ramadan, St. Valentine's Day, St. Patrick's Day, Thanksgiving and Halloween.

Legal Reference: *Florey v. Sioux Falls School District 49-5*, 619 F.2d 1311 (8<sup>th</sup> Cir. 1980)

Date of Adoption: October 5, 2015



Instruction

Religion in the Curriculum

Religious institutions and orientations are central to human experience, past and present. An education excluding such a significant aspect would be incomplete. It is essential that the teaching about – and not of – religion be conducted in a factual objective and respectful manner. However, sectarian instruction or proselytizing of any kind is prohibited in the District.

Date of Adoption: October 19, 2015



Instruction

Purpose of Religion in the Curriculum

The practice of Omaha Public Schools shall be as follows:

- A. The District supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
- B. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas. Such studies should never foster any particular religious tenets or demean any religious beliefs.
- C. Student initiated expressions to questions or assignments which reflect their beliefs or non-beliefs about a religious theme shall be accommodated. For example, students are free to express religious belief or non-belief in compositions, art forms, music, speech and debate.

Date of Adoption: October 5, 2015



Instruction

Multicultural Education

The District shall implement a PreK-12 multicultural nonsexist curriculum infusion process, produce in-service activities to enhance staff's cultural literacy, and develop counseling and guidance strategies that reflect an understanding of the significance of cultural diversity.

Legal Reference: Neb. Rev. Stat. 79-719 to 79-723 Nebraska  
State Board of Education Rule 10

Date of Adoption: October 5, 2015



InstructionEqual Opportunity: Instruction Program

- A. The Omaha Public Schools is committed to a policy of nondiscrimination and equal opportunity in all of its educational programs, activities, employment, and contracting. Respect for the dignity and worth of each individual shall underlie all of the operations of the school district. Discrimination, including harassment of any kind, against any student, employee, applicant for employment, student-teacher, CADRE teacher, Cohort Program participant, parent, Boy Scouts or other designated youth group, or other person on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, political affiliation or economic status will not be tolerated, and appropriate action will be undertaken to redress any such discrimination and to prevent its future recurrence.
- B. The Omaha Public Schools will continue to provide a curriculum, a guidance and counseling program, an instructional delivery system, and an in-service education program designed to include the promotion of a genuine understanding and mutual respect for the diverse backgrounds and cultures of the people who study, work, raise children, and do business in the school district.

Date of Adoption: October 5, 2015



InstructionControversial Issues

- A. Controversial issues arise from conflicts within the cherished interests, beliefs, or affiliations of large groups of our citizens. Such issues involve important proposals or policies upon which our citizens hold different points of view. The American heritage and our established traditions are not controversial. Most of the school curriculum is composed of established truths and accepted values.

Free discussion of controversial issues is the heart of the democratic process. Freedom of speech and free access to information are among our most cherished traditions. Only through the study of such issues - political, economic, or social - does youth develop abilities needed for citizenship in our democracy.

- B. Without minimizing the importance of established truths and values, it shall be the policy of the Omaha Public Schools to foster dispassionate, unprejudiced, scientific studies of controversial issues in an atmosphere free from bias and prejudice.
- C. The teacher shall serve as an impartial moderator and shall not attempt either directly or indirectly to limit or control the judgment of students on controversial issues. It is the intent of this policy that the teacher shall foster the study of such issues rather than teach a particular viewpoint in regard to them.
- D. The above policy defines the study of controversial issues in terms of the rights of students rather than in terms of the rights of teachers. Students shall have the right to study issues which are in accordance with their maturity, shall have the right of free access to all relevant materials including those which circulate freely in the community, shall have the right to study under competent instruction in an atmosphere free from partisanship, and shall have the right to express their own opinions on controversial issues without jeopardizing relationships with their teachers or the school.

Date of Adoption: October 5, 2015



InstructionTitle I Parental and Family Engagement Policy

Omaha Public Schools intends to follow the Title I Parent and Family Engagement Policy guidelines in accordance with federal law, *Section 1116(a)(1)(2)(A -F) ESSA, (Every Student Succeeds Act) of 2015.*

**In General:**

The written District Parent and Family Engagement Policy has been developed jointly with, updated periodically and distributed to parents and family members of participating children and the local community in an understandable and uniform format. This policy agreed on by such parents describes the means for carrying out the requirements as listed below:

- Parents and family members of all students are welcomed and encouraged to become involved with their child's school and education; this includes parents and family members that have limited English proficiency, limited literacy, are economically disadvantaged, have disabilities, or are of racial or ethnic minority background;
- Parents are involved in the development and improvement of the Title I program and the Parent and Family Engagement Policy
- Conduct, with meaningful parent and family involvement, an annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy. Use the evaluation findings to design evidence-based strategies for more effective parental involvement, and to revise the Parent and Family Engagement Policy;
- Provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools;
- Involve parents in the activities of the schools served under this part
- Coordinate and integrate parental involvement strategies and activities with other Federal, State and local programs.

Legal Authorities: 20 U.S.C. 6318 and 7801(32)

Date of Adoption: January 8, 2018



InstructionSpecial Education Policies

Omaha Public Schools adopts this special education policy with the intent that the policy maintains the District's compliance with all applicable laws affecting special education services and programs. The Superintendent or designees shall develop regulations or procedures to implement these policies. Employees and contractors of the District are expected to comply with these policies and all regulations, guidelines and procedures related to this policy in all respects.

The District will abide by all state and federal laws relating to special education. The Individuals with Disabilities Education Act (IDEA) is the federal law ensuring services to children with disabilities. IDEA governs how states and public agencies provide early intervention, special education and related services eligible infants, toddlers, children and youth with disabilities. Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C. Children and youth (ages 3-21) receive special education and related services under IDEA Part B.

The District's special education policy and regulations, guidelines and procedures related to this policy are to be interpreted so as to be in compliance with such laws. In the event of changes in law, the school administration shall be authorized to implement modifications of practice to comply with such changes (whether the changes impose more or less stringent procedural or substantive requirements) until such time as amended policies are adopted by the Board of Education. References herein to 92 NAC 51 citations are made to Rule 51 as in effect on the date of the adoption of these policies. In the event of renumbering or other revisions to Rule 51, the policy shall be interpreted and implemented consistent with such renumbering or revisions.

**A. Free Appropriate Public Education:**

A free appropriate public education shall be made available to all children with disabilities residing in the District from date of diagnosis through the school year in which the student reaches 21 years of age, including children with disabilities who have been suspended or expelled.

Legal Reference: 92 NAC 51-004.01 through 004.03A and 007.07C2 through 007.07C6

**B. Full Educational Opportunity Goal:**

The District shall take steps to ensure that its children with verified disabilities have available to them the variety of educational programs and services available to children without disabilities in the areas served by the District, including art, music, industrial arts, family consumer science education, and vocational education.

Legal Reference: 92 NAC 51-004.11A

**C. Child Find:**

All children with disabilities residing in the District, including children with disabilities who are homeless or are wards of the state or attending nonpublic schools, regardless of the severity of their disabilities, who are in need of special education and related services, will be identified, located and evaluated and a practical method shall be developed and implemented by the administration to determine which children with disabilities are currently receiving needed special education and related services.

Legal Reference: 92 NAC 51-006.01 through 006.01A2

**D. Individualized Education Program (IEP):**

An individualized education program, or an individualized family service plan, is to be developed, reviewed, and revised for each child with a disability in accordance with 92 NAC 51-007.

Legal Reference: 92 NAC 51-007

**E. Least Restrictive Environment:**

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

Legal Reference: 92 NAC 51-008.01 through 008.011

**F. Procedural Safeguards:**

Children with disabilities and their parents shall be afforded the required procedural safeguards.

Legal Reference: 92 NAC 51-009.01 through 009.07; 009.10 through 009.12; 009.14, 006.07 and 016.01

**G. Evaluation and Identification Procedures:**

Children with disabilities shall be evaluated and identified in accordance with 92 NAC 51-006. The District will respond to a request for an Independent Educational Evaluation without unnecessary delay. Locations of any evaluator shall be within a reasonable distance of the District. A reasonable distance means within 100 miles of the school building the child attends and within Nebraska. In the event this geographic area restriction would prevent a parent from obtaining an Independent Educational Evaluation, the location of the evaluator may be outside the specified geographic area but must be

within Nebraska. The District will provide the parent(s) with a list of qualified agencies/evaluators within the geographic area. The evaluators are to have their rates approved by the Nebraska Department of Education to be authorized to conduct the evaluation.

Legal Reference: 92 NAC 51-006

**H. Confidentiality of Personally Identifiable Information:**

The confidentiality of student records and information shall be maintained in accordance with law.

Legal Reference: 92 NAC 51-003.16, 003.20, 009.03 through 009.03M3

**I. Transition of Children from Part C to Preschool Programs:**

Children participating in early intervention programs under Part C of the IDEA (early intervention services) and who will participate in preschool programs assisted under Part B of the IDEA (services for school-aged children) shall experience a smooth and effective transition to those preschool programs in a manner consistent with 92 NAC 51-007.16. By the third birthday of such a child, an individualized education program or an individualized family service plan shall be developed and be implemented for the child. The District will participate in transition planning conferences arranged by the designated lead agency.

Legal Reference: 92 NAC 51-007.16 through 007.16B1b

**J. Children in Nonpublic Schools:**

To the extent consistent with the number and location of children with disabilities in the District who are enrolled by their parents in nonpublic elementary and secondary schools in the District, provision will be made for the participation of those children in the programs assisted or carried out under Part B of the IDEA (services for school-aged children) by providing them with special education and related services.

Legal Reference: 92 NAC 51-012.08 and 015

**K. Personnel Standards and Personnel Development:**

Personnel providing special education or related services to children with disabilities shall be appropriately and adequately prepared and trained in accordance with IDEA requirements and the District will take measurable steps to recruit, hire, train and retain personnel meeting the requirements of IDEA to provide such services.

Legal Reference: 92 NAC 51-010

**L. Participation in and Reporting of State and District Wide Assessments:**

All children with disabilities shall be included in all general state and district wide assessment programs, including assessments described under section 612(a)(16)(A) of the IDEA with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. The District will make available to the Nebraska Department of Education the information necessary to carry out its duties relating to the reporting of children with disabilities participation in assessments.

Legal Reference: 92 NAC 51-004.05

**M. Suspension and Expulsion Rates:**

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

Legal Reference: 92 NAC 51-004.06E

**N. Access to Instructional Materials:**

As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, the District will enter into a written contract with the publisher of the print instructional materials to:

1. Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Material Access Center, electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard, or
2. Purchase instructional materials from the publisher that are produced in, or may be rendered in specialized formats.

Legal Reference: 92 NAC 51-004.15

**O. Over-Identification and Disproportionality:**

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

Legal Reference: 92 NAC 51-003.10; 006.02C

**P. Prohibition on Mandatory Medication:**

Children shall not be required to obtain a prescription for a controlled substance as a condition of attending school, receiving an evaluation to determine whether a child has a disability or the nature and extent of special education and related services the child needs, or receiving special education services.

Legal Reference: 92 NAC 51-004.11D; 21 U.S.C. 812(c)

**Q. Transportation:**

Transportation will be provided for children with disabilities who are eligible for transportation and residents of the school district as required by law.

Legal Reference: 92 NAC 51-014.01 through 014.02

**R. Surrogates:**

A surrogate will be appointed and other action taken to ensure the rights of children with a disability as required by law.

Legal Reference: 92 NAC 51-009.10

Legal Reference: 34 CFR Parts 300, 303 and 304  
Neb. Rev. Stat. 79-1110 to 79-1167  
92 NAC 51

Date of Adoption: October 5, 2015



InstructionFirearm Policy

It shall be the policy of the Omaha Public School District to undertake all reasonable efforts to prohibit the unlawful possession, the knowingly and intentionally selling, attempting to sell, providing, loaning, delivering, or in any other way transferring the possession of a firearm to a juvenile, and to prevent the unlawful possession of a firearm in a school, on school grounds, in a school owned vehicle, or at a school sponsored activity or athletic event. This policy shall not apply to the issuance of firearms to or possession by members of the Armed Services of the United States, active or reserve, National Guard of the State, or reserve officers training corp, peace officers, off duty officer, or other duly authorized law enforcement officers when on duty or training, or when contracted by a school to provide school security or school event control services. Further, nothing in this policy shall be construed to require school action when a firearm is lawfully possessed by a person receiving instruction, or instruction under the immediate supervision of an adult instructor, or as to firearms contained within a private vehicle operated by a non-student adult when the firearm is not loaded, is encased, and is either in a locked firearm rack that is on a vehicle or is in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of a firearm exposed.

Any unlawful use or possession of a firearm as described in this policy and as described by statute shall as soon as is reasonably possible be reported to an appropriate law enforcement officer. Nothing in this policy shall be construed to prevent the district from carrying out regular disciplinary procedures as have been adopted by the Board of Education or as otherwise authorized by law.

Legal Reference: Neb. Rev. Stat. 28-1204.04

Date of Adoption: October 5, 2015



InstructionOnline and Digital Access and Education

The Omaha Public Schools will minimize barriers and maximize opportunities for communicating and sharing information with students, teachers, families, and the community. It shall be the policy of this school district to:

- A. Educate students, staff and family about appropriate online behavior and being responsible and ethical digital citizens. A component of these lessons will also include cyberbullying awareness and response.
- B. Connect class work with experiences beyond the classroom using digital and online resources. This education may include components on interacting appropriately with other individuals through social networking Websites, blogging, and corresponding with others through electronic mail (email) or audio and video conferencing.

When a teacher uses a digital resource, it shall be the policy of the District, that the staff member shall utilize their school-assigned email address for account creation instead of a personal account.

The school district shall monitor online activities of students and staff when using district or online applications while using District network resources and/or devices. The school district shall maintain and enforce technology protection measures designed to block or filter any computer using the school district's network from Internet access to the following:

- Visual depictions that are obscene as defined by federal law
- Child pornography as defined by federal law
- Materials on the Internet that are harmful to minors as defined by federal law or inappropriate for minors, and
- Electronic mail, social networking, direct electronic communication, except electronic mail or other electronic communication provided by or approved by the school district.

Such technology measures shall be designed to:

- Permit monitoring of student and staff online activities
- Inhibit unauthorized access and other unlawful activities by student and staff online
- Prevent unauthorized disclosure, use and dissemination of personal information regarding students and staff

Date of Adoption: January 8, 2018



Instruction

Technology Information Security

The Omaha Public School District provides for the security and privacy of all information technology systems and data entrusted to our organization. The Board and District leadership are committed to the following:

- ensuring that appropriate safeguards are in place for protecting this information
- complying with laws, regulations, and best practices for information security
- controlling access in order to prevent intentional and accidental misuse
- assuring that all employees are aware of their responsibilities related to information security

Date of Adoption: January 8, 2018



**Series 7000  
Procurement  
and  
Properties**



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Procurement and PropertiesPurchasing and Contracting Policies

The Omaha Public Schools Board of Education (Board) appropriates the funds that will be used to procure all goods and services required by the Omaha Public Schools (OPS). Authority to obligate OPS funds to any entity outside of OPS is vested in the Board and administered by the Superintendent or the Superintendent's designee. Nebraska law authorizes the Board to contract on behalf of Douglas County School District 0001, a Nebraska political subdivision, the legal entity that is commonly known as Omaha Public Schools or OPS.

All OPS purchases, leases, and other contracts for goods or services shall be awarded contingent upon an appropriation of funds having been made by the Board and the cost being covered by unrestricted cash balances in the appropriate fund account. All purchases shall be made in compliance with legal requirements to ensure fair and competitive purchasing and acquisition processes, as required by these Policies, are being followed.

All OPS contracts must be in writing. An OPS contract can be evidenced by a written contract signed by OPS and the vendor providing goods or services or by a written purchase order issued by OPS and accepted by the vendor authorizing the purchase of goods or services.

The Board has adopted the following Purchasing and Contracting Policies for the procurement of goods and services needed by OPS.

**I. Scope and Definitions:**

- A. These Purchasing and Contracting Policies shall apply to all acquisitions involving the expenditure of OPS funds or funds provided directly to OPS by other sources (federal, state, local, grants, donations etc.) for use by OPS, with the exception of those situations outlined under *Exceptions to Bidding Procedures* below. All purchases of goods and services by OPS shall be made in compliance with legal requirements.
- B. The following definitions are applicable to these Purchasing and Contracting Policies:
  1. Compliance with legal requirements – compliance with all applicable federal, state, and local laws, as well as the policies, rules, and regulations established by the Board and the Nebraska Department of Education (NDOE).
  2. Construction contract – any OPS contract for the construction, remodeling, repair or maintenance of an existing OPS building or construction of a new OPS building other than a construction manager at risk contract.
  3. Construction manager at risk contract – any contract entered into pursuant to the OPS Construction Manager at Risk Policies for the construction, renovation or remodeling of an existing OPS building or construction of a new OPS building
  4. Contract or OPS contract -- any contracts in which OPS is a party. Contracts that identify a particular OPS school as a party shall be deemed OPS contracts for purposes of these Policies. In absence of a written contract, an OPS purchase order shall be consider an OPS contract. As used herein, an OPS contract includes written

contracts, OPS purchase orders, construction contracts, construction manager at risk contracts and professional services contracts.

5. Direct Pay – any payment for goods or services which is authorized for payment without the issuance of an OPS purchase order.
6. Professional services -- services that require: a post-secondary degree in a particular professional field; a license from a state oversight board or similar authority; or the exercise of specialized skills, knowledge, creativity, or technical abilities. Examples of professional services include, but are not limited to: appraisers, architects, attorneys, auditors, educational consultants, engineers, financial advisors, land surveyors, psychologists, speech-language pathologists, therapists, and translators.
7. Superintendent – the duly appointed and acting Superintendent of Schools for OPS.
8. Vendor – any person or entity providing goods or services to OPS of any nature pursuant to an OPS contract, a construction contract, a construction manager at risk contract or a professional services contract.

## **II. Ethical Practices and Conflicts of Interest:**

- A. All funds held by the Board and by each of its individual schools, regardless of the source, are held in public trust. Therefore, all OPS employees will make all purchasing and procurement decisions as responsible stewards of public funds. Employees of OPS shall not engage in unethical behavior or compromising practices in relationships, actions, and communications with any current or potential vendors. Any OPS employee learning of or reasonably suspecting any violations of these standards shall report the violation or suspected violation to the OPS Department or Division supervisor responsible for the issuance of the purchase order or for the acquisition, as applicable.
- B. No OPS employee shall purchase or contract to purchase any goods or services in any form nor enter into a contract contrary to the requirements of these Purchasing and Contracting Policies. Failure to abide by these Purchasing Policies may result in disciplinary action, including termination. Any purchase made contrary to these established Purchasing and Contracting Policies shall be null and void and the Board shall not be bound thereby, unless the Board ratifies the purchase or contract in a public meeting.
- C. No OPS contract shall be entered into when any known relationship by marriage or blood exists between the vendor or its agents and the requesting OPS employee, unless the vendor was a current vendor prior to the existing relationship and the existence of the relationship is fully disclosed in writing. In the event that an OPS employee is uncertain whether a family or business relationship involving an actual or potential OPS vendor might be improper or disqualify the vendor from contracting with OPS, the employee shall bring the matter to the attention of the Executive Director of District Operational Services, who shall determine whether the vendor is eligible to contract with OPS.
- D. All purchases made on behalf of OPS are to be made using procedures that are fair and equitable and provide the best value for OPS. No vendor or potential vendor of products

or services shall provide any gift, bonus, refund, or anything of monetary value to any member of the Board, any OPS employee or any member of the immediate family of an OPS employee, which could be perceived as an inducement to favorable consideration of their company, product, or services, provided, however, that this policy shall not be deemed to prohibit gifts and gratuities of a nominal value. Gifts and gratuities of a nominal value shall mean those not exceeding the amount of \$25.00 in value. Procedures shall be established to assure that no such improper inducements are provided or accepted.

- E. No Board member, OPS employee nor any member of the immediate family of an OPS employee, shall make any out of town vendor site visits, attend or participate in any out of town product demonstrations, attend any out of town seminar or education opportunity or travel to any out of town destination, where the travel or subsistence costs are paid by any current or prospective OPS vendor, provided, however, that travel and subsistence costs may be paid or reimbursed by a vendor for training OPS employees in the use, repair or maintenance of equipment and systems acquired by OPS, after award of the contract for such acquisition, where the vendor is required to provide such training as a part of the contract for the acquisition cost of that equipment or systems.
- F. The Board of Education conduct is governed by Nebraska law as well as Board Policies relating to conflicts of interest.
- G. No purchase under an OPS contract shall be made of goods or services for the personal use of any Board member or any OPS employee, unless the goods or services acquired are solely for OPS purposes in connection with that person's duties as a Board member or OPS employee. No goods or services shall be acquired under an OPS contract for the use by any person who is not an OPS employee or Board member, provided that goods or services acquired under an OPS contract can be provided to or used by another political subdivision as a part of an Interlocal Agreement with that political subdivision that has been approved by the Board. Additional goods or services cannot be ordered as a part of an OPS contract for any such personal uses regardless of whether or not the person or entity reimburses OPS for such goods or services.

### **III. Purchasing and Contracting Procedures:**

Purchases of all goods and services from budgeted and appropriated funds shall be conducted in compliance with the requirements set out below. In each instance, appropriate records shall be maintained to document compliance with OPS Purchasing and Contracting Policies and selection of the successful vendor. Those records shall be subject to review and audit by designated representatives of OPS and by outside auditors contracted by OPS. All purchasing procedures shall be based upon obtaining good and services that meet the needs of OPS for the best value. In accordance with that goal, OPS shall utilize the following procurement procedures unless specifically exempted under Article V of these Purchasing and Contracting Policies.

- A. Any purchase with an anticipated cost under \$5,000 shall, whenever practicable, be made based on at least two (2) verbal competitive quotes from qualified vendors providing such goods and services. Such purchases may also be made through comparison pricing using internet searches and purchases.

- B. Any purchase with an anticipated cost of \$5,000 to \$10,000 shall be made by obtaining multiple competitive quotes from qualified vendors providing such goods and services in the form of e-mail, phone or fax quotes.
- C. Purchases with an anticipated cost of \$10,000 to \$25,000 shall be made by obtaining multiple written competitive bids from qualified vendors providing such goods and services utilizing standard OPS bid documents.
- D. Purchases with an anticipated cost greater than \$25,000 shall be made by a written bid or request for proposal (RFP) document requiring the submission of sealed bids or proposals. Notice of the bid or RFP will be published in accordance with OPS Purchasing Division procedures. Any bid or RFP documents must be prepared and approved by the OPS purchasing agent, working in cooperation with the requesting OPS Department, Division or school. The bid and RFP documents for these purchases may also be posted on the OPS website.
- E. Purchases of goods or services shall not be divided into separate purchases for the purpose of avoiding any of the requirements of these Purchasing and Contracting Policies for obtaining the competitive quotes or bids.
- F. Unless otherwise directed by the Superintendent or designee, all purchases shall be evidenced by a purchase order and/or a written contract, unless acquired by a procurement card by those OPS employees authorized to make purchases pursuant to such procurement card. Receipts for purchases by procurement card shall be obtained by the purchaser and submitted to the Department or Division personnel designated to report such purchases and maintain records of such purchases.
- G. The OPS Purchasing Division is responsible for obtaining all quotes and for the preparation and administration of all formal bid and RFP solicitations except for quotes, bids and RFPs solicited in the following situations:
1. All architect and engineering contracts and all construction contracts shall be conducted by the OPS Buildings and Grounds Division, pursuant to approved selection or bidding procedures.
  2. Construction manager at risk selection procedures shall be conducted pursuant to the Construction Manager at Risk Policies approved by the Board.
  3. All purchases of buses and other vehicles, contracts for transportation services, purchases of vehicle parts and supplies and vehicle fuel purchases shall be conducted by the OPS Transportation Services Division.
  4. All purchases of food products and other consumables and food services supplies used by Nutrition Services shall be conducted by the OPS Nutrition Services Division.
  5. Supplies, materials and consumables required by OPS Buildings and Grounds Division for use in its construction, maintenance and repair activities.

6. In the event of the occurrence of extraordinary circumstances where a delay in purchasing would create a hardship for OPS or a financial loss to OPS, purchases may be conducted by individual OPS departments as may be approved from time to time by the Superintendent or the Superintendent's designee.
- H. Any bid or quote specifications for bid or quotes solicited by the OPS Purchasing Division on behalf of another OPS Department must be submitted to the Purchasing Division at least 90 days prior to the date that bids or quotes are to be issued unless the Purchasing Division authorizes, in advance, a shorter deadline for such submission. For those quotes, bids and RFP solicitations it conducts, the OPS Purchasing Division, in consultation with the OPS Department or Division seeking to acquire the goods or services, will review the responses to the solicitation to determine the vendor that should be awarded the contract or be recommended to the Board for award of a contract. The Purchasing Division shall approve all bid awards that are not required to be approved by the Board and shall approve all recommendations to the Board for those bids that are required to be awarded by the Board. The successful vendor will be notified of the award or recommendation. When a formal solicitation is permitted to be administered by another authorized OPS Department or Division under these Purchasing Procedures, that Department or Division is responsible to maintain compliance with all procedural requirements regarding the solicitation, including but not limited to, documentation and award justification.
  - I. All sealed bids and RFP responses shall be opened in public immediately following the close of bidding or the close of time to submit proposals. The public shall be allowed to attend the opening of any formal bid or proposal. At least two (2) OPS employees will be present at each bid and proposal opening to verify that appropriate solicitation procedures have been followed; preferably the OPS employee from the Department, Division or school requesting the goods or service and the OPS employee preparing the bid or RFP documents.
  - J. Provided all applicable OPS Purchasing and Contracting Policies and purchasing procedures have been followed in the issuance of a bid or RFP, a contract may be awarded even though only one bid or proposal is actually received by OPS if it is determined to be in the best interests of OPS to make the award.
  - K. The Superintendent or the Superintendent's designee may execute a contract on behalf of OPS if the contract amount is less than \$50,000. Other than for those contracts and purchases advertised by other OPS divisions as described in Section G of this Article III, the OPS Purchasing Division shall determine whether the contract will be evidenced by a written contract or an OPS purchase order in accordance with OPS Purchasing and Contracting Policies and OPS procedures. For those contracts and purchases by the OPS Divisions and Departments described in Section G of Article III, the responsible OPS Division or Department shall determine whether the contract will be evidenced by a written contract or an OPS purchase order. For contracts in excess of \$50,000, the recommended award must be presented to the Board for approval. All contract awards made by the Board shall be evidenced by a written contract signed by the vendor and by the Board President and Secretary.

- L. Most purchases and services shall occur in the current fiscal year. If the purchase or service involves commitment beyond the current fiscal year, the purchase must comply with Nebraska Revised Statute 79-515.
- M. Purchases may be made by procurement cards provided that the OPS Purchasing and Contracting Policies are followed and not violated. Department heads or designees shall determine OPS staff members entitled to utilize procurement cards, and the cumulative expenditure limit and the per-transaction limit for each card issued. Department heads may also, at any time, revoke any procurement card authorization. The OPS Accounting Department will establish procedures for issuing of procurement cards and for reporting and documenting of procurement card purchases by OPS staff.

#### **IV. Construction, Remodeling, or Repair Contracts:**

The purpose of this Article IV is to set forth certain policies that are specifically applicable to contracting for construction, remodeling or repair of an OPS facility. Except as specifically provided otherwise in this Article IV, all provisions of the Purchasing and Contracting Policies will apply to and govern the solicitation of bids and proposals and the awarding of contracts for the construction, remodeling or repair of an OPS facility.

- A. Construction contracts with an anticipated cost of less than \$10,000 shall be made in accordance with procurement procedures prepared by the OPS Director of Buildings and Grounds and approved by the Executive Director of District Operational Services.
- B. Construction contracts with an anticipated cost greater than \$10,000 but less than \$40,000 shall be made on the basis of multiple competitive written quotes. OPS will seek a minimum of two (2) written quotes for each project. Documentation of award justification shall be maintained by the Buildings and Grounds Division and available for periodic audit. Prior to the commencement of work or the furnishing of any services, a contract for the work will be prepared by OPS and will be signed by the vendor and the Executive Director for District Operational Services or designee, or an OPS purchase order shall be issued to the vendor.
- C. Construction contracts with an anticipated cost greater than \$40,000 shall be awarded through a sealed bid procedure conducted in accordance with state law (see Section 73-106, Nebraska Revised Statutes). Bids or proposals will be solicited through a competitive sealed bid process based upon written bid documents prepared or approved by the Buildings and Grounds Division. Formal bid solicitations will be publically advertised as required by state law. A bid bond or cashier's check in the amount of 5% of the bid or RFP amount shall be required to be submitted with the bid or RFP response. Construction contracts over \$50,000 in amount must be approved by the Board and signed by the vendor and the Board President and Secretary. Construction contracts between the amounts of \$40,000 and \$50,000 shall be approved and signed, or purchase orders issued, as provided in Section C of this Article IV.
- D. Construction manager at risk contracts solicited for construction of projects pursuant to the requirements of the Political Subdivision Construction Alternatives Act (Neb. Rev. Stat.

§§13-2901, et seq.) and the Construction Manager at Risk Policies (Policy 7003) shall not be subject to the bidding requirements of Sections A, B, C and F of this Article IV, but shall be subject to all other provisions of this Article IV.

- E. All construction contracts and construction manager at risk contracts will require a performance, labor and materials bond and insurance coverages in accordance with the bid documents and applicable state law.
- F. The Director of Buildings and Grounds, or the Director's designee, and at least one (1) additional OPS employee, preferably the project manager or an employee from the Buildings and Grounds Division familiar with the requirements of the bid, must be present for the bid opening, and will open all bids for construction projects. All bids will be opened in public immediately following the close of bidding.
- G. Change orders for those construction contracts that were previously approved by the Board must be submitted to the Board for approval. Regardless of whether the original construction contract was approved by the Board, change orders that: (i) increase the total contract sum by the amount of \$50,000 or more; (ii) that increase or decrease the contract sum in any amount if the contract sum is already in excess of \$50,000; or (iii) require an extension of time for substantial completion of the work of more than thirty (30) calendar days, must be approved by the Board before execution of the change order. All other change orders may be approved by the Executive Director for District Operational Services or designee. Construction contracts and change orders shall not be prepared for the purpose of avoiding Board approval requirements. If the time involved in the change order approval process will materially delay the start of construction or will materially delay the progress of the construction work if not promptly approved, the Executive Director of District Operational Services may give interim approval of the change order pending approval of the Board at its next meeting. The Board will be advised at such meeting of all change orders receiving interim approval.
- H. Work under a construction contract or construction manager at risk contract shall not begin until the construction contract is fully signed or purchase order issued, all required bonds are furnished and evidence of insurance coverage is provided by the vendor, along with other documents as required by the contract documents.
- I. Architects and engineers will be selected utilizing the architect selection procedures approved by the Board.

#### **V. Exceptions to Bidding Procedures:**

With the prior approval of the Superintendent or the Superintendent's designee, competitive bid or quotation procedures may be waived in the following situations. Contract reporting procedures still must be strictly adhered to (see Article VI. *OPS Contract Review* and Article VII. *Contract Reporting and Signing Procedures*). Exceptions to the bidding procedures stated in Sections A and B of this Article are not applicable to construction contracts.

- A. Academic Prerogative - Products and services specific to achieving curriculum and academic standards as determined by OPS personnel, including textbooks, instructional media, reference materials, teaching aids, testing materials and products, academic software, training, and curriculum-based professional services, (tied specifically to other designated curriculum materials) may be purchased at the discretion of the Assistant Superintendent for Curriculum and Learning. (See State Board of Education Rules for specific details regarding the purchase of textbooks.)
- B. Cooperative Purchases - Goods and services offered through cooperative purchasing sources, including but not limited to, state bid contracts and cooperative business purchasing agreements, where OPS personnel are satisfied that proper competitive bid procedures have been followed by the governmental or cooperative purchasing source and the price to be paid for the goods and services has been determined by a competitive bid procedure that was conducted within the past four years.
- C. Emergency Purchases - In the case of an emergency, the Superintendent or authorized designee shall have authority to purchase goods and services reasonably necessary to meet the emergency need without competitive bidding or competitive quotations. An emergency situation is one in which, if not addressed immediately, would:
1. Jeopardize the health or safety of students, staff or the public, or
  2. Cause a material interruption of instructional programs or in the continued operations of an OPS facility, or
  3. Cause irreparable harm to OPS or material damage to OPS property.
- For all emergency purchases, supporting documentation shall be maintained by the designated OPS official. Emergency purchases of \$50,000 or greater shall be reported to and ratified by the Board at the next regular meeting.
- D. Professional Services - Contracts for professional services shall be awarded using selection procedures determined by OPS to be best suited to fully assess professional abilities, to determine if the professional abilities match OPS needs for professional services and other criteria deemed relevant by OPS personnel, while also ensuring an open and fair selection process that engenders public confidence. While competitive bidding would not be the best method for selection of professional services, consideration should be given to using a request for qualifications (RFQ) procedure for selection of professional services providers.
- E. Service Agreements - Warranty repair or maintenance services that are included as a part of the original purchase price for the equipment.
- F. Perishable Goods and Food - Purchases of perishable goods and foods by OPS Nutrition Services
- G. Sole/Single Source - Purchases from a sole source of supplies, materials and services may be made provided reasonable justification has been submitted and approved by the

Executive Director of District Operational Services or the Executive Director's designee. In reviewing a request for sole source of supplies, materials and services purchase, consideration should be given to whether other goods or services could be specified that would allow for competitive bidding or competitive quotations. In sole source purchases, appropriate investigation should be made to assure that the prices for the good and services being purchased are consistent with publicly available pricing information.

- H. Previously Bid Goods or Services – Purchase of goods or services made under an OPS contract that is still in effect for the same goods or services where the original contract was awarded through a competitive bid or RFP process, the contract is still in effect and the contract, when awarded, contemplated multiple orders for goods and services.
- I. Utilities and Vehicle and Heating Fuels - Because of the fluidity of these markets, quotes shall be taken periodically to assure best price and service is obtained. Quotes are not required, however, for utility services that may only be obtained from a sole source supplier, such as Omaha Public Power District and Metropolitan Utilities District.
- J. Privately Funded Purchases – Purchases of goods or services, and construction or remodeling of facilities, that are entirely funded by private donations or other private funding sources where no OPS funds are expended for the purchase or construction, may be made without competitive bidding or quotations or under modified or limited bidding or quotation procedures, if: (i) the funding source has specifically directed use of a specific vendor or contractor or a restricted list of vendors or contractors; and (ii) the Superintendent or the Superintendent's designee has specifically approved the use of all of the vendors or contractors specified. In the absence of such specific direction and approval from the funding source, these Purchasing and Contracting Policies shall be followed.
- K. Real Estate Transactions – Purchases and sales of real estate, and leasing of real estate.
- L. Any purchases of goods or services where the procedures for acquiring such goods or services are specifically provided for by other policies of OPS.

#### **VI. OPS Contract Review:**

- A. All contracts in which OPS is a party shall be reviewed by General Counsel for OPS except in the following circumstances:
  - 1. Contracts that are prepared by General Counsel, unless the contract has been materially modified by someone other than General Counsel.
  - 2. Contracts where the total monetary obligation of OPS is less than \$50,000. However, the Superintendent or the Superintendent's designee shall have the discretion to seek General Counsel's review of such contracts.
- B. In reviewing contracts, the General Counsel must approve the form of the contract as legally enforceable, that it is in compliance with legal requirements and was awarded in compliance with OPS policies and must conclude that OPS is not subject to any unreasonable legal risks.

**VII. Contract Reporting and Signing Procedures:**

- A. All contracts where the total monetary obligation of OPS is \$50,000 or more must be approved by the Board in an open meeting and recorded in Board minutes. Any amendment to a contract and any exercise of an option to extend the term of a contract that was previously approved by the Board must also be approved by the Board. OPS shall not enter into multiple contracts with one vendor or services provider in order to avoid submission of the contract to the Board for approval.
- B. By submitting a contract for Board approval, the Superintendent is certifying that Board policies have been followed and that sufficient funds are available and approved by the Board for that purpose.
- C. In approving these contracts, the Board may condition its approval upon final approval of the contract form by the General Counsel and the Superintendent. If General Counsel expresses any qualifications to the approval of a contract, General Counsel will notify the Superintendent and Board in writing. Notwithstanding any qualifications, the Superintendent and Board retain the discretion and authority to enter into any contract in accordance with OPS Policies that they determine to be legal and commercially reasonable under the circumstances.
- D. The Board President or in the absence of the President, the Board Vice President, must sign all Board-approved contracts in excess of \$50,000 other than for change orders for construction contracts, which shall be signed by the Executive Director of District Operational Services, regardless of amount, after Board approval. The Board Secretary will attest the signature of the Board President or Vice President. Contracts executed by the Superintendent or the Superintendent's designee or the Executive Director of District Operational Services as permitted by these Purchasing and Contracting Policies are to be submitted to the Board Secretary and maintained as public records other than purchase orders which shall be maintained by that Division of the OPS Department of District Operational Services originally issuing the purchase order, and change orders, which shall be maintained by the OPS Buildings and Grounds Division.
- E. The Office of the Secretary of the Board of Education shall maintain originals of all OPS contracts approved by the Board other than purchase orders and change orders. All OPS contracts paid from school activity funds shall be maintained at the school office by the principal or designee and shall be provided to the Superintendent upon request.

**VIII. Individual School Purchases:**

- A. School activity funds are funds that are generated by the particular school. Examples of these types of funds include: athletics, clubs, general funds, field trips and scholarships.
- B. The school principal has primary responsibility to ensure that school activity funds are used to support the general welfare of the school and student body. The principal is also

responsible to assure that restricted school activity funds are used in accordance with the applicable restriction upon the use of those funds.

- C. Purchases made from school activity funds must be pre-approved by the principal or designee through a purchase order request. The principal shall be responsible to assure that adequate records are made of all purchase from school activity funds, including the reason for the purchase, the goods of services purchased, the vendor, the date of the purchase and the amount of the purchase.
- D. All purchases made from school activity funds shall be made in compliance with OPS Purchasing and Contracting Policies.
- E. Any procurement cards issued to school-based OPS staff shall be issued each OPS fiscal year with a predetermined cumulative expenditure limit, as well as a per-transaction limit. When the procurement card is issued, the budget for that school will be reduced by the amount of the cumulative expenditure limit of each procurement card issued. If more than one card is issued to OPS staff based at a particular school, the school's budget for that fiscal year shall be reduced by the total amount of the cumulative expenditure limits for all such procurement cards. The school principal shall be responsible for assuring that procurement cards are properly used and for reporting and documenting procurement card purchases as required by the OPS Accounting Department.

#### **IX. Real Estate:**

- A. The Board must approve any contract or lease, as applicable, for any of the following real estate transactions:
  - 1. Acquisition of any real estate, or any right or interest therein, by OPS, regardless of whether acquired by lease, purchase, eminent domain or donation.
  - 2. Sale or lease of any real estate owned by OPS, or of any improvement thereon, or of any right or interest therein.
  - 3. Lease of any real property or improvement by OPS from any person or entity.
- B. All purchase and sale contracts and leases pertaining to real estate must be signed by the President and Secretary of the Board.
- C. The sale of any real estate or building shall be conducted in accordance with procedures established by the District Operational Services Department. Before any real property is sold, it must first be declared surplus by the Board. Any contract for the sale of any real property by OPS must be approved by a vote of two-thirds of all members of the Board taken at a regular meeting of the Board (See Section 79-10,115, Nebraska Revised Statutes).

**X. Naming of Buildings and Memorials:**

- A. No OPS school building or other OPS facility will be named for a living individual. OPS school buildings and facilities may only be named after individuals who have been deceased ten or more years. The Board must approve all OPS building and facility names. With the prior approval of the Board, OPS may accept title to a building or other facility donated to OPS by a third party where one of the conditions of the transfer to OPS is that the building or facility, or portion thereof, be named for a specific person who may not otherwise be eligible for naming.
- B. Recognition of financial and other support from third parties for school building or facility additions, building construction projects or renovations may be considered to reflect not only the donor's financial support, but also the donor's commitment to the mission, vision and goals of OPS. Upon prior approval by the Board, contributions of fifty percent or more of the cost of a school renovation project may be recognized by a plaque or sign at the school building or other facility. Specifications for signs or plaques shall be approved by the Superintendent for any project to which this policy applies.
- C. District Operational Services Department procedures will be followed for the placement of commemorative memorials approved by the Superintendent of Schools and the Board.

Procurement and PropertiesConstruction Manager at Risk Policies**A. Purpose:**

1. Establish policies for selection of a construction manager at risk (CM@R) for selected construction projects undertaken by Omaha Public Schools (OPS) pursuant to the authority of §13-2901 to §13-2914, inclusive, of the Nebraska Revised Statutes. CM@R is an alternative project delivery model that is allowed for political subdivisions by the State of Nebraska (State) and can be used in lieu of the traditional “Design-Bid-Build” delivery model for construction projects undertaken by OPS.
2. These Policies provide for a qualifications-based selection of a CM@R firm to furnish construction related services for both the design phase and the construction phase of the project. During the design phase of the project the CM@R services include site investigation, design reviews, estimates and value engineering as needed, and sub-contractor bidding of all the direct cost of work and preparing a guaranteed maximum price (GMP) proposal to the Owner for review. The CM@R is not responsible for design of the project. During the construction phase of the project the CM@R is responsible for the construction of the project in accordance with the agreed project schedule and within the established GMP. The full scope of the services to be provided will be set forth in the OPS CM@R contract documents.

**B. Scope:**

1. On November 17, 2014, the OPS Board of Education (Board) adopted a resolution to allow the utilization of the CM@R delivery model for those construction projects selected by OPS. Pursuant to the requirements of §13-2905 of the Nebraska Revised Statutes, these Policies describe the process to be used for the selection of a CM@R.
2. Based on the project scope, budget, construction difficulty and schedule, the OPS Buildings and Grounds (B&G) staff will evaluate each project and will recommend to the Executive Director of District Operational Services (DOS) or designee the recommended delivery model for each project. The Executive Director of DOS, or designee, will then determine whether to use CM@R or design-bid-build project delivery method for each project.
3. If the Executive Director of DOS designates the CM@R delivery model for a project, the procedures set forth in these Policies will be used to select a CM@R firm.

**C. Policy Overview:**

1. The selection of a CM@R firm for the implementation of a CM@R project is a multiple step qualifications-based process that involves: (i) the solicitation of letters of interest with statements of qualifications (SOQs) from interested and qualified CM@R firms; (ii) review and evaluation of the letters of interest and SOQs by the designated selection committee

and preparation of a list of pre-qualified CM@R firms eligible to respond to a request for proposals (RFP); (iii) solicitation of proposals from short-listed eligible and pre-qualified CM@R firms pursuant to RFP documents prepared by or on behalf of OPS; (iv) evaluation and ranking by the designated selection committee of CM@R firms responding to the RFP; (v) interviews with the top three ranked CM@R firms by the selection committee and determination of the final ranking of those firms; (vi) negotiation of a CM@R agreement with the top ranked CM@R firm or with lower ranked firms in order of ranking if the negotiation with the top ranked CM@R firm is not successful; and (vii) submission of the negotiated CM@R agreement to the Board for approval and signature.

2. OPS reserves the right, at any time during the selection process, to terminate the selection process and abandon the project, or construct the project using the design-bid-build project delivery method.

#### **D. Pre-Qualification Procedures:**

1. Prior to issuing an RFP for a CM@R project pursuant to a public RFP solicitation, B&G staff will prepare a list of CM@R firms pre-qualified to perform CM@R projects for OPS. To prepare the list, B&G staff will solicit letters of interest and SOQs from qualified CM@R firms. B&G staff will prepare an SOQ solicitation document stating the requirements of the letter of interest and SOQ and the deadlines and procedures for submitting responses. The SOQ solicitation document will be sent to CM@R firms known to B&G staff to be interested in submitting proposals and will be advertised in a newspaper, having general circulation within the boundaries of OPS, at least 30 days prior to the date for receipt and opening of letters of interest and SOQs. The SOQ solicitation document will also be posted on the OPS website. Notification of the SOQ solicitation may also be provided to other trade publications and construction clearinghouses as B&G staff determines. The SOQ solicitation document will also be made available to any CM@R firm requesting such documents.
2. CM@R firms that have been previously pre-qualified by OPS will not be required to submit a new letter of interest and SOQ for each project, and will be eligible to submit a response to the RFP if pre-qualified for that type of project based on the earlier pre-qualification. CM@R firms that are pre-qualified will be required to re-submit a letter of interest and SOQ once a year in order to remain on the pre-qualified list. B&G staff may also request that a CM@R firm that is pre-qualified re-submit another letter of interest and SOQ if the staff has a good faith reason to believe that the CM@R firm is no longer eligible for pre-qualification status. A previously pre-qualified CM@R firm may be removed from the pre-qualified list if the CM@R firm does not re-submit a letter of interest and SOQ if requested to do so or fails to timely re-qualify as required.
3. Responses to the SOQ solicitation will be evaluated by the B&G staff for compliance with the SOQ solicitation document requirements and SOQs submitted by CM@R firms that are incomplete or that do not comply with the requirements contained in the SOQ solicitation documents will be rejected. The selection committee, constituted as set out in Section 5d of these procedures, will review qualified responses and will prepare a list of

pre-qualified CM@R firms that will be eligible to submit responses to RFPs issued by OPS. The list will include CM@R firms that were pre-qualified in a prior SOQ process and that have remained on the pre-qualified list since that time. The selection committee may limit the type and size of project that a pre-qualified CM@R firm is eligible to perform based on the selection committee's determination of the qualifications of each CM@R firm to perform the work when considering the CM@R firm's current qualifications, experience, financial ability, bonding capacity and any other relevant factors. When the list of pre-qualified CM@R firms is completed, all CM@R firms will be notified whether or not they have been pre-qualified and the size and type of projects that each such firm will be entitled to submit proposals. The selection committee may also remove CM@R firms from the pre-qualified list or limit the scope of a CM@R firm's pre-qualification if, in the judgment of the Selection Committee, the CM@R firm is no longer qualified to be on the pre-qualified list or is not qualified to perform certain projects.

4. Any CM@R firm that is not pre-qualified may submit a letter of interest and SOQ at any time, even though there is not an SOQ solicitation being conducted at that time in order to be placed on the pre-qualified list for future CM@R projects.
5. In order to meet OPS construction needs, the pre-qualification procedures and the RFP solicitation procedures may be combined in a single solicitation. In such event, any CM@R firm not previously pre-qualified may submit an SOQ and an RFP response simultaneously. If the SOQ is submitted simultaneously with the RFP response, the selection committee will first evaluate the SOQ, and if the CM@R firm meets the pre-qualification requirements, its RFP response will be ranked as provided in Section 5 hereof.

**E. RFP Solicitations:**

1. For each CM@R project, B&G staff will prepare RFP documents for the solicitation of RFP responses from eligible pre-qualified CM@R firms. The content of the RFP documents will comply with the requirements of §13-2905 of the Nebraska Revised Statutes and other applicable laws. The RFP will include at least the information listed below in subsections 5.a.i to 5.a.ix., inclusive. These minimum requirements for RFP documents are not a limitation on the information that can be included in an RFP, and OPS may include any other information that it deems relevant to the RFP solicitation.
  - a. The identity of OPS as the political subdivision soliciting the RFP and as the contracting party with the selected CM@R firm.
  - b. The Construction Manager at Risk Policies in effect at the time the RFP is issued.
  - c. The standard OPS CM@R agreement form which the selected CM@R firm will be required to execute. The agreement will contain the insurance requirements that the CM@R firm must provide.
  - d. Bid bond and payment and performance bond requirements.

- e. Project information describing the project to be constructed, including the scope and nature of the project, the project site, the proposed schedule and the estimated budget.
  - f. The criteria for evaluation of the proposals and the relative weight of each criterion if any of the selection criteria stated in these Policies is not utilized.
  - g. The then current Guidance for Construction Contractors and Construction Managers in preparing Economic Inclusion Plans, including the requirement to provide all information requested in the Guidance.
  - h. Any other information that OPS wants to include in the RFP.
  - i. The place where RFP responses are to be filed and the deadline for submission of responses.
2. RFP documents will be transmitted to each pre-qualified CM@R firm and notice of the RFP will be published in a newspaper of general circulation within OPS boundaries for 30 days prior to the deadline for receiving and opening proposals. The RFP documents will also be posted on the OPS website. Notification of the RFP solicitation may also be provided to other trade publications and construction clearinghouses as B&G staff determines.
  3. Responses to the RFP solicitation received by the deadline for receipt of responses will be opened immediately following the deadline. Responses received after the deadline will be returned to the submitting CM@R firm unopened. If a response is received from a firm that is not eligible and pre-qualified, it will also be returned unopened and will not be considered, unless OPS is conducting the pre-qualification procedures and the RFP solicitation procedures simultaneously as provided in Section 4e of these Policies.
  4. The RFP responses will be submitted to a selection committee composed of the following individuals (must have at least 5 members): one or more members of the current Board (not to exceed three), at least three (3) OPS staff members, the project architect or design consultant, as applicable, a person with familiarity in the review and selection of CM@R firms and a current resident of OPS. All members of the selection committee must be qualified to serve on the selection committee under the requirements of §13-2911 of the Nebraska Revised Statutes. The composition of the selection committee will be changed for different projects if different architects or design consultants are utilized for such projects. The composition of the selection committee may be changed from project to project to assure that OPS Board member or members and OPS staff selection committee members are sufficiently familiar with the needs of the project to be constructed. The Board members serving on the selection committee will be designated by the President of the Board. The President of the Board may at any time remove or replace any Board member serving on the selection committee and may add additional Board members to the selection committee, so long as no more than three Board members are serving on the selection committee at any time. The OPS staff members and the other non-Board selection

committee members will be designated by the Superintendent of Schools or designee. The Superintendent of Schools or designee may at any time remove or replace any non-Board selection committee members and may add additional non-Board members to the selection committee as needed.

5. The selection committee shall meet, evaluate and rank all RFP responses using the rating criteria and weighting set forth below. Evaluations shall be made and CM@R firms ranked by the selection committee within fifteen (15) business days after responses were opened, unless a longer time for selection committee evaluation and ranking is provided in the RFP solicitation. The selection committee will rank each CM@R firm in accordance with the rating criteria set forth below. The selection committee may utilize a point system for ranking CM@R firms so long as the weighting reflects the percentages set forth below. Notification of the rankings of all CM@R firms reviewed by the selection committee will be sent to each CM@R firm submitting a proposal. The rating criteria will comply with the requirements of §13-2911(2) of the Nebraska Revised Statutes and will include the following rating criteria and weighting when applicable:
  - a. The financial resources of the CM@R firm to complete the project – ten percent.
  - b. The ability of the CM@R firm to properly perform the work required – thirty percent.
  - c. The character, integrity, reputation, judgment, experience and efficiency of the CM@R – thirty percent.
  - d. The quality of the performance of the CM@R on previous projects for OPS and for other owners – thirty percent.
  - e. The ability of the CM@R to perform the work within the time specified – thirty percent.
  - f. The previous and existing compliance of the CM@R with laws relating to the contract – ten percent.
  - g. Any other information bearing upon the selection, including, but not limited to the CM@R firm's performance and compliance with the economic inclusions programs of OPS and the CM@R firm's safety record and safety programs – twenty percent.
6. Once the selection committee has compiled the CM@R firm rankings, the selection committee shall invite the three highest ranking CM@R firms to interview with the selection committee. After completion of the interviews, the selection committee will make any adjustments to the rankings of those three CM@R firms based on information from the interview and will document the reasons for any change in rankings in the records of the selection committee. The three CM@R firms participating in the interview process will be notified of any change in the rankings. The selection committee shall then communicate its final ranking to the Executive Director of DOS.

7. The results of the selection committee in evaluating and ranking the CM@R firms submitting proposals shall be retained in accordance with the OPS record retention policies and shall be considered public records.

**F. Contract Negotiation and Approval:**

1. Upon receipt of the final rankings, the Executive Director of DOS will designate the B&G staff members to negotiate an agreement with the highest ranked CM@R firm, with the assistance of OPS legal representatives, using the standard OPS CM@R agreement form that was included in the RFP documents. If those negotiations are not successful, OPS may then negotiate with the next highest ranked CM@R firm for an Agreement. OPS will continue to negotiate with CM@R firms in order of ranking until OPS can reach an Agreement with a ranked CM@R firm or OPS abandons the CM@R project delivery method.
2. Upon completion of negotiation of an agreement with a ranked CM@R firm, the completed Agreement will be presented to the Board for review and approval. If the Board refuses to approve the agreement, B&G staff will attempt to renegotiate the Agreement or OPS may elect to abandon the CM@R project delivery method.
3. Upon the submission by the selected CM@R firm of a GMP proposal, an amendment to the CM@R agreement will be prepared and the amendment will be submitted to the Board for approval.
4. A copy of the executed CM@R Agreement will be filed with the State of Nebraska Department of Education within thirty days after full execution of the Agreement. Thirty days after the project is complete, the CM@R firm performing the work will file copies of all contract modifications and change orders with the Nebraska Department of Education.

**G. Protests:**

1. In the event that any CM@R firm: (i) submits a letter of interest and SOQ and is not placed on the pre-qualified list of CM@R firms or is otherwise not allowed to submit a response to an RFP; (ii) submits a response to an RFP and disagrees with the ranking of the selection committee; (iii) has an SOQ or an RFP response returned unopened or rejected as non-compliant; or (iv) has not been able to successfully negotiate a CM@R agreement with OPS, the CM@R firm may file a protest with the OPS Citizens Bond Oversight Committee (CBOC).
2. Such protest shall be in writing, shall be addressed to the CBOC and shall be filed in the Office of the Secretary of the Board of Education, Teacher Administrative Center, 3215 Cuming Street, Omaha, Nebraska within 7 calendar days after the notification from OPS to the CM@R firm of the particular action being protested. Protests may be hand-delivered during regular OPS business hours, sent by nationally recognized air courier providing proof of delivery or by certified US mail, return receipt requested, and must be actually

received by the Secretary of the Board of Education within the 7 day period. E-mail, facsimile or verbal protests will not be considered. Protests received after the 7 day period will also not be considered. Risk of non-delivery shall be with the CM@R firm filing the protest.

3. The protest must contain at least the following information: (i) the name and address of the protesting CM@R firm and the name, phone number and e-mail address of a contact person; (ii) the action of OPS being protested; (iii) the reasons for the protest; (iv) a statement of the protestor's suggested remedy if the protest is upheld and (v) copies of any documents that the protestor believes are relevant to the action protested.
4. CBOC shall consider the protest and shall notify the protestor in writing of its decision regarding the protest. In reviewing the protest, CBOC may consider any evidence that CBOC believes is relevant to the decision and may interview any person, including representative of the protesting CM@R firm, that the CBOC believes are necessary to make the decision. Notification of the decision shall be sent to the protesting CM@R firm at least 5 calendar days prior to any action by the Board to approve a CM@R agreement for the project being protested.
5. Any protesting CM@R firm not satisfied with the decision of CBOC may appear before the Board at its next regular meeting following notice of the decision of CBOC and request that the Board overturn the decision. If the protesting CM@R firm fails to make such appearance, the decision of CBOC shall be final. The Board, upon hearing such protest, shall take such action on the protest as it deems appropriate.

Date of Adoption: May 1, 2017



Procurement and PropertiesCare of School Property and Assets

- A. All employees of the Board of Education are responsible for the proper accounting of all property used by them either in the course of regular instruction or classes or in any other situation where the school district is responsible or where any activity is conducted in the name of the school district. Employees are responsible for reporting damage, loss, or theft of any type of equipment to the Chief Operations Officer, who is responsible for the care and safeguarding of all school property.
- B. Removal of school property from one building to another, sale or exchange of property, alteration of physical property, or acceptance of any property donated to the schools must have the approval of the Chief Operations Officer.
- C. The Chief Operations Officer, with approval of the Board of Education, shall draft and implement regulations designed to maintain a safe and healthy condition on school premises for children and adults using school property for recreational purposes and further designed to protect neighbors and adjacent landowners from unreasonable inconveniences and discomfort because of the use to which school premises are put. Such regulations shall, at least with appropriate exceptions, prohibit horseback riding, the use of motorcycles, motor scooters, snowmobiles, and other power driven recreational equipment on school premises. Such regulations shall make exception for school, service, and emergency vehicles, and with necessary restrictions, for other motor-driven vehicles using surfaced parking and roadway areas for their intended purposes.

Date of Adoption: May 1, 2017



**Series 8000  
Internal  
Board  
Policies**



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Internal Board Policies - OrganizationRules of Order**Parliamentary Procedure:**

In all matters not covered by policies of the Omaha Board of Education or by statute, the Omaha Board of Education shall use Robert's Rules of Order, latest edition, as a guide. If the Board modifies or departs from these Rules during a meeting, that modification or departure shall not serve as actionable grounds for overturning decisions of the Board. The President shall decide all questions of order, subject to an appeal to the Board.

**Expectations of the Board of Education:**

In conducting the business of the Board of Education, it is expected that each Board Member is committed to excellence and equity in public education, and in order to achieve that goal, Board Members will strive to: place the educational welfare of all students attending the Omaha Public Schools first; regularly attend all regularly scheduled board meetings, except for emergencies, and become informed concerning the issues to be considered at those meetings; be open-minded in the decision-making process and base decisions on the best data available; encourage and respect the free expression of opinion by all Board Members; work with other Board Members to establish effective Board policies and to delegate authority for the general daily administration of the Omaha Public Schools to the Superintendent; raise issues of concern directly with the President of the Board of Education or the Secretary of the Board of Education and be willing to work on solutions to problems identified; be informed about current educational issues through individual study and through participation in programs providing needed information, such as those sponsored by state and national associations; avoid being placed in a position of conflict of interest; support policies and programs that will best serve the interests of the Board of Education as advocates for high quality education for all children; take no action that will compromise the Board of Education and disclose no confidential information except as authorized; act prudently when expending the funds of the school district, including observing a strict standard of fiscal responsibility in incurring any Board-related expenses; and take an active role in modeling and promoting good conduct with fellow Board Members.

**Sanctions:**

Improper Board Member behavior may result in sanctions against that Board Member, which may include public reprimand by the President of the Board of Education and/or the Board of Education; removal from standing and/or special committees by the President of the Board of Education and/or the appointing body of said committee.

Legal Reference:     Neb. Rev. Stat. 79-535  
                          Neb. Rev. Stat. 79-583  
                          Neb. Rev. Stat. 79-584  
                          Neb. Rev. Stat. 79-562

Date of Adoption:     August 4, 2014



Internal Board Policies - OrganizationDuties and Functions of the Board of Education

- A. The Board of Education shall exercise control over the Omaha Public Schools, Educational Service Unit No. 19, and the Omaha Schools Employees Retirement System in accordance with the statutes of the State of Nebraska.
- B. The Board of Education shall select an administrator for Educational Service Unit No. 19.
- C. The Board of Education shall have the power and duty to initiate questions of policy and pass upon the recommendations of the Superintendent in matters of policy, appointment or dismissal of employees, salary schedules or other personnel regulations, courses of study, selection of textbooks, and other matters pertaining to the welfare of the schools. The Board of Education may enter into contracts under such terms and conditions as the board deems appropriate, for periods of not to exceed four years, for the provision of utility services, refuse disposal, transportation services, maintenance services, financial services, insurance, security services, and instructional materials, supplies, and equipment and for collective-bargaining agreements with employee groups.
- D. The Board of Education shall require reports from its administration concerning conditions of efficiency and needs of the schools. The board shall take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system as may be determined by the Board of Education.
- E. The Board of Education shall adopt a budget in accordance with the statutes of Nebraska. Prior to the adoption of the budget, a public hearing shall be held with notice of the meeting published in advance. All money belonging to the Omaha Public Schools, in the hands of the county treasurer, shall be accounted for and disbursed directly to the Board of Education in accordance with statutory requirements.
- F. In order to exercise its right and duties, the Board of Education shall prepare and publish a body of policies and regulations covering organization, policies, and procedures of the school system. The Board of Education shall cause such policies and regulations to be revised as necessary and shall republish such policies as often as necessary.
- G. The Board of Education, and each Board Member, serves as an Ambassador of the Omaha Public Schools. As such, the Board of Education and each Member of the Board is to function as a representative of the Omaha Public Schools to the general public. The Board of Education, and each Board Member, serves as an advocate for the Omaha Public Schools within the district, and at the State, Regional and National Levels. Each Board Member is expected to be a vigorous, knowledgeable and articulate advocate of the Omaha Public Schools and its programs, as approved by the Board of Education, so that the best interests of the Omaha Public Schools can be made fully and clearly known.

Legal Reference: Neb. Rev. Stat. 13-517, 79-522 and 79-984

Date of Adoption: August 21, 2017



Internal Board Policies - OrganizationAnnual Organizational Meeting

- A. The OPS Board of Education shall meet in January each year thereafter to hold an organizational meeting. At such meeting, newly elected board members shall be administered the oath of office.
- B. At the annual organization meeting, the Board of Education shall elect a President and a Vice President from its membership. The President and Vice President shall serve for a term of one year or until their successors are elected and qualified.
- C. The OPS Board of Education shall first elect its President and then elect its Vice President. Any member of the Board may self-nominate or be nominated by another Board Member. Nominating speeches are not permitted. However, nominees shall have up to five minutes to speak following the close of nominations and prior to the distribution of ballots. Nominee speeches shall be in order of nomination. Election of officers of the Board of Education shall be by secret ballot. Election shall require a majority of all members of the board.
- D. The Board of Education may also elect from outside its own members, a Superintendent, a secretary, a treasurer, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for terms not to exceed three years.

Legal Reference: Neb. Rev. Stat. 11-101

Date of Adoption: August 18, 2014



Internal Board Policies - OrganizationCommittees and Committee Functions**Subcommittees:**

Unless otherwise designated by the Board, the President shall appoint the members and chairs and the President may authorize the Superintendent to appoint members of the administration or the community to serve the needs of the committee. Summaries of all subcommittee meetings shall be reported to the Board for its information, recording, and recommendation. Each subcommittee shall have a membership of no less than three members, including the President (who shall be an ex officio member), with any two constituting a quorum.

**Committee of the Whole:**

The Omaha Public Schools Board of Education may function as a Committee of the Whole during a regularly scheduled or special meeting when it is necessary to extend discussion on an issue. Any member may refer an item to the Committee of the Whole through a motion to commit or to refer.

The Secretary shall keep a memorandum of the matters discussed and prepare a Committee of the Whole report for submission at a regularly scheduled business or special meeting.

**Committees Required by Statute:**

Americanism Committee – Required by law and shall perform the functions required by the law.

Committee on Claims – Required by law and shall perform the functions required by law.

**Standing Committees:**

Accountability Committee – Schedule and coordinate the evaluation of the Superintendent of Schools. The committee will also coordinate semiannual performance discussions with the Superintendent.

Budget and Audit Committee – Monitor financial matters of the district, approve the budget timeline and provide input to the budget development process. The committee will also coordinate audit work for the Board with the district's External/Internal Auditor.

Policy Committee – Develops and recommends policies for the Omaha Public Schools.

Board Governance Committee – Chaired by the Vice-President, the Board Governance Committee will focus on, but will not be limited to, the following areas:

- Board Governance
- Professional Development of the Board
- New Board Member Orientation
- Board Member Self-evaluation
- Code of Ethics for Board Members
- Communications specific to identified strategies of the strategic plan

**Temporary, Special or Ad Hoc Committees:**

Additional temporary, special, or ad hoc committees of the Board may be established only by Board action or by the President. The President shall appoint such temporary and special committees as may be deemed necessary or advisable by the Board and may authorize the Superintendent to appoint members of the administration or the community to serve the needs of the committee.

**Special Appointment:**

Members of the Board may be appointed to represent the Board on joint committees with other agencies or as advisors to other agencies. The President will make such special appointments and may authorize the Superintendent to appoint members of the administration or the community to serve the needs of the appointment, unless otherwise designated by the Board.

**Functions of Committees:** (Revised 12/15/08)

- A. The functions of a committee shall be to study, analyze, and report on any questions or issues as may be referred to it by the Board of Education, brought to its attention by the Superintendent, or raised by a member of the board. Any committee may at its discretion hold hearings or call for reports prepared by the Superintendent or the Superintendent's staff. Findings and recommendations shall be made to the board as a whole for final action.
- B. The President of the Board of Education shall be an ex officio member of all committees with the same power and privileges as other members. The Superintendent of schools may be appointed to membership on special committees and shall be eligible to attend any committee meeting. The Superintendent is not eligible to attend committee meetings held for Superintendent re-employment and/or salary considerations, except as permitted by the Board of Education.

Legal Reference: Neb. Rev. Stat. 79-522

Date of Adoption: August 21, 2017

Internal Board Policies - Organization

Policy Application

Except where otherwise noted, the policies and regulations of the School District of Omaha shall govern Educational Service Unit No. 19. Also, the administrative manual for the school district, Practices and Procedures, shall provide the guidelines for interpretation and application of the policies for the service unit.

Date of Adoption: November 6, 2017



Internal Board Policies - Board MembersOrientation for Newly-Elected Members of the Board of Education

The Board of Education and staff members shall assist each newly elected member to understand the functions, policies, and procedures of the Board of Education before the member takes office. To this end the following steps shall be taken:

1. The Secretary of the Board shall give the newly-elected member selected materials such as a copy of the Board's policies, a copy of the school budget, and information on the responsibility of a school Board member, or electronic access to such materials.
2. The newly-elected member shall be invited to attend meetings of the Board of Education.
3. The Secretary of the Board shall supply material pertinent to the meetings and shall explain the use of such materials.
4. The newly-elected member shall be invited to meet with such administrators as determined appropriate by the Secretary of the Board to discuss their area of responsibility as defined by the Board of Education.
5. Any other material deemed helpful shall be made available upon request.

Legal Reference: Neb. Rev. Stat. 79-583

Date of Adoption: August 4, 2014



Internal Board Policies - Board MembersBoard Member Attendance at Educational Workshops, Conferences, Training Programs, Official Functions, Hearings, and Meetings

Board members are expected to maintain effectiveness by being well-informed on educational issues. Accordingly, Board members are encouraged to attend educational workshops, conferences, training programs, official functions, hearings, or meetings which are sponsored by the school district, state, and national education organizations.

Board members are specifically authorized to attend such functions which are sponsored by this school district, the Nebraska Association of School Boards, the National School Boards Association, and similar organizations without specific action by the Board of Education but with the prior approval of the President and Vice-President of the Board of Education. In addition, school Board members may attend such functions at district expense sponsored by other organizations upon specific prior approval of the President and Vice-President. In the event of a denial of approval, the request for approval may be considered by the Board of Education. Board members shall provide a report to the Board within 30 days of travel. The report shall provide an overview of sessions attended and information that may be valuable to the professional development of the Board of Education.

The Secretary to the Board of Education will prepare a quarterly report to the Board of Education. The report will include a summary of all board member travel and expenditure associated with attendance to workshops, conferences or meetings.

Legal Reference: Neb. Rev. Stat. 79-512

Date of Adoption: May 21, 2018



Internal Board Policies - Board MembersMiscellaneous ExpendituresA. Expenses Incurred at Educational Workshops, Conferences, Training Programs, Hearings, Meetings, or Official Functions

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for the following:

1. Payment or reimbursement of actual and necessary expenses of Board Members, employees, or volunteers incurred in connection with any of the following events:
  - a. educational workshops
  - b. conferences
  - c. training programs
  - d. hearings
  - e. meetings
  - f. official functions
2. Such expenses may be paid with public funds, whether the event is sponsored by the Omaha Public Schools or some other entity or whether the event occurs at an Omaha Public Schools facility or at some other location within or outside the geographic boundaries of the Omaha Public Schools. Attendance at the event must benefit and promote the work of the Omaha Public Schools.
3. If payment for such expenses incurred for attendance at any of these events is otherwise covered by these policies, the provisions of those other policies shall govern payment or reimbursement. If no other policy governs such payment or reimbursement, the following rules shall be uniformly applied:
  - a. Payment or reimbursement is authorized only if attendance at the event is given prior or contemporaneous approval by the employee's immediate supervisor or by the Superintendent of schools or the Superintendent's designee or, in the case of Board Members, by the President and Vice President of the Board of Education. Employees of the Omaha Public Schools may be excused for attendance at conferences, educational workshops, or training programs without loss of pay upon written application to and approval in writing by the Superintendent of schools or the Superintendent's designee. All employee absences for attendance at such events generally must be approved four weeks in advance before such absence may be granted. Notation of approval of attendance must be provided to Compensation and Benefits by the employee's immediate supervisor or designee. For budgetary purposes, as much planning as possible should be made one year in advance.

- b. Anyone seeking reimbursement for out of pocket expenses reasonably incurred in connection with an authorized event shall be paid at the Board approved per diem, which should be the federal rate for Omaha. The itemized listing shall be submitted for payment to the accounting office.
- c. Authorized expenses may include:
  - i. Any registration cost, tuition cost, or fees or charges for attending the event.
  - ii. All reasonable event expenses if the event is sponsored by the Omaha Public Schools. Such expenses may include the cost of providing non-alcoholic beverages and refreshments for those attending the event. If the event is a public meeting of the Board of Education or a committee of the board, such expenses may include the cost of providing non-alcoholic beverages for those in attendance.
  - iii. Mileage as provided in Policy 8232.
  - iv. Actual travel expense if travel is authorized by commercial or charter means. Such expenses may include reasonable and necessary ground transportation and also may include car rental, if the rental is explicitly authorized as necessary by the President of the Board of Education for Board Members or by the Superintendent of schools or the Superintendents designee for employees or volunteers.
  - v. Meals and lodging at a rate not exceeding the applicable federal rate for Omaha unless a fully itemized claim is submitted substantiating the costs actually incurred in excess of such rate and such additional expenses are expressly approved by the Board of Education.
- 4. Expenses for Meals and Non-Alcoholic Beverages for Emergency Relief Workers and Volunteers.

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for non-alcoholic beverages and meals for the following:

- 1. For any individuals while performing or immediately after performing relief, assistance, or support activities in emergency situations, including, but not limited to, tornado, severe storm, fire, or accident; and
- 2. For any volunteers during or immediately following their participation in any activities authorized by these policies, including:
  - a. Service on advisory committees to the Board of Education or the Superintendent of schools;

- b. Involvement in the Adopt-A-School program, PTA/PTSA, Omaha Education Week or other similar parent, business, or community involvement with the Omaha Public Schools;
- c. Mowing grass, picking up litter, removing graffiti, or removing snow; or
- d. Any other activity approved by the Board of Education.

3. Expenses for Recognition Dinners

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for one recognition dinner each year held for members of the Board of Education, employees of the Omaha Public Schools, or volunteers in the schools. The maximum cost per person for any such dinner shall not exceed \$25. Any annual recognition dinner held pursuant to this policy may be held separately for members of the Board of Education, employees of each department of volunteers, or any of them in combination.

4. Expenses for Plaques, Certificates of Achievement, or Other Awards

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for plaques, certificates of achievement, pins, flowers, or other items of value awarded to elected or appointed officials, employees of the Omaha Public Schools, or volunteers. No item awarded to any individual shall exceed \$100 in cost. No item shall be awarded to any individual without the explicit prior approval of the Superintendent of schools, the Superintendents designee, or the Board of Education. No item of value shall be awarded to an individual except for activity which promotes the education of the students of the Omaha Public Schools.

5. It is recognized that the Board of Education is accountable to the taxpayer and therefore reimbursement for activities undertaken by individual Board Members which may be in the course service to the District but which are not public functions/meetings or otherwise organized by administration and/or the Board of Education, and which are not specifically outlined above, must be recommended for approval for reimbursement by the Finance, Operational Services and Claims Committee on Claims of the Board of Education and approved by the Board of Education.

All expense claims should be submitted no later than 30 days after the expense has occurred.

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

Date of Adoption: November 11, 2014



Internal Board Policies/PersonnelUse of Public Resources by Board Members and Employees**Restrictions on Use:**

No Board member or employee of Omaha Public Schools shall use or authorize the use of his or her public office or any confidential information received through the holding of the public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

No Board member or employee shall use or authorize the use of school district personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

No Board member or employee shall use or authorize the use of school resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. For purposes of this restriction, "school resources" means personnel, property, resources, or funds under the official care and control of the Board member or employee.

**Authorized Uses:**

The uses described below are not authorized by employees, and violate this policy, where an employee's use: (1) interferes with the conduct of school business; (2) interferes with the performance of the employee's duties and responsibilities; (3) is contrary to another Board policy or a rule or directive set forth in an employee handbook or other employee communication device; (4) is contrary to a supervisor's directive; or (5) the use is for the employee's personal financial gain or potential for personal financial gain.

*Incidental or De Minimis Use:* Use of school resources by a Board member or employee which is incidental or de minimis does not constitute a violation of this policy.

*Personal Use as Part of Compensation:* Use of school resources for personal purposes is authorized by this policy if:

1. the use of the resource for personal purposes is part of the employee's compensation provided in an employment contract or is consistent with this policy; and
2. the personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid by the affected employee.

Employees who engage in such personal use shall, upon request of the Board of Education or the administration, provide evidence to establish that the compensation has been reported and taxes paid as required by the Tax Code.

*School Vehicles:* Use of a school vehicle by a Board member or employee to travel to a designated location or the home of the Board member or employee is permissible when the primary purpose of the travel serves a school district purpose. Such use is authorized by this policy. No travel other than directly to the school-related trip destination shall occur, however, when students are in the vehicle or if the vehicle is a school bus.

*Communication Devices:* A Board member or employee may use a telecommunication system, a cellular telephone, an electronic handheld device, or a computer under the control of the school district for email, text messaging, a local call, or a long-distance call, to a child at home, a teacher, a doctor, a day care center, a baby-sitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of school business or the performance of an employee's duties.

A Board member or employee shall be responsible for payment or reimbursement of charges (e.g. long distance charges), if any, that directly results from any such communication. The Board member or employee shall promptly report any such communication that results in an expense to the School District to the Superintendent or the Superintendent's designee. The Superintendent or the Superintendent's designee shall establish procedures for reimbursement of charges incurred as a result of such communications.

Use of the District's internet system for such communications shall not be permitted to the extent such use violates the terms of the E-Rate program, which restricts use of the internet system to "educational purposes."

*Election Issues:* A Board member or the Superintendent, in the normal course of his or her duties, may use school resources to research and prepare materials to assist the School Board in determining the effect of a ballot question on the School District.

Mass mailings, mass duplication, or other mass communications at school expense for the purpose of qualifying, supporting, or opposing a ballot question is not permitted. Mass communications does not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting the School District on its existing websites.

A Board member or employee may campaign for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no school resources are used. An employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on duty time.

A Board member or authorized employee may make school facilities available for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is

not a factor in making the facilities available or a factor in determining the cost or conditions of use.

The School Board may discuss and vote upon a resolution supporting or opposing a ballot question.

A Board member may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or provide information in response to a request for information.

A Board member or employee may identify himself or herself by his or her official title when communicating about a ballot question. Employees who do so shall clearly communicate that their communication is their personal opinion and does not reflect the position or views of the Board of Education or the School District unless express authorization is given by the Board of Education or the Superintendent.

Legal Reference: Neb. Rev. Stat. 49-14,101.01 and 49-14,101.02

Date of Adoption: August 18, 2014



Internal Board Policies - Board Members

Membership in School Board Associations

The Board of Education shall hold memberships in such school board associations as it may from time to time determine appropriate.

Legal Reference: Neb. Rev. Stat. 79-512

Date of Adoption: August 18, 2014



Internal Board Policies - Board MembersConflict of Interest/Contracts

It shall be the policy of Omaha Public Schools that any contract whether oral or written, formal or informal, which is entered into by the school district and in which a member of the Board of Education is directly or indirectly interested, is voidable unless certain reporting, disclosure and abstention requirements are met. The school district is authorized to enter into a contract in which a member of the Board of Education is directly or indirectly interested so long as:

- A. The Board member makes a declaration on the record regarding the nature of his/her interest prior to official consideration of the contract.
- B. The affected Board member does not participate in consideration or discussion of the contract.
- C. The Board member does not vote on the granting of the contract except that if the number of members of the Board declaring an interest in the contract would prevent the Board with all members present from securing a quorum in the issue, then all members may vote on the matter.
- D. The Board member does not in any way participate in the inspection, operation, administration or performance under the contract on the part of the district.

It shall further be the policy of Omaha Public Schools that the above provisions apply not only to formal contracts but also to open accounts.

Legal Reference: Neb. Rev. Stat. 49-14,103.01

Date of Adoption: August 18, 2014



Internal Board PoliciesConflict of Interest - Employment of Family Member of Board Member or Supervisor and Employment of Board Member

- A. A member of the Board of Education or an administrator or other employee with supervisory responsibilities may employ or recommend or supervise the employment of an immediate family member if:
1. He or she does not abuse his or her official position (for this purpose, “abuse” means employing an immediate family member: who is not qualified for and able to perform the duties of the position; at an unreasonably high salary; or who is not required to perform the duties of the position);
  2. He or she makes a full disclosure on the record to the Board of Education and a written disclosure to the Superintendent and/or Secretary of the Board; and,
  3. The Board of Education approves the employment or supervisory position.
- B. No immediate family member of a Board of Education or an administrator or other employee with supervisory responsibilities shall be employed by the School District:
1. Without first having made a reasonable solicitation and consideration of applications for such employment.
  2. Who is not qualified for and able to perform the duties of the position.
  3. For any unreasonably high salary.
  4. Who is not required to perform the duties of the position.
- C. Neither the Board of Education nor an administrator or other employee with supervisory responsibilities shall terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.
- D. This policy shall not apply to an immediate family member of a member of the Board of Education or an administrator or other employee with supervisory responsibilities who was previously employed in a position with the School District prior to the election or appointment of the Board member or employee. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure of any immediate family member employed in a position subject to this policy.
- E. A member of the Board of Education may not be engaged in a contract to teach with the Omaha Public School District. Nor shall a member of the Board of Education cast a vote in favor of the election of any employee when the Board member is related by blood or marriage to such employee.

Legal Reference: Neb. Rev. Stat. 49-1499.04; 49-1499.05; 79-544; and 79-818

Date of Adoption: August 4, 2014



Internal Board PoliciesConflict of Interest—Other Than Contracts or Employment

- A. Members of the Board of Education of this School District shall abstain from voting on matters on which they may have a conflict of interest. Any Board member who would be required to take any action or make any decision in the discharge of his or her duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:
1. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and,
  2. Deliver a copy of the statement to the Political Accountability and Disclosure Commission and to the Superintendent and Secretary of the Board of Education who shall enter the statement into the public records of the School District.
- The Board member shall take such action as the Commission shall advise or prescribe to remove himself or herself from influence over the action or decision in the matter.
- B. The provisions of paragraph 1 above shall not prevent a Board member from making or participating in the making of a School District-related decision to the extent that the individual's participation is legally required for the action or decision to be made. In such event, the Board member shall report the occurrence to the Commission.
- C. Except as defined in Nebraska statute and this policy, conflict of interest of a Board member shall not prevent a Board member from serving on the Board or restrict the hiring or purchasing practices of this School District.
- D. The Superintendent, or the Superintendent's designee, shall provide:
1. Each Board member with copies of state statutes of Nebraska pertaining to conflicts of interest at the organizational meeting of the Board of Education held at the regular School Board meeting in January of each year. In addition, any newly appointed or elected Board member shall be provided such statutes.
  2. When possible, provide each Board member with a list of financial matters on the agenda to come before the Board of Education at the next regular meeting in sufficient detail to allow the Board member to identify potential conflicts of interest and report and receive advice from the Commission.
- E. For purposes of this policy, immediate family member shall be defined as a child residing in the Board member's household, a Board member's spouse or an individual claimed by that Board member or the Board member's spouse as a dependent for federal income tax purposes.

Legal Reference: Neb. Rev. Stat. 49-1425; 49-14,101; 49-14,102; 49-14,103;  
49-14,103.01; 49-14,103.02; 49-14,103.03; 49-14,103.04;  
49-14,103.05; 49-14,103.06; 79-818; 79-544 and 49-1499.

Date of Adoption: August 18, 2014

Internal Board Policies - Board MembersReporting Procedures

It shall be the policy of Omaha Public Schools that any school Board member who has a direct or indirect interest in a formal contract entered into with Omaha Public Schools, or an open account, shall provide the Superintendent of schools with the following:

- A. Names of the contracting parties.
- B. Nature of the interest of the school Board member.
- C. Date that the contract was approved by the school Board.
- D. Amount of the contract.
- E. Basic terms of the contract.

The above information shall be provided to the Superintendent of schools no later than ten (10) days after the contract has been signed by both parties. Such information shall be kept on a ledger, and shall be retained in the ledger for five (5) years from the date of the last day in office of the school Board member. The ledger kept by the Superintendent of schools shall be available for public inspection during the normal working hours.

It shall further be the policy of Omaha Public Schools that in the case of open accounts, the above information shall be filed within ten (10) days after the account is opened and thereafter the interested officer shall file a revision to the statement within ten (10) days of each payment on the account specifying the date and amount of the payment.

Legal Reference: Neb. Rev. Stat. 49-14,103.02

Date of Adoption: August 18, 2014



**CONFLICTS LEDGER**  
**CONTRACTS IN WHICH BOARD MEMBER HAS A POSSIBLE CONFLICT**

(1) Names of the contracting parties-- (a) Business	(b) Board member with possible conflict	(2) Nature of the interest of the officer in question	(3) Date contract was approved by Board	(4) Amount of the contract <sup>1</sup>	(5) Basic terms of the contract

**Note: May attach and reference NADC Form C-3.**

**§ 49-14,103.02. Contract with officer; information required; ledger maintained.** The person charged with keeping records for each governing body shall maintain separately from other records a ledger containing the information listed in subdivisions (1) through (5) of this section about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to section 49-14,103.01. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the:

- (1) Names of the contracting parties;
- (2) Nature of the interest of the officer in question;
- (3) Date that the contract was approved by the governing body;
- (4) Amount of the contract; and
- (5) Basic terms of the contract.

The information supplied relative to the contract shall be provided no later than ten days after the contract has been signed by both parties. The ledger kept pursuant to this section shall be available for public inspection during the normal working hours of the office in which it is kept.

*Source: Laws 1986, LB 548, § 3; Laws 2001, LB 242, § 22.*

**§ 49-14,103.03. Open account with officer; how treated.** An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to sections 49-14,103.01 to 49-14,103.06. The statement required to be filed by section 49-14,103.02 shall be filed within ten days after such account is opened. Thereafter, the person charged with keeping records for such governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to sections 49-14,103.01 to 49-14,103.06.

Source: Laws 1986, LB 548, § 4.

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<sup>1</sup> If contract involves an open account insert "open account." A running account of amounts purchased is maintained in the records of the District.



Internal Board Policies - Board MembersCode of Ethics

It shall be the policy of Omaha Public Schools that members of the Board of Education will exercise their responsibilities in accordance with the following Code of Ethics:

- A. As a member of the local Board of Education, representing all the citizens of the Omaha School District, each Board member will recognize:
1. That he or she has been entrusted with the educational development of the children and youth of the community.
  2. That the community expects that the first and greatest concern of a school Board member will be the best interest of each and every one of the young people enrolled in the district's schools.
  3. That the future welfare of this community, of this state, and of our nation depends in the largest measure upon the quality of education provided in Omaha Public Schools to meet the needs of every learner.
  4. That members of the Board of Education must collectively take the initiative in helping all the people in this community to have updated, accurate information about the public schools system, and to provide the finest possible school programs, school staff, and school facilities.
  5. That by statute the authority of the Board of Education is derived from the state which is ultimately responsible for the organization and operation of the public schools and which determines the degree of discretionary power exercised by the Board representing the people of the Omaha community.
  6. That a school Board member must never neglect his or her personal obligation to the community and legal obligation to the State of Nebraska, nor surrender these responsibilities to any other person, group or organization; but that, beyond this, each school Board member has a moral and civic obligation to our country which can remain strong and free only so long as public schools in the United States are kept strong and free.
- B. In view of the foregoing consideration, it must be the constant endeavor of each school Board member:
1. To devote time, thought and study to the duties and responsibilities of a school Board member so that he/she may render effective and creditable service.

2. To work with fellow school Board members in a spirit of harmony and cooperation so as to convert differences of opinion which arise during discussion and debate into a consensus for the benefit of the students enrolled in Omaha Public Schools.
3. To base personal decisions upon all available facts in each situation, to vote honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Board of Education.
4. To remember at all times that individual Board members have no local authority outside the meetings of the Board of Education, and to conduct relationships with school staff members, local citizens, and all media of communication on the basis of this fact.
5. To resist every temptation and outside pressure to use the position as a school Board member to benefit either oneself or any other individual or agency apart from the total interest of the school system.
6. To recognize that it is as important for the Board of Education to understand and evaluate the educational program of Omaha Public Schools as it is to plan for the business of the school district.
7. To bear in mind under all circumstances that the primary function of the Board of Education is to establish and maintain the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be the primary responsibility of the Superintendent of Schools and the professional and non-professional staff members who are employed to work with the Superintendent of Schools.
8. To welcome and encourage active cooperation by citizens, organizations, and the media of communication in Omaha Public Schools with respect to the establishment of policy on current school operation and proposed future developments.
9. To strive step by step to achieve the ideal conditions for the most effective service by a Board of Education to its community, in a spirit of teamwork and unwavering commitment to the American system of public education as a primary means for preservation and perpetuation of our representative democracy.

Date of Adoption: August 18, 2014

Internal Board Policies - Board MembersVacancies**Removal From Office:**

Any one of the elected or appointed officers of the Board of Education may be removed as an officer (President, Vice-President, etc.) by a two-thirds vote of the membership of the Board.

A member of the Board of Education may also be removed due to absence resulting in a vacancy.

**Absence From Meetings:**

A vacancy in the membership of the Board of Education shall occur when a member is absent either for a continuous period of sixty (60) days at one time, or for more than two (2) consecutive regular board meetings, unless the absence is excused by a majority of the remaining members of the Board of Education.

**Vacancies:**

- A. Board of Education membership vacancies may be filled by the Board of Education according to statute. A vacancy in the Board shall be filled by appointment of a qualified registered voter by the remaining members of the Board for the remainder of the unexpired term. All other vacancies shall be filled by the Board of Education.
- B. Failure of one elected to the Board of Education to qualify for the position as required by law voids the election and creates a vacancy.

Legal Reference: Neb. Rev. Stat. 32-560 and 32-570  
Neb. Rev. Stat. 79-552

Date of Adoption: August 18, 2014



Internal Board PoliciesCommunication to the Media

The Board of Education believes in appropriate, timely and accurate information being provided to the media. Specific protocols have been developed to ensure appropriate District communication. However, the board understands and acknowledges individual Board members will be approached by media for comment or information.

The following protocols have been developed to ensure timely, accurate communication to the media:

- The President of the Board shall generally serve as the official spokesperson for the Board of Education. In the absence of the President the Vice-President will assume the role of spokesperson.
- Individual Board members may respond to media requests, however the Board member shall make it clear they are speaking as an individual Board member, not as the entire Board.
- A Board member who receives a media inquiry or interviews with a media outlet, should notify the Superintendent, President, Board Secretary, and Director of Communications. The Board Secretary will inform the Board of Education.
- Board members shall not share information with the media that would violate Federal Privacy laws, including but not limited to Family Educational Rights and Privacy Act (FERPA).

Date of Adoption: May 21, 2018



Internal Board Policies - Methods of OperationMethods of Operation

It shall be the policy of Omaha Public Schools that the Board of Education exercises authority over the schools in accordance with applicable laws. It determines policy; delegates executive supervisory and instructional authority to its employees; and appraises results achieved in light of goals established by the Board of Education.

The Board of Education shall direct its attention primarily to broad questions of policy and the appraisal of results rather than to administrative details. It shall be recognized that the implementation and the application of policy is an administrative task to be performed by the Superintendent of Schools and certificated and non-certificated staff elected to work with the Superintendent of Schools. The Superintendent and Principals shall be held responsible for the effective administration and supervision of Omaha Public Schools and its policies.

Matters to be submitted to the Board of Education shall first be brought to the Superintendent of Schools for study, analysis, review and recommendation, except where the Board is responsible by law for taking the action. The Superintendent or designee will present to the Board of Education those matters which require formal action by the Board of Education.

Legal Reference:     Neb. Rev. Stat. 79-526  
                          Neb. Rev. Stat. 79-522

Date of Adoption:    August 4, 2014



Internal Board Policies - Methods of Operation

Formulation of Policies

It shall be the policy of Omaha Public Schools that the Board of Education, representing the people of the Omaha School District, will be the governing body which determines all questions of general policy to be employed in the governance of the Omaha Public Schools.

Proposals regarding school district policies and operation may be initiated by any of several sources: a parent, a taxpayer, a professional employee, a school board member, a non-professional employee, a professional consultant, a civic group, etc. Ordinarily policies will be developed for presentation to the Board of Education by the Superintendent, Secretary of the Board or In-House Legal Counsel.

Formal action on policy proposals, whatever their source, will be taken by the Board of Education in accordance with its bylaws. Ordinarily, the Board of Education shall take action on such matters upon the basis of recommendations presented to the Board of Education by the Superintendent, Secretary of the Board or In-House Legal Counsel.

Legal Reference:     Neb. Rev. Stat. 79-562  
                          Neb. Rev. Stat. 79-522

Date of Adoption:    August 4, 2014



Internal Board Policies - Methods of Operation

Amendment or Suspension of Policies

- A. Any policy of the board may be suspended for an agreed upon period of time by a vote of two-thirds of the members of the board, provided such suspension is permitted by law.
- B. No policy of the Board shall be repealed or altered unless a majority of all the members vote for the repeal or alteration upon motion made in writing for that purpose at a previous meeting of the Board.
- C. The Superintendent of schools, in case of emergency, may suspend any part of these policies and regulations as it pertains to administration of schools, as permitted by law and provided, however, that the Superintendent shall report the fact and the reason for such suspension at the next meeting of the Board of Education and provided further, that the suspension shall expire at the time of said report unless continued in effect by action of the Board of Education.

Date of Adoption: August 18, 2014



Internal Board Policies - Methods of OperationFormulation of Administrative Regulations

The Board of Education shall delegate to the Superintendent the function of specifying required actions and outlining detailed arrangements for operation of the schools. These rules and detailed arrangements shall constitute the administrative regulations governing the schools. These rules and arrangements must, in every respect, be consistent with the policies adopted by the Board of Education.

The Board of Education shall approve administrative regulations when specific state laws require such action or when the Superintendent recommends that the Board of Education take such action.

Legal Reference: Neb. Rev. Stat. 79-522

Date of Adoption: August 18, 2014



Internal Board Policies - Methods of OperationMeetings

The formation of school policy is a public matter and final action on such a matter must be taken in an open meeting. Every meeting of the Board of Education shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of the Board of Education, except as otherwise provided by the Constitution of the State of Nebraska, and by federal and state law.

The term "meeting" shall refer to all regular, special, or called meetings, formal or informal, of the Board of Education for the purpose of briefing, discussing public business, forming tentative policy, or taking any action of the Board of Education. This definition of "meeting" includes any meeting of an advisory committee of the Board of Education, but specifically excludes any meeting of a subcommittee, or standing subcommittee, of the Board of Education unless such subcommittee or standing subcommittee has been given the authority to take formal action on behalf of the Board.

Since members of the Board of Education are unable to function officially as individuals, the meeting of the Board of Education will present an opportunity for the school program to be discussed and appraised and for individual biases and opinions to be aired as the members of the Board of Education strive for consensus decisions on specific issues. In addition, the meeting will provide an appropriate place for items of interest or concern to individual citizens or groups of the school community to be heard and considered. The Board of Education will take formal action only when the Board is meeting in open session.

Legal Reference:     Neb. Rev. Stat. 79-561  
                          Neb. Rev. Stat. 79-562  
                          Neb. Rev. Stat. 84-1412

Date of Adoption:    August 18, 2014



Internal Board Policies - Methods of OperationTypes of Meetings**Regular Meetings:**

Regular scheduled meetings may be of two kinds: business or education or both. The education meetings may be held for the purpose of reviewing the school program, or for the development and discussion of policy.

**Special Meetings:**

A special meeting may be called by the President of the Board, or upon recommendation of the Superintendent, or by two members collectively in the event the President fails to act, upon due notice as specified by the bylaws. No business shall be transacted at a special meeting except that for which the meeting is called or that of an emergency nature.

Legal Reference:     Neb. Rev. Stat. 79-561  
                          Neb. Rev. Stat. 84-1409

Date of Adoption:    August 18, 2014



Internal Board Policies - Methods of OperationDesignated Method of Giving Notice of Meetings

The designated methods of giving advance notice of meetings of the Board of Education of the Omaha School District shall be by publication or by posting. If notice is given by posting, such notice shall be given by posting notice in at least three (3) public places throughout the school district. (1) The District website, (2) the front door of the Teacher Administrative Center and (3) the Northwest Omaha Police Department precinct are designated posting places, though other or different places at which the public may reasonably be notified are also designated as permissible places.

Notice shall be given a reasonable time in advance of the meeting. Two (2) days advance notice shall be considered sufficient.

For an emergency meeting, notice shall not be required to be given; however, the Board will complete minutes for such an emergency meeting as required by law. An emergency has been defined as any event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition.

The Secretary of the Board of Education, or the Secretary's designee, shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to such news media of the time and place of each meeting and the subjects to be discussed at the meeting.

Legal Reference: Neb. Rev. Stat. 79-561; 79-562 and 84-1411

Date of Adoption: August 18, 2014



Internal Board Policies - Methods of OperationAgenda Construction and Control

- A. Written meeting agendas will be prepared by the Secretary of the Board in collaboration with the President or the Vice President of the Board of Education. Any Board member may request agenda items be placed on the agenda. At the request of three (3) or more Board members, an item shall be placed on the agenda.
  
- B. Control of the agenda is the responsibility of the Board President. Agenda items shall set forth the matter to be discussed at that agenda item. An agenda, kept continuously current, shall be readily available for public inspection at the office of the Superintendent of Schools of the Omaha School District during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting. The School Board shall have the right to modify the agenda to include items of an emergency nature only by action taken at the public meeting at which the item is to be considered. Agenda items shall be sufficiently specific to advise the public of the issues to be discussed under that agenda item.

Legal Reference: Neb. Rev. Stat. 84-1411

Date of Adoption: August 18, 2014



Internal Board Policies

Location of School Board Meetings

The traditional meeting place for Board meetings will be the board room at the School District's principal office. The President or Superintendent may designate a different meeting place for individual meetings with advance notice to the members.

All meetings of the Board shall be held at the location designated in the notice of said meeting. If circumstances dictate meeting in a different location than designated in the notice, it shall be the responsibility of the Superintendent to take the appropriate steps to inform Board members and the public.

Meetings of the Board may be held outside the School District boundaries when deemed necessary by the Board and approved by the Board at any preceding meeting. Meetings of the Board may be held outside the state of Nebraska upon compliance with applicable laws.

Legal Reference: Neb. Rev. Stat. 84-1411 and 84-1412

Date of Adoption: August 18, 2014



Internal Board Policies - Methods of Operation

Procedures During Meetings

In the absence of the President and the Vice President of the Board of Education at any meeting, the Board shall choose a President pro tempore.

Any action taken on a question or a motion duly moved and seconded shall be by roll call vote of the Board in open session, and the record shall state how each member voted, or if the member was absent or abstained.

Legal Reference:     Neb. Rev. Stat. 79-573  
                          Neb. Rev. Stat. 79-522  
                          Neb. Rev. Stat. 84-1413

Date of Adoption:    August 18, 2014



Internal Board Policies - Methods of Operation

Public Participation at Board Meetings

**A. Attend:**

Members of the public shall be permitted to attend and to speak at board meetings. They will not be required to identify themselves as a condition for admission to the meeting.

The Board may allow advisors, consultants, and other persons who are not Board members to appear at the meeting via telephone or other similar means.

The chair has the authority to assure that people conduct themselves in an orderly manner at the meeting. Undue interruption or other interference with the orderly conduct of business will not be allowed. The chair may order persons who are disorderly to be removed from the meeting.

<b>Legal Reference:</b>	§ 84-1411 (3) and (6); § 84-1412 (1) and (3)
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**B. Hear:**

The board will, upon request, make a reasonable effort to accommodate the public’s right to hear the discussion and testimony presented at the meeting.

<b>Legal Reference:</b>	§ 84-1412 (7)
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**C. Record:**

Members of the public may use recording devices (tape recorder, video camera, etc.) to record any part of a meeting of a public body, except for closed sessions. No recording, other than note taking, shall be done without informing the President in advance. The President shall control the placement of the recording device so the device does not obstruct the view of Board members or other members of the public attending the meeting and does not otherwise interfere with the meeting.

<b>Legal Reference:</b>	§ 84-1412 (1)
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**D. Access to Written Materials:**

At least one copy of all reproducible written material to be discussed at an open meeting will be made available at the meeting for examination and copying by members of the public.

<b>Legal Reference:</b>	§ 84-1412 (8)
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E. **Speak:**

Members of the public will be permitted to speak at Board meetings at which a public comment is on the Agenda, and may speak during the time at which the public comment agenda item is being addressed. Members of the public may also speak when invited to make a presentation or when recognized by the chair. The Board is not required to allow members of the public to speak at each meeting. However, the Board will not forbid public participation at all meetings.

Members of the public will not be required to have their name be placed on the agenda prior to the meeting in order to speak about items on the agenda.

Members of the public who desire to address the Board will be required to identify themselves. Speakers are to complete a Request to be Heard form. It is preferred that the form be submitted well prior to the meetings in order for meeting participants to make plans for the meetings. However, a member of the public will be permitted to speak if the form is submitted within at least five (5) minutes after the meeting has commenced.

The President or chair for the meeting shall have the authority to establish reasonable time limits for individual speakers and for the duration of public comment sessions. The maximum permitted duration for individual speakers is five (5) minutes and the maximum permitted duration for the public comment session will be one (1) hour.

Speakers will be permitted to address the Board consistent with free speech rights. However, offensive language, defamatory remarks, and hostile conduct will not be tolerated. Further, charges or complaints against a school employee shall not be made for the first time at a public Board meeting without having followed the school’s complaint procedure.

<b>Legal Reference:</b>	§ 84-1412 (1) (2) and (3)
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Date of Adoption: August 4, 2014

Internal Board Policies - Methods of Operation

Teacher-Administrator-Board of Education Relationships

Since it is recognized that providing a high quality education for children is the paramount aim of the School District of Omaha and that good morale in the teaching staff is necessary for the best education of children:

- A. The Board of Education, under law, has the final responsibility of establishing policies for the district and Educational Service Unit 19. The policies for Educational Service Unit 19 shall be the same as those of the district, except to the extent the law provides otherwise.
- B. The Superintendent and Superintendent's staff have the responsibility of carrying out the policies established.
- C. The professional teaching personnel have the ultimate responsibility of providing the best possible education in the classroom.

Date of Adoption: August 18, 2014



Internal Board PoliciesRecognition**A. Certification:**

The Board of Education shall automatically recognize any collective bargaining agent which has been certified by the Commission of Industrial Relations as the exclusive collective bargaining agent for its employees.

**B. Voluntary Recognition:**

The Board of Education may recognize for the purpose of holding labor negotiations, any collective bargaining agent which has as members a majority of personnel employed by the School District of Omaha who share a sufficient "community of interest" and which submits a list of names of its members to the Board of Education not later than September 1 of the year preceding the contract year in question. In the case of a request for recognition by certificated and instructional employees, the Board shall respond to such request no later than the following October 1. The collective bargaining agent(s) shall admit persons to membership without discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), marital status, sexual orientation, disability, age, genetic information, gender identity, gender expression, citizenship status, veteran status, political affiliation or economic status.

Date of Adoption: November 6, 2017



**Series 9000**  
**Bylaws**  
**of the**  
**Board**



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Bylaws of the Board - Board Authority

General Statement

Bylaws are rules or procedures adopted by the board to govern its internal operations. The use of such guidelines or bylaws helps the board to comply with the responsibility and duties delegated to it by law and by the local electorate, in an efficient and effective manner.

Date of Adoption: August 18, 2014



Bylaws of the Board - Board Authority

Limits of Authority

The Board of Education is the unit of authority. Apart from the normal function as part of the unit, a board member has no individual authority. Individually, the board member may not commit the district to any policy, act or expenditure.

No individual member of the board shall exercise any administrative responsibility with respect to the schools.

Date of Adoption: August 18, 2014



Bylaws of the Board - Board Members

Legal Description

The official name of the Omaha Public School district shall be Douglas County School District 0001 and it is a Class V school district. As such, in that name it shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real property, and control such obligations as are authorized by law.

Legal Reference: Neb. Rev. Stat. 79-405

Date of Adoption: August 18, 2014



Bylaws of the Board - Board Members

Number of Members, Terms of Office

The Board of Education shall consist of nine (9) members elected by election district (sub-district) by the qualified voters of the school district in a manner prescribed by law under the provisions pertaining to a Class V school district in the statutes of the State of Nebraska.

The terms of office for board members shall be four (4) years and will begin on the **first Monday** in January.

Legal Reference:     Neb. Rev. Stat. 79-552  
                          Neb. Rev. Stat. 79-561 and 562  
                          Neb. Rev. Stat. 32-545

Date of Adoption:    August 18, 2014



Bylaws of the Board - Board Members

Officers

- A. The OPS Board of Education shall meet in January each year to elect a President and a Vice President from its membership. The President and Vice President shall serve for a term of one year or until their successors are elected and qualified.
  
- B. The OPS Board of Education shall first elect its President and then elect its Vice President. Any member of the Board may self-nominate or be nominated by another Board Member. Nominating speeches are not permitted. However, nominees shall have up to five minutes to speak following the close of nominations and prior to the distribution of ballots. Nominee speeches shall be in order of nomination. Election of officers of the Board of Education shall be by secret ballot. Election shall require a majority of all members of the board.
  
- C. The Board of Education may also elect from outside its own members, a Superintendent, a secretary, a treasurer, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for terms not to exceed three years.

Legal Reference:      Neb. Rev. Stat. 79-522  
                              Neb. Rev. Stat. 79-583  
                              Neb. Rev. Stat. 79-592  
                              Neb. Rev. Stat. 79-593

Date of Adoption:     August 18, 2014



Bylaws of the Board - Board Members

President

- A. The duties of the board President shall be to:
  - 1. Preside at all meetings of the school board in accordance with Robert's Rules of Order.
  - 2. Countersign all orders upon the school treasury for funds to be disbursed by the district.
  - 3. Countersign all warrants of the secretary of the county treasurer.
  - 4. Administer the oath to the secretary and treasurer when so required by law.
  - 5. Other duties as the law may require.
- B. The President has the right to vote on any issue that may come before the school board.
- C. The President has the additional duty to maintain order at public meetings of the school board.
- D. The President must appear for and on behalf of the district in all suits brought by or against the district.
- E. The President shall appoint or provide for the election of all committees of the board, unless otherwise directed by the board. The President shall be kept apprised of the workings of all such committees.
- F. The President may call special meetings of the board.
- G. The President shall call special meetings of the board when requested on petition of a majority of the board members.
- H. For at least ten (10) days prior to an election in a Class V school district, the President of the board of education shall publish his or her proclamation to the legal voters of the school district in at least one (1) daily newspaper of general circulation in the school district, setting forth the time when and place or places where such election will be held and a full and complete statement of the officers, bond proposition, or question of expenditure to be voted on at the election.
- I. The President shall serve as the primary spokesperson for the Board of Education.

Legal Reference: Neb. Rev. Stat. 79-573  
Neb. Rev. Stat. 79-574  
Robert's Rules of Order

Date of Adoption: August 18, 2014



Bylaws of the Board - Board Members

Vice-President

The Vice-President shall perform the duties of the President in case of the President's absence or disability. In the case of the absence of both the President and Vice-President, the remaining members shall select a President pro tem to preside at the meeting.

Legal Reference: Neb. Rev. Stat. 79-573

Date of Adoption: August 18, 2014



Bylaws of the Board - Board Members

Treasurer

The treasurer shall be custodian of all money belonging to the school district, and shall perform duties required by law or by the board.

Legal Reference:   Neb. Rev. Stat. 79-584  
                          Neb. Rev. Stat. 79-592

Date of Adoption:   August 18, 2014



Bylaws of the Board - Board Members

Secretary and Assistant Secretary

- A. The Secretary of the Board of Education shall perform the duties imposed by statute and the policies and regulations of the Board of Education. While retaining the ultimate performance for such duties, the Secretary may delegate the carrying out of specified duties.
- B. The Secretary or his/her delegate shall be present at all meetings of the Board, keep an accurate journal of the proceedings, take charge of its books and documents, countersign all warrants for school moneys drawn upon the treasurer of the school district by order of the Board, audit accounts, issue all warrants, and attest all official documents requiring the signature of the President. The Secretary shall have charge of all records, reports, petitions, and other documents presented to and referred to in the minutes of the Board
- C. The Secretary shall furnish a satisfactory surety bond to the Board of Education in the amount of \$10,000 or in such an amount in excess of \$10,000, as may be required by the Board of Education.

Legal Reference: Neb. Rev. Stat. 79-583

Date of Adoption: August 18, 2014



Bylaws of the Board - Board Members

Auditor

The board will have an annual independent audit of the finances of the district. The board will contract only with state approved auditors and their analysis and report will be in keeping with state approved or accepted standards. This annual audit will be completed by November 5 of each year.

Legal Reference: Neb. Rev. Stat. 79-1089  
NDE Rule 1.3.05

Date of Adoption: August 18, 2014



Bylaws of the Board - Board MembersIndividual Members

It is understood that the members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any action or statement on the part of any individual Board members, except when such statement or action is in pursuance of specific, formal instructions from the Board.

- A. The Board shall not be bound in any way by any statement or action on the part of any individual board member or employee except when such statement or action is in pursuance of special instructions by the Board of Education.
- B. Board Members may, as individuals, request information from administration. Requests for information will be made through the Secretary to the Board of Education and forwarded to Board Officers. Each request for information made by an individual Board Member will be forwarded to all Board Members for their information, as will a copy of all information provided by administration pursuant to the request.
- C. When visiting school sites, individual Board Members are expected to report to the principal's office to notify staff they are in the building or on school grounds.

Date of Adoption: August 18, 2014



Bylaws of the Board - Board Members

Removal From Office

Any one of the elected or appointed officers of the Board of Education may be removed from office by a two-thirds vote of the membership of the board.

Date of Adoption: August 18, 2014



Bylaws of the Board - Bylaws, Policies and Regulations

Formulation, Adoption, Amendment of Policies

Policy proposals and suggested amendments to or revisions of existing policies shall normally be submitted to all members of the Board of Education by the Superintendent in writing prior to a regularly scheduled Board of Education meeting in which such proposed policies, amendments, or revisions thereof shall be read and discussed.

Policies will be adopted or amended after consideration at two (2) meetings of the Board of Education. The agenda and minutes shall be marked to indicate policy matters.

The formal adoption of policies shall be by majority vote of all members of the Board of Education and the actions shall be recorded in the minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official policy.

Policies shall be reviewed at least every two (2) years or at such other periodic time periods as may be required by law.

Reference: Robert's Rules of Order

Date of Adoption: August 18, 2014



Bylaws of the Board - Bylaws, Policies and Regulations

Adoption and Amendment of Bylaws

Proposed new bylaws and suggested amendments to or revisions of existing bylaws may be adopted by a majority vote of ALL members of the entire Board (not simply a majority of a quorum) during the second of two (2) regularly scheduled meetings of the Board not less than four (4) weeks apart in the calls for which meeting the proposed additions, amendments or revisions shall have been described in writing.

Legal Reference: Neb. Rev. Stat. 79-535  
Reference: Robert's Rules of Order

Date of Adoption: August 18, 2014



Bylaws of the Board - Bylaws, Policies and Regulations

Approval and Amendment of Administrative Regulations

The Board does not adopt administrative regulations unless specifically required to do so by law, or unless requested to do so by the Superintendent, or as required by negotiated agreements with employee organizations, in which case, any such regulation shall become a part of any such agreement and shall be subject to amendment as provided in any such agreement. Adoption and amendment of such Board adopted regulations shall be by the same procedure as that specified for policies at 9200.

The Board reserves the right to review and demand revisions of administrative regulations should they, in the Board's judgment, be inconsistent with the policies adopted by the Board.

Legal Reference: Neb. Rev. Stat. 79-535

Date of Adoption: August 18, 2014



Bylaws of the Board - Meetings

Regular Meetings

The Board shall meet in regular session on the first and third Mondays of each calendar month, unless otherwise designated by the President. Such meetings shall begin at 6:30 p.m. or such time as designated by the President.

Legal Reference:      Neb. Rev. Stat. 79-562  
                              Neb. Rev. Stat. 84-1401

Date of Adoption:     August 18, 2014



Bylaws of the Board - Meetings

Special Meetings

A special meeting of the Board may be called by the President or on petition of a majority of the members of the Board.

No business shall be transacted at any special meeting which does not come within the purpose or purposes set forth in the call for the meeting unless it is of an emergency nature.

All special meetings shall be held in the Omaha School District Office unless otherwise designated by the President with the approval of the Board.

Special Board meetings may be adjourned to a definite date and time.

Legal Reference:     Neb. Rev. Stat. 79-561  
                          Neb. Rev. Stat. 79-522  
                          Neb. Rev. Stat. 84-1401

Date of Adoption:    August 18, 2014



Bylaws of the Board - Meetings

Advance Delivery of Meeting Materials

The Board shall require the Superintendent to prepare an agenda which, with the minutes, shall be made available to the Board members on or before the Friday prior to each regular monthly Board meeting.

Legal Reference: Neb. Rev. Stat. 79-522

Date of Adoption: August 18, 2014



Bylaws of the Board - Meetings

Order of Business

Generally, the order of business at regular meetings of the board will be:

- Call to order and announcement of open meetings poster
- Pledge of Allegiance
- Roll Call
  - Excused/Unexcused Absence
- School Spotlight
- Board and Superintendent Communications and Monthly Treasurer Report
- Public Comment and Recognition
- Consent Agenda Items
  - Reading of the Minutes
  - Personnel Adjustments
  - Claims
  - Designated Action Items
- Discussion and/or Action Items
  - Information Items
  - Action Items
- Reports
- Request for Closed Session
- Adjournment

Date of Adoption: August 18, 2014



Bylaws of the Board - MeetingsParliamentary Procedure

In all matters not covered by policies of the Omaha Board of Education or by statute, the Omaha Board of Education shall use Robert's Rules of Order, latest edition, as a guide. If the Board modifies or departs from these Rules during a meeting, that modification or departure shall not serve as actionable grounds for overturning decisions of the Board. The President shall decide all questions of order, subject to an appeal to the Board.

**Expectations of the Board of Education:**

In conducting the business of the Board of Education, it is expected that each Board Member is committed to excellence and equity in public education, and in order to achieve that goal, Board Members will strive to: place the educational welfare of all students attending the Omaha Public Schools first; regularly attend all regularly scheduled board meetings, except for emergencies, attend and participate in all hearings before the Board or committees of the Board to which they have been appointed, and become informed concerning the issues to be considered at those meetings; be open-minded in the decision-making process and base decisions on the best data available; encourage and respect the free expression of opinion by all Board Members; work with other Board Members to establish effective Board policies and to delegate authority for the general daily administration of the Omaha Public Schools to the Superintendent; raise issues of concern directly with the President of the Board of Education or the Board's Secretary and be willing to work on solutions to problems identified; be informed about current educational issues through individual study and through participation in programs providing needed information, such as those sponsored by state and national associations; avoid being placed in a position of conflict of interest; support policies and programs that will best serve the interests of the Board of Education as advocates for high quality education for all children; take no action that will compromise the Board of Education and disclose no confidential information except as authorized; act prudently when expending the funds of the school district, including observing a strict standard of fiscal responsibility in incurring any Board-related expenses; and take an active role in modeling and promoting good conduct with fellow Board Members.

**Sanctions:**

Improper Board Member behavior may result in sanctions against that Board Member, which may include public reprimand by the President of the Board of Education and/or the Board of Education; removal from standing and/or special committees by the President of the Board of Education and/or the appointing body of said committee.

Date of Adoption: August 18, 2014



Bylaws of the Board - Meetings

Minutes

The Board of Education shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The resignation of a Board member or any other circumstance that results in a vacancy in office shall be made a part of the minutes.

The minutes shall be prepared by the secretary immediately following the meeting, shall be written, shall be available for inspection by the public and for distribution to the members of the Board within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier, and shall be a part of the agenda for the next regular meeting at which time they shall be corrected, if necessary, and approved.

Minutes of an emergency meeting shall be prepared by the secretary and available to the public by no later than the end of the next regular business day. Such minutes shall specify the nature of the emergency and any formal action taken at the meeting.

The minutes shall be kept in the office of the Board of Education and shall be public records and open to public inspection during normal business hours.

Legal Reference:     Neb. Rev. Stat. 79-583  
                          Neb. Rev. Stat. 84-1408 to 1414

Date of Adoption:    August 18, 2014



Bylaws of the Board - Meetings

Voting

- A. All votes on motions and all resolutions shall be by "ayes" and "noes," and the vote shall be recorded.
  
- B. The statutes require the following vote for various board actions:
  - 1. The election of officers and the employment of certificated employees requires a vote of a majority of all members of the board.
  
  - 2. All money appropriated out of the school fund must be on a recorded affirmative vote of a majority of all the members of the board.
  
  - 3. No school property of any kind shall be sold except at a regular meeting and by a recorded affirmative vote of at least two-thirds of the members of the board.
  
  - 4. No bonds may be submitted to the electors without the consent of a majority of the members of the board.
  
- C. Cancellation of contract for certificated employee requires a vote of the majority of the members of the school board as does amendment or termination of the contract of a certificated employee. All other board action may be taken by a vote of a majority of the members present if sufficient in number to constitute a quorum.
  
- D. An abstention counts as a "nay" vote absent a conflict of interest which compels such absenteeism.

Legal Reference:      Neb. Rev. Stat. 79-566  
                              Neb. Rev. Stat. 79-584  
                              Neb. Rev. Stat. 79-601  
                              Neb. Rev. Stat. 79-818  
                              Neb. Rev. Stat. 79-822  
                              Neb. Rev. Stat. 79-829  
                              Neb. Rev. Stat. 79-832  
                              Neb. Rev. Stat. 79-1041  
                              Neb. Rev. Stat. 79-10,115  
                              Neb. Op. Atty. Gen. No. 05007 (April 12, 2005).

Date of Adoption:      August 18, 2014



Bylaws of the Board - Meetings

Methods of Operation/Quorum

A majority of all members of the board shall constitute a quorum, but a less number in attendance at any regular meeting shall have the power to compel the attendance of absent members in such manner and under such penalties as the board may prescribe.

Legal Reference: Neb. Rev. Stat. 79-562

Date of Adoption: August 18, 2014



Bylaws of the Board - MeetingsOpen Meetings Act Posting and Public Access to Board Records

The Board of Education accepts its responsibility to conduct its meetings in public and in compliance with law. The Secretary of the Board shall post at least one current copy of the Open Meetings Act in the meeting room at a location accessible to members of the public. At the beginning of each meeting the public shall be informed about the location of the posted information by announcement of the Board President or Chairperson or via notice given in the Agenda. The Superintendent and the Board Secretary shall make available for examination and copying by members of the public at least one copy of all reproducible written material to be discussed at an open meeting except where the law specifically states that a matter is exempted either temporarily or permanently from such disclosure.

Therefore, the Board of Education directs the Superintendent and the Board Secretary, acting jointly and cooperatively, to make easily available copies of the Board of Education policy manual and the minutes of meetings of the Board of Education and its committees (except as exempt by law). Minutes shall be made available within ten (10) days of the meeting reported; policies shall be incorporated into the manual within thirty (30) days of adoption.

Legal Reference:     Neb. Rev. Stat. 84-1408 to 84-1414  
                          Neb. Rev. Stat. 84-712

Date of Adoption:    August 18, 2014



Bylaws of the Board - MeetingsClosed Sessions

The Board of Education may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as: (a) strategy sessions with respect to collective bargaining, real estate purchases, or litigation (pending or threatened); (b) discussion regarding deployment of security personnel or devices; (c) investigative proceedings regarding allegations or misconduct; or (d) evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

A closed meeting shall never be held for the purpose of discussing the appointment or election of a new member to the Board of Education.

The vote to hold a closed session shall be taken in open session. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The Board shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

Any member of the Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reasons stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

All discussion had in executive session shall be maintained as confidential. Should any such confidential information be shared by any Board Member with any individual other than (a) an individual present in the Executive Session or (b) a Board Member who was not able to attend the executive session, such Board Member shall be subject to public sanction by the Board of Education.

The term "closed session" as used in the policies, regulations and Bylaws of the District shall include within its meaning any "executive session" or "executive meeting" authorized or prescribed by said policies, regulations and Bylaws, all of said terms being interchangeable.

Legal Reference: Neb. Rev. Stat. 84-1407 to 84-1414

Date of Adoption: August 18, 2014

