



2022-2023

North Bend Central

CLASSIFIED

STAFF

Handbook

NORTH BEND CENTRAL CLASSIFIED STAFF HANDBOOK

I. INTRODUCTION

Welcome to North Bend Central Public Schools. NBC believes that teachers, classified support staff, administration, and Board members have a common goal--that of providing each student with a pattern of educational experiences in an environment which leads toward the continuous growth of the individual. Our school theme.... **BUILDING SUCCESS TOGETHER** continues to serve as our goal as we work as a team toward educating our students.

A. Staff Handbook. This summary staff handbook is intended to be used by classified staff to provide general information about and to serve as a guide to the District's policies, rules, and regulations, benefits of employment, and performance expectations. References in this handbook to 'Classified Employees' are intended to apply to all staff who are not required by their positions to hold a teaching or administrative certificate. Classified staff must comply with the rules of this handbook as well as board policies pertinent to their role with the District.

Each employee is responsible for becoming familiar with the handbook and knowing the information contained in it. Although the information found in this handbook is detailed and specific on many topics, the handbook is not intended to be all encompassing so as to cover every situation and circumstance that may arise. This handbook is intended to supplement other documents that deal with your employment, including your employment contract, the negotiated agreement between NBCPS and the North Bend Central Education Association, and the policies and regulations of the Board of Education. In reading this handbook, please understand that where a direct conflict exists, state or federal law, the negotiated agreement, and Board policies and regulations will control.

This handbook does not create a 'contract' of employment. Staff positions and assignments which do not legally require a certificate or are otherwise not protected by the teacher tenure laws may be ended or changed on an 'at will' basis notwithstanding anything in this handbook or any other publication or statement, except for a contract approved by the Board of Education.

The administration will be responsible for interpreting the rules contained in the handbook and shall have the right to make decisions and make rule revisions at any time. Should a situation or circumstance arise that is not specifically covered in this handbook, the administration will make a decision based upon applicable school district policies, state and federal statutes and regulations, and the best interests of the District.

This handbook will be in effect for the current school year and subsequent school years unless replaced by a later edition.

B. Other documents you may access on nbtigers.org are the East Husker Conference Calendar, Coach/Sponsor assignments and the NBCPS telephone list. Student handbooks for NBC and NBE, Student Fee information and Activities Handbook may be viewed on the nbtigers.org website also. You will receive a Safety Plan as a separate flip tablet. The office area in each building contains a full set of Board Policies.

C. Organization of NBCPS. On June 1, 1998, six elementary school districts and North Bend Central Junior-Senior High School of Dodge and Saunders Counties reorganized and formed a Class III. Preschool-12 school system. The school district now includes two sites: Grades Preschool-5 at North Bend Central Elementary School and Grades 6-12 at NBC Middle and High School. North Bend Central Public Schools extends north approximately 10 miles into the Webster area, south eight to twelve miles into Saunders County, and east to Ames and west to Rogers (over 242 square miles).

D. Board of Education. The Board consists of six members who meet regularly on the second Monday of each month or as otherwise scheduled.

Dan Wesely..... President
Jeff Bauer.....Vice-President
Francis EmanuelSecretary
Bob FeurerTreasurer
Doug Hoops.....Member
Justin Taylor.....Member

E. Accreditation. The North Bend Central Public Schools is accredited by the Nebraska Department of Education and the high school is also accredited by Cognia.

F. Classification. The high school is classified by the Nebraska School Activities Association as Class "C-1" or "C-2" for the current school year in most school activities.

G. Facilities. The high school building was occupied in January, 1970. Bonds totaling \$1,350,000 to finance the construction were paid in January, 1989. Morse Bluff Elementary School was constructed in 1923 and North Bend Elementary in 1958 with an addition in 1966. In November, 2002, a bond issue for \$1 million was approved to build a classroom addition at North Bend Elementary and an athletic addition at the high school. These facilities were completed in January, 2004. A two-classroom addition was constructed in the summer of 2008. Additions/renovations in 2014 were 7.365 million.

H. Gathering Information/Expressing Concerns. All NBCPS staff members are to use the appropriate channels of communication to gather information or when concerned about employment or other matters. Here is a summary of 'Whom to See' for information:

- (1) See your Principal when you have questions concerning student discipline, course scheduling and curriculum, purchase orders for course textbooks and materials, keys for your classroom and other areas. All matters dealing with students, teaching staff, and instruction should be taken to the Principal first.
- (2) See your Principal's secretary when you have questions concerning turning in money and submitting orders for payment for all activity-related clubs-organizations, classroom supplies, attendance, newsletter articles, report cards, grade sheets, etc.
- (3) See the Activities Director when you have questions concerning the scheduling of any activity on the school calendar or requesting and scheduling the use of a bus or van for school activities, the getting of activity bus or van keys, answering all questions concerning student eligibility and rules, and all athletic purchase orders.
- (4) See the Superintendent's secretary/Bookkeeper when you have questions concerning payroll deductions, questions concerning purchase orders, and General Fund bills, etc.
- (5) See the School Nurse when you have questions concerning student illness, health problems, and reporting of all student injuries and filing of required accident and insurance forms by staff members.
- (6) See your Guidance Counselor when you have questions concerning student social or learning problems (referring a student for testing), class schedules, etc.
- (7) See the Food Service Manager when you need to schedule use of the kitchen facilities, especially for athletic event concession sales.
- (8) See your Maintenance Staff when repairs are needed in a classroom or on a school bus or van.

(9) See the Superintendent when you have questions concerning matters dealing with budget and major purchases, bus routes, and matters that were not covered above or solved after seeing the appropriate person listed above.

II. EMPLOYMENT CONTRACTS/COMPENSATION.

A. School Calendar. A copy is included on the back of this summary handbook.

B. Contract Days. Employment contracts for classified staff vary in length. Individual employee contracts specify the days of employment.

C. Cancellation and Rescheduling of Contract Days. The Superintendent of schools is authorized by the Board of Education to close public schools in case of severe weather or other needs. The Superintendent or his/her designee will notify local news media when inclement weather warrants such action. The information is broadcast regularly by Tiger Talk, radio and television stations. Generally, if schools are closed for the full day for inclement weather, most staff will not be required to report for duty. Some staff may be designated as being required to come to school even in the event of a school closing. School Dismissals will be announced on Tiger Talk, television, radio, and the district website at www.nbtigers.org.

In the event staff are not required to report for duty due to inclement weather conditions or other circumstance whereby a duty day is canceled, such days may be required to be made up. If deemed necessary to fulfill the educational obligations of the school district, the Superintendent may schedule full or partial make-up days for staff only or for both students and staff. In some cases, use of leave or deduction from salary may be used in place of make-up days. (See Board Policies 4210 and 4300).

D. Daily Schedules. Classified staff will have daily work times assigned by their Principal. The daily schedules may be altered for late starts, early dismissals, staff meetings and other activities as approved by the Superintendent or his/her designee.

E. Activity Schedules/Calendars. All activities involving use of school facilities or participation by students must be first approved by the Principal or A.D. and those involving the use of the high school facilities must be recorded by the Activities Director on the master calendar. Activities (athletic, clubs, and other school-related) shall not begin after 9:00 P.M. without approval from the Principal. Activities may not be scheduled on Sundays or Wednesday evenings without permission of the Principal. All students should be dismissed from school-related activities by 6:00 P.M. on Wednesday night. During the holiday seasons, activity practice times must be approved by the Principal or Activities Director.

F. Employment Conditions: Classified Staff. Employment occurs when the employee signs the Employee's Contract and the Board of Education (or Superintendent if so authorized) approves such contract of employment. Classified employees are 'at-will' employees, and may be terminated at any time by the school district. Notice of termination may be delivered by the administration or Board of Education. Should a classified employee wish to resign from employment, the employee should give two weeks' written notice of resignation to the Superintendent.

G. Assignments: Classified Staff. The duties to be performed by an employee with the District shall be subject to assignment by the Superintendent. Job descriptions, where available, provide additional information about the position duties. An employee will be expected to devote full time during days of school to the employee's position and to diligently and faithfully perform the assigned duties to the best of the employee's ability.

H. Special Licenses and Permits. Classified Staff, such as vehicle drivers, who require special licenses or permits, shall have these on file with the District prior to the effective date of employment.

I. Personnel Files. The District will follow the requirements of state and federal law and regulation with regard to a teacher's personnel file, including but not limited to Neb. Rev. Stat. § 79-8,109.

J. Grievances/Complaints. The rapid elimination of grievances is in the best interest of both the employee and the district. The first step in handling grievances is to express your concern to your immediate supervisor, Principal, or Superintendent. Teacher grievances are governed by Board Policy 4270 and classified staff grievances are governed by Board Policy 4300. Grievances regarding disabilities and other federal programs are governed by Board Policy 2210.

K. Compensation: Classified Staff.

(1) Basis of Compensation. Classified staff shall generally be compensated on an hourly basis as specified in their individual employment agreement. Information on compensation conditions, including days of employment and method of calculating compensation, for each category of classified employee shall be made available to the employee at the time of initial contracting and annually through the Staff Handbook.

(2) Overtime Pay. Overtime is paid to classified employees in accordance with the Fair Labor Standards Act (FLSA). A publication provided by the federal government which provides more information about the FLSA is attached as Appendix I to this handbook.

Classified employees may be classified as either 'exempt' or 'non-exempt' for overtime purposes. Employees who are classified as exempt employees are not eligible for overtime, while those who are 'non-exempt' are eligible for overtime. Non-exempt employees will be expected to accurately report hours worked. Falsification of time cards is a serious offense.

Non-exempt employees must receive prior approval from their supervisor to work additional hours beyond their regular work schedule. Non-exempt employees will be paid for each hour worked in excess of 40 hours in a workweek and are expected to accurately and timely report overtime hours to their supervisor. The regular workweek for overtime purposes is from 12:00 a.m. on Monday through 11:59 p.m. on Sunday. The Superintendent may establish a different 7-day period workweek from time to time for specified employees or employee groups.

Overtime pay for non-exempt employees will be paid at the rate of not less than 1.5 times the employee's regular rate of pay for hours worked in excess of the 40 hour workweek. Employees with two or more non-exempt positions may be eligible for overtime pay based upon the total number of hours worked in one workweek. If applicable, the employee and the Superintendent will agree upon the overtime rate, in compliance with FLSA regulations.

A non-exempt employee may request compensatory time in lieu of overtime pay, with approval of the employer, with the rate figured as 1.5 times the number of hours worked in excess of 40 hours in any work week. Compensatory time may be accumulated up to 40 hours upon approval by their supervisor. Any accumulation of compensatory time over 40 hours must be approved by the Superintendent. The FLSA limits the accumulation of compensatory time to 240 hours.

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 overtime exemption to be applicable. 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.

(3) Pay Suspensions. The Superintendent may authorize unpaid disciplinary suspensions for classified employees 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. Such suspensions may be appealed to the Board of Education under the Grievance section of Board Policy 4300. 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.

L. Salary Payments. Salary will be paid via electronic deposit on or on the nearest working day before the 15th of each month. Federal and state income taxes will be withheld from your monthly check, as will State Retirement contributions, as appropriate, and FICA. Payroll deductions may be made in accordance with law and the Negotiated Agreement. Staff wanting changes in payroll-related items must discuss it with the bookkeeper and sign the appropriate office form which is then retained in your personnel file.

M. Salary Reduction Agreements. The District will cooperate with any eligible employee who chooses to participate in an investment program under an Internal Revenue Code Section 403(b) provided that the certificated employee executes a "Salary Reduction Agreement" provided by the District and the vendor of the 403(b) Plan elected by the employee has entered in to a "Service Provider Agreement" with the District holding the District harmless from any liability that may arise out of such 403(b) Plan, including, but not limited to, the calculation of the maximum exclusion allowance, tax reporting, notices and income withholding.

N. Health Insurance and Other Benefits. Fringe benefits for classified employees vary by position and are specified in the individual employment contract. Those staff receiving fringe benefits shall make annual fringe benefit elections by September 1 of each school year. Should a staff member fail to make such election, the staff member election from the immediately preceding school and contract year shall be continued. Each staff member is responsible for informing the Office of the Superintendent in writing of any changes in benefit status. Continued health insurance benefits are available through COBRA subject to certain qualifying requirements. A Notice of COBRA Continuation Coverage Rights is included in the Staff Handbook.

The Health Insurance Portability and Accountability Act (HIPAA) provide rights and protections for participants and beneficiaries in group health plans. HIPAA includes protections for coverage under group health plans that limit exclusions for preexisting conditions; prohibit discrimination against employees and dependents based on their health status; and allow a special opportunity to enroll in a new plan to individuals in certain circumstances. HIPAA may also give you a right to purchase individual coverage if you have no group health plan coverage available, and have exhausted COBRA or other continuation coverage. Further information may be obtained from the Plan Administrator of the group health plan.

O. Expense Reimbursement. Reimbursement for authorized mileage will be paid to staff required to drive their own vehicles during their regular scheduled working hours between two or more work sites. Claims for reimbursement should be submitted to the appropriate supervisor. The allowable rate shall be governed by Board policy, unless otherwise required by law. The District is not liable for physical damage to employee vehicles.

Materials necessary for instruction are provided by the District. If teachers need additional materials for instruction or school-related purposes, the request should be made to the Principal. Reimbursement for purchase of materials or for other expenses related to travel must be submitted to and approved by the Superintendent or his/her designee. The request for reimbursement should include a voucher sufficient to establish that the expense was actually incurred and that the expense was reasonable and related to a school-purpose.

III. ABSENCES FROM WORK.

A. Authorized Leaves. The Board of Education has established several categories of paid and unpaid leaves. These are specified in Board Policies 4300, 4410, 4411, 4412 and 4413. Leaves include:

- (1) Personal Leave. Generally, employees are provided two days of personnel leave per year accumulative to five days.
- (2) Vacation/Holidays. Paid vacation and paid holidays are limited to eligible staff and are specified on the individual's employment contract. Board Policy 4300 governs classified staff vacations and holidays.
- (3) Illness/Family Bereavement Leave. Generally, employees are provided 10 days of leave per year accumulative to 55 days.
- (4) Adoption Leave. See Board Policy 4410.
- (5) Professional Leave. See Board Policy 4411.
- (6) District-Directed Leave. See Board Policy 4410.
- (8) Military Service Leave. See Board Policy 4410.
- (9) Jury/Witness Duty Leave. See Board Policy 4410.
- (10) Family/Medical Leave Act (FMLA) Leave and Medical Leaves of Absence. See Board Policy 4412.
- (11) Family/Military Leaves. See Board Policy 4413.
- (12) Emergency/Excess Leave. See Board Policy 4410.

B. Requests for Leave. The leaves provided by the District are to be used for the purpose intended. Abuse of leave privileges affects the students, other staff, and the entire District and will not be tolerated. Advance reporting of the need to take a leave and having effective lesson plans and materials prepared and readily available for the substitute are important.

An employee who becomes ill and is unable to work is to contact his/her Principal or designee before the time designated by each Principal. Before the end of the school day on the first day of the sick leave, and on each subsequent day of absence, a report should be made to the Principal as to whether the staff member will be able to return to duty on the next duty day. For illnesses or medical situations where the need for the leave can be determined in advance, the staff member is to make such advance report of need for leave as possible.

For personal and other leaves, a Staff Leave Request form is to be submitted to the Principal or his/her designee at least ten school days prior to the leave, or such other advance notice as is practicable under the circumstances. Staff Leave Request forms are also to be completed upon return from illness leave. Personal Leave requests may approve to extend scheduled vacations under limited circumstances.

C. Payroll Deductions for Excess Leave. See the Emergency/Excess Leave Provisions in Board Policy 4410.

D. Leaves of Absence. Employees may apply to the Board of Education for a leave of absence. The Board of Education will consider such requests on a case-by-case basis. No leave of absence shall extend beyond one school year. All leaves of absence shall be without pay except for the payment of health insurance benefits as may be required under applicable state or federal laws.

IV. DUTIES AND RESPONSIBILITIES (CLASSIFIED STAFF)

A. Hours of Work/Meetings. Regular, dependable attendance at work is an essential function of a classified employee's employment position. Hours for each classified employee shall be specified in their employment contract or supplementary memorandum prior to the beginning of the contract year. Classified employees may not work beyond the hours specified without permission of the Superintendent or his/her designee. Schools have differing starting and ending times for the student day. Classified employees' work assignments may or may not be related to the regular school day. Classified employees are expected to know their duty dates and times, and to be on time for work. Classified employees are expected to be present for required meetings, unless they are absent from school for good cause or have made prior arrangements.

B. Leaving School. Classified employees are to be on duty at all times during the assigned work day. Employees may not leave school or their assigned area during duty hours without approval of the Principal. Employees who leave the school during their designated lunch period must check out with the Principal's office. Employees who leave during their work hours for an approved absence must check out with the Principal's office or their supervisor when leaving, and check back in upon return. Employees who need to leave during the school day for reason of illness or emergency are to check out with the Principal's office or their supervisor and make sure that a responsible person has been notified of their unexpected absence so work coverage may be provided.

C. School Procedures. Employees are expected to adhere to the following school procedures in the performance of their duties:

(1) Inventories. Equipment must be inventoried on the appropriate forms. Equipment inventories are provided at the beginning of the school year and are to be updated by the specified deadline.

(2) Checking Out of Equipment. All equipment must be checked out through the building Principal or his/her designee. All school equipment may be used only for school purposes. No school equipment may be directed to the personal use of a teacher or another District employee.

(3) Requisition of Equipment and Supplies. Books and supplies which are needed for instruction should be requested through the Principal's office. No equipment or supplies ordered through the District may be directed to the personal use of a District employee.

(4) Purchasing Procedures. The following procedures will be followed when requesting the purchase of equipment, materials, supplies, etc. Employee will fill out the purchase order which can be found on the staff portal. After completing the purchase order, please email it to your building principal for approval. If approved, the principal will then forward the purchase order to the district bookkeeper who will prepare the 'official' Purchase Order with code numbers and will mail or phone the order as requested. Orders placed WITHOUT A PURCHASE ORDER will not be paid for by the school district. This includes activity/club related orders and budget related items that may have been 'ordered on approval' and then not returned on time.

(5) E-mail. Each employee will be assigned a school e-mail address for purposes of intra-school and inter-school e-mail correspondence. Employees should check for e-mail throughout the day, and should timely respond to e-mails which require a response, but should avoid checking and responding to e-mails during instructional time. Use of the District's e-mail system for personal communications should be limited, and is subject to the rules governing overall computer usage found in Board policy and this handbook.

(6) Staff Mail Box. Each employee will be assigned a mailbox. Staff should check for mail each morning and also later in the school day, if possible. If something requires an answer, teachers are responsible for responding promptly. Staff mail boxes are to be limited to communication regarding school business.

(7) Record Keeping. Duties of classified employees often involve keeping detailed records. Make sure to complete these records as directed by your supervisor.

D. Role of Paraprofessionals. Paraprofessionals provide valuable assistance in the educational process and allow teachers to carry out their responsibilities in a more efficient and effective manner. A paraeducator must not, however,

assume teaching responsibilities. The teacher must maintain the role of leadership and responsibility for the students, with the paraeducator in a supportive role. Paraeducators may assist the teacher by, among other tasks, assisting with instructional activities under the direction of the teacher, helping to supervise students, copying tests and other written material, organizing class materials, preparing bulletin boards, grading tests or class work, and calculating and recording grades. Paraeducators are to work only on their assigned work days and within their assigned work day. If a teacher requests a paraeducator to work hours other than the assigned work hours or assigned work day, the administration should be contacted for approval.

E. Supervision of Students.

Proper supervision of students is an important responsibility for teachers and other adults responsible for our students. Teachers and other adults responsible for student supervision are expected to meet the four 'P's' for student supervision and safety.

1. Proper Supervision

- Report to all duty assignments on time.

- Circulate through your duty area. Pay particular attention to areas and activities that pose an increased risk of injury.

- Be vigilant while supervising students. Never leave your classroom unattended. If an emergency requires that you leave your classroom, request that another nearby staff member cover your class, or notify the office so someone can provide assistance. If you are on recess duty, your responsibility is to supervise the students in your assigned area. When talking with other adults or students, remember that your primary duty is supervision and make sure you are aware of what all students who you are to be supervising are doing.

- If you have seen or have been informed that a particular student has a propensity to act dangerously or in an unpredictable manner, your supervision of that student must increase with the known risk of injury. (Remember, though, that this type of information may be confidential; do not share confidential information about students except with other staff who need to know the information to perform their jobs).

- Be careful with touching students. Use of corporal punishment is prohibited at North Bend Central Public Schools. Touching students should be limited to that necessary to protect the student from harm (e.g., falling from playground equipment) and that which professional educators determine appropriate for purposes of proper student relationships. Board Policy 3332 describes the use of physical restraint and seclusion techniques. These techniques are only to be used by staff that are trained in their use and use them under appropriate supervision.

-Restraint and seclusion, as defined in **Board Policy 3332**, are behavioral interventions. The use of such behavioral interventions must be in accordance with this policy. The following interventions do not constitute seclusion and restraint, and are not governed by this policy: voice control, limited to loud, firm commands; time-limited ignoring of specific behaviors; brief physical prompts to interrupt or prevent a specific behavior; physical interventions which a student's health care provider has indicated are medically necessary for the treatment or protection of the individual; or other similar interventions. Below is the terminology necessary to better understand this policy.

- Be careful with your language. Profanity or abusive language should not be used by you. Be a good role model for students. If a student uses such language, you should correct the student and take such disciplinary action as is appropriate, which may include making a report to administration.

- Be alert to bullying, dating violence, and related forms of misconduct. Board Policy 3331 defines bullying as 'any ongoing pattern of physical, verbal, or electronic abuse. This includes, but is not limited to, persistent harassment, hazing, or other victimization of students or staff based on actual or perceived traits such as age, color, creed, national

origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical mental ability or disability, ancestry, political or religious beliefs, socioeconomic status or familial status. In sum, bullying and related behavior means any intentional written, electronic, verbal, or physical act against another person that a reasonable person under the circumstances should know will have the effect of:

- (1) Placing the person in reasonable fear of substantial harm to his or her emotional or physical well-being or substantial damage to his or her property; and/or
- (2) Creating a hostile, threatening, humiliating or abusive environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; and/or
- (3) Interfering with a student or staff member having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits, and/or
- (4) Perpetuating bullying and related misconduct by inciting, soliciting, or coercing an individual or group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another person.'

The policy prohibits bullying by students and school employees.

2. Proper Instructions

- Proper instructions are important to reduce the risk of injury when students undertake an activity, especially an activity that has an increased risk of harm to students.

- Repeat the instructions on how to complete a task that has a heightened risk of danger as often as needed. Do not assume because students heard the directions once that they will be remembered.

- When you go over safety rules with students note it in your written records (e.g., your lesson plan book or daily reports).

- Review playground and classroom safety rules with students at least once each semester and note when you do it in your written records. Also, if any students are absent when you review the rules contact the student(s) to review the same information and also note that contact in your written records.

3. Proper Maintenance of Buildings, Grounds, and Equipment

- Conduct periodic inspections of equipment under your control or in your area of supervision.

- If equipment is broken and presents a risk of injury, immediately take it out of service (if it can't be moved, tape a 'Do Not Use' sign) and notify the office so those repairs may be undertaken.

- Check your communication device (whether it be a school phone in your supervision area, a walkie-talkie, or a cell phone) periodically to make sure you can communicate with the office immediately in the event of an emergency.

4. Proper Warnings

- If you have knowledge of a hazard that can likely cause injury, take steps to warn other staff and students. Tell the office so additional warnings may be given.

Contact the Office for Assistance. The Principal's Office should be contacted immediately when a situation exists which could cause injury to students or others. Examples include:

- student fight
- student health problem (fainting, bleeding, high temperature, difficulty breathing, etc.); if the office cannot be immediately located, call 911 if the problem appears to be of immediate and serious concern
- a report or a suspicion that a student has a weapon or other dangerous item or drugs, alcohol, or other illegal substances
- presence of an intruder (a non-student or staff member who refuses to go to the office)

F. Student Searches. The Principal's Office should also be contacted before performing searches of students or their belongings. You may direct a student suspected of having an item in violation of school rules to wait with you until another adult is present, or to follow you to the office if you can leave your assigned area without causing risk of harm

to others. Do not use physical force to detain the student or to make the student accompany you except as reasonably necessary to protect the student or others.

G. Student Rights. Students should be treated fairly and given the same treatment without consideration of race, color, religion, gender, or disability. Students who need special accommodations should be given those accommodations as needed for them to participate in school and school activities. Further, students have the right to have their school records kept confidential. Such information should be shared only with other school staff with a need to know the information to perform their duties.

H. Dispensing Medications/Asthma Protocol. See Board Policies 3342 and 3342 regarding dispensing medication.

I. Reporting Child Abuse. Nebraska State Law and school policy mandates school employers to make a report to the proper law enforcement agency or the Department of Health and Human Services (Child Protective Services) when there is reasonable cause to believe that a child has been abused or neglected, or a child is in a situation which would reasonably result in abuse or neglect. According to Nebraska State Law, abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- (a) Placed in a situation that endangers his or her life or physical or mental health;
- (b) Cruelly confined or cruelly punished;
- (c) Deprived of necessary food, clothing, shelter, or care;
- (d) Left unattended in a motor vehicle if such minor child is six years of age or younger;
- (e) Sexually abused; or
- (f) Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Employees are to inform their principal or supervisor in the event they become aware of child abuse or neglect and report of prescribed by law. Be as specific as possible with what, when, and where you observed the abuse or neglect and anything which you may have heard said by the student or others. It is vital that your report to school officials be made as accurately and as soon as possible. Timeliness in making a report will assist in minimizing further risk to the child

Do not talk about the matter directly with the parent or others, as that may violate confidentiality restrictions, affect the ability of authorities to investigate, create problems with relationships and create legal problems. The school administration will consider your information, conduct any further investigation needed to justify a report, and determine whether a report of child abuse or neglect is to be made. If the person who you have reported to does not make a report to the police or Child Protective Services, and you feel a report should be made, report the matter directly to the Superintendent.

J. Evaluations. Evaluations of classified staff will be conducted in accordance with Board Policy 4300. Generally, classified employees are evaluated once per year, however, supervisors reserve the right to observe, appraise or evaluate employees more frequently than required by policy on an as-needed basis. The Principals and Superintendent will observe classrooms and other workspaces during the school year on both an announced and unannounced basis.

K. Relationships. It is important for employees to maintain an effective working relationship with the administration, co-workers, students and parents. Appropriate relationships are established by extending social courtesies, following through on commitments and promises, complying with administrative directives and Board policies, being honest and consistent, and not intruding into personal matters outside the scope of duties or gossiping or spreading rumors about others. Board Policy 4210 and 4211 outlines the professional boundaries required in relationships with students. It states in part: '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.'

School district employees and student teachers or interns ("employees") are responsible for conducting themselves professionally and for teaching and modeling high standards of behavior and civic values, both at and

away from school. Employees are required to establish and maintain professional boundaries with students and must have appropriate relationships with students. They may be friendly with students, but they are the students' teachers, not their friends, and they must take care to see that this line does not become blurred. This applies to employees' conduct and interactions with students and to material they post on personal web sites and other social networking sites including, but not limited to, Instagram, Facebook, and Twitter. The posting or publication of messages or pictures or other images that diminish an employee's professionalism or ability to maintain the respect of students and parents may impair his or her ability to be an effective employee. Employees are expected to behave at all times in a manner supportive of the best interests of students.

Sexual Relationships Prohibited. Employees are prohibited from engaging in any relationship that involves sexual contact or sexual penetration with a student while the student is a current student and for a minimum of one year after the date of the student's graduation or the date the student otherwise ceases enrollment. Sexual contact has the same meaning as in section 28-318, and sexual penetration has the same meaning as in section 28-318.

Grooming Prohibited. Employees are prohibited from engaging in grooming with students. Grooming means building trust with a student and individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student, regardless of when in the student's life the sexual contact or sexual penetration would take place.

Unless an employee can clearly and convincingly demonstrate a legitimate educational purpose, grooming behaviors and related conduct that are a violation of this policy include, but are not limited to:

- Communicating about sex when the discussion is not required by a specific aspect of the curriculum.
- Joking about matters involving sex, using double entendre or making suggestive remarks of a sexual nature.
- Displaying sexually inappropriate material or objects.
- Making any sexual advance, whether written, verbal, or physical or engaging in any activity of a sexual or romantic nature.
- Kissing of any kind.
- Dating a student or a former student within one year of the student graduating or otherwise leaving the district.
- Intruding on a student's personal space (e.g. by touching unnecessarily, moving too close, staring at a portion of the student's body, or engaging in other behavior that makes the student uncomfortable).
- Initiating unwanted physical contact with a student.
- Communicating electronically (e.g. by e-mail, text messaging, or through social media) on a matter that does not pertain to school.
- Playing favorites or permitting a specific student to engage in conduct that is not tolerated from other students.
- Discussing the employee's personal issues or problems that should normally be discussed with adults.
- Giving a student a gift of a personal nature.
- Giving a student a ride in the employee's vehicle without first obtaining the express permission of the student's parents or a school administrator.
- Taking a student on an outing without first obtaining the express permission of the student's parents or a school administrator.
- Inviting a student to the employee's residence without first obtaining the express permission of the student's parents and a school administrator.
- Going to a student's home when the student's parent or a proper chaperone is not present.
- Repeatedly seeking to be alone with a student.
- Being alone in a room with an individual student at school with the door closed.
- Any after-school hours activity with only one student.
- Any other behavior which exploits the special position of trust and authority between an employee and student.

This list is not exhaustive. Any behavior which exploits a student is unacceptable. If in doubt, ask yourself, "Would I be doing this if my family or colleagues were standing next to me?"

Communication Between Employees and Students. The preferred methods for employees to communicate with students are in person, school email accounts, or other approved district electronic tools. Employees may use the following personal communication systems to communicate with students: school email accounts, district supported learning management systems, or other district approved electronic tools. A personal communication system is a device or software that provides for communication between two or more parties and is capable of receiving, displaying, or transmitting communication. Personal communication system includes, but is not limited to, a mobile or cellular telephone, an email service, or a social media platform.

Employee communications with students through a communication system generally are to be sent simultaneously to multiple recipients and not just to one student. The burden to demonstrate the appropriateness of a communication with a student only shall rest with the employee.

Reporting a Policy Violation. Anyone may report suspected grooming, other unacceptable employee conduct, or any violation of this policy as follows:

School District. Reports may be made to a principal, the superintendent, or the Title IX Coordinator in person, by mail, by telephone, or email.

Nebraska Department of Education. Reports may be made at: Nebraska Department of Education, Attn: Certification Investigations' Office, P.O. Box 94933, Lincoln NE 68509 or Nde.investigations@nebraska.gov.

Nebraska Department of Health and Human Services. Reports may be made by calling the Child Abuse and Neglect Hotline at (800) 652-1999.

Law Enforcement. Reports may be made to the local police department by calling (402) 443-4155, the county sheriff at (402)443-1000 or the Nebraska State Patrol at (402)471-4545.

An employee is required to make a report to a principal or the superintendent if the employee reasonably believes that another employee has violated or may have violated this policy. Minor concerns or violations shall be reported within 24 hours. Major concerns or violations shall be reported immediately. Violations committed by or concerns about the superintendent shall be reported to the school board president.

A student who feels his or her boundaries have been violated should directly inform the offender that the conduct or communication is offensive and must stop. If the student does not wish to communicate directly with the offender or if direct communication has been ineffective, the student should report the conduct or communication to a teacher, administrator, counselor, the Title IX coordinator, or other school employee with whom she or he feels comfortable.

Retaliation Prohibited. Retaliation for good faith reports or complaints made as a result of this policy is prohibited. Individuals who knowingly and intentionally make a false report shall be subject to discipline as provided by district policy and state law.

Policy Violations. Any violation of this policy by an employee may result in disciplinary action up to and including dismissal from employment and/or referral to the Nebraska Department of Education, which may result in the suspension or revocation of the employee's certificate. Any violation involving sexual or other abuse will result in referral to the Nebraska Department of Health and Human Services, law enforcement, or both.

Policy Verification. Employees shall verify that they have received, reviewed, and understood this policy by signing an acknowledgment document indicating the same.

No Limits on Reports to NDE. Nothing in this policy shall be construed to limit any certificated employee's duty to report any known violation of the standards of professional practices (Title 92, Nebraska Administrative Code, Chapter 27, commonly known as Rule 27) adopted by the Nebraska Board of Education.

Employees who are students attending NBC High School are not subject to this policy except to the extent their conduct occurs in relationship to their employment with the District. Such student-employees are subject to the Student Code of Conduct.’

L. Attire. It is important for employees to project a responsible, adult image to students, parents and co-workers. Appropriate attire and grooming is one of the means of projecting such an image. Employees are expected to maintain conservative attire and grooming when on duty. As a minimal guide, employees should not wear clothing which students would not be permitted to wear at school. Employees should wear clothing which is safe and suitable for their work assignments; and avoid clothing which may be caught in machinery. The administration may establish more detailed guidelines for individual employees should that be necessary.

M. Professional Address. All North Bend Central Public School employees are to encourage students to address staff members using Mr., Mrs. or Ms. This should especially be done when talking to students and referring to other adults.

N. Outside Employment. Classified employees may accept outside employment in accordance with Board Policy 4300.

VI. WORK ENVIRONMENT/STATE AND FEDERAL REGULATIONS.

A. Drug Free Workplace. The District has established the school as a drug-free workplace. See Board Policy 2220 or page 42 of this handbook.

B. Smoking and Tobacco Use. Smoking by adult employees and visitors is permitted only in the designated areas outside of the school buildings as required by federal law. Smoking by students is prohibited on school property and at school-sponsored activities at home or away. See Board Policy 5215,

C. Weapons Free Workplace. No student may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy. No visitor under the age of 18 may possess, handle, or transmit any weapon while on school grounds or at any school activity or event off school grounds except as permitted by this policy. **Definition of Weapon.** The term “weapon” means any object, device, instrument, material, or substance which is capable of causing injury in the manner it is used or intended to be used.

Firearms. No person may bring, possess, handle or transmit a firearm on school grounds, in a school owned vehicle, or at a school activity or event off school grounds, except as permitted by this policy. **Definition of Firearm.** The term “firearm, as defined in 18 U.S.C. 921, means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer, or any destructive device (excluding an antique firearm).

Exceptions Regarding Firearms. The prohibition against firearms does not apply to:

1. The issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this State, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training; or

2. Firearms that may lawfully be possessed by a person who is receiving instruction at the school under the immediate supervision of an adult instructor;
3. Firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard;
4. Firearms contained within a private vehicle *operated by a nonstudent adult* that are not loaded *and* are encased or are in a locked firearm rack that is on a motor vehicle; or
5. A handgun carried as a concealed handgun by a nonstudent adult who holds a valid permit issued under the Concealed Handgun Permit Act in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by the school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law.

Definition of Encased. The term “encased” means enclosed 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 the firearm exposed.

Exceptions for Students. The only exceptions for a student to bring or possess a weapon, including a firearm, are as follows:

1. The firearm or weapon has been brought to school grounds or to an activity or event off school grounds for some educational purpose;
2. The person bringing the firearm or weapon has requested and received the prior approval of both the instructor and the building principal to do so; and
3. All arrangements to use and store the firearm or weapon safely while it is on school premises have been agreed to and carried out.

Consequences - Firearm. Any student who brings a firearm, as that term is defined in 18 United States Code 921, to school will be expelled from school for one calendar year. The superintendent of schools and the board of education shall have the authority to modify the expulsion requirement on a case-by-case basis.

Consequences – Weapon. State law and this policy provide that any student who violates this policy by knowingly bringing, possessing, handling or transmitting a weapon, other than a firearm, on school grounds, in a school owned vehicle, or at a school activity or event off school grounds may be suspended on a long-term basis, mandatorily reassigned, or expelled for the remainder of the school year in which the expulsion takes effect (if the misconduct occurs during the first semester) or the remainder of the second semester, summer school, and the first semester of the following school year (if the misconduct occurs during the second semester).

Confiscation of Firearms. Administrative and teaching personnel are statutorily authorized, without a warrant, to confiscate any firearm possessed in violation of this policy. By statute, any firearm that is confiscated by school personnel shall be delivered to a peace officer as soon as practicable. Such firearms are subject to being destroyed by law enforcement authorities.

Report to Law Enforcement Authorities. All school personnel are required to report any violation of this policy to a principal or the superintendent of schools. Pursuant to state and federal law, school personnel are required to report to law enforcement authorities when a student brings a firearm or weapon to school.

D. Use of District Computer Network and Internet. The Board of Education has adopted Board Policy 4465 on employee use of Internet, e-mail and other technological resources. When adopted, the new policy will be the controlling document regarding use of technology. The current policy states, in part: It states, in part:

The North Bend Central Public Schools Board of Education hereby adopts and shall enforce a policy of making technology resources available only to advance educational goals and objectives, supplement instruction, and further school purposes. The operation and use of technology resources by employees shall be consistent with this policy. Technology resources include, but are not limited to, computers and related technology equipment, all forms of e-mail or electronic communication, and the Internet. The Superintendent and his/her designees are authorized to establish and enforce regulations, guidelines, and specific district standards to implement this policy.

North Bend Central Public Schools exercises exclusive control over its technology systems. Users expressly consent to monitoring by school officials and cannot expect privacy regarding computer use. Computers and accounts are subject to inspection at any time, including inspections of e-mail, file storage, and Internet activity. Only software properly licensed by the district will be permanently installed. Software donated to the schools permanently or temporarily must abide by the terms of its copyright license and must be approved by the Superintendent or his/her designee. The district is not responsible for the integrity of information accessed or software downloaded from the Internet.

Access to the technology systems provided by the school district is a privilege, not a right. The school district retains the authority to revoke access, refuse the posting of files, remove files, and/or apply disciplinary measures if the terms of this policy are violated.

The following procedures and guidelines are intended to ensure appropriate use of the Internet at North Bend Central Public Schools by the school's faculty and staff.

I. Employee Use of District Computer Networks, the Internet and E-Mail.

A. Acceptable Use

(1) Employee users of the district computer networks for Internet access or e-mail purposes are responsible for their behavior and communications over those networks. Users will comply with district standards.

(2) Employees may use the Internet to conduct research for classroom projects or for any other use which serves a legitimate educational or employment-related purpose. Use of the Internet for personal reasons may be allowable subject to the restrictions in this and other district policies.

(3) Employees may use the Internet for school-related e-mail communication with fellow educators, parents, and patrons.

(4) Employees may utilize e-mail including, but not limited to, correspondence between staff, professional organizations, family members, friends and colleagues, and government offices so long as it does not interfere with the normal duties and responsibilities of the staff member or the mission of the school district.

(5) Employees are encouraged to integrate the use of electronic resources into the classroom. However, teachers are cautioned that the quality and integrity of content on the Internet is not guaranteed. Teachers must examine the source of the information and provide guidance to students on evaluating the quality of information they may encounter on the Internet.

(6) Employees may create web pages for classroom use, subject to the approval of the Superintendent or his/her designee. Staff is cautioned that publication of student work or personally-identifiable student information may violate the Federal Education Records Privacy Act. Staff must obtain the written consent of the Superintendent or his/her designee and the students' parent/guardian prior to posting any student-related information on the Internet.

(7) Employees may make purchase over the Internet provided that school district purchasing procedures are followed. Personal purchases may be made, but the district will not be liable for any such purchases made by any user over the network. The employee's acceptance of an e-mail account is an acceptance of the employee's agreement to indemnify the district for any expenses, including legal fees, arising out of the employee's use of the district's networks.

(8) Access to the district's computer networks shall be terminated when the employee's employment with the district ceases.

B. Unacceptable Use

(1) Employees shall not erase, remake, or make unusable anyone else's computer, information, files, programs or disks. In addition to any other disciplinary action or legal action that may occur, any user violating this rule shall be liable for any and all damages for the replacement of any damage to the computer, information, files, programs or disks.

(2) Employees shall not let others use their name, log-on, password, or files except as authorized. Employees shall not use or try to discover another user's passwords.

(3) Employees shall not use the computer for unlawful purposes, such as illegal copying or installation of unauthorized software.

(4) Employees shall not copy, change, or transfer any software or documentation, including downloading or copying copyrighted software, without the authorization of the Superintendent or his/her designee.

(5) Employees shall not write, produce, generate copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is often called a bug, virus, worm, Trojan horse, or similar name.

(6) Employees shall not use the computer to annoy or harass others with language, images, or threats. Users shall not access or create any obscene, pornographic, or legally objectionable information, language, or images.

(7) Employees shall not tamper with computers, networks, printers, or other associated equipment except as directed by the teacher or network administrator.

(8) Employees shall not engage in "hacking"--altering software or hardware or manipulating or circumventing security systems to gain unauthorized access or direct use of the operating system software.

(9) Employees shall not engage in harassment or nuisance actions-- bothering another person or entity for no positive reason or creating an interference with another user's ability to make effective use of computing privileges.

(10) Employees shall not access resources not specifically granted to the user--whether damage is done or not, such use constitutes electronic trespassing, and will not be tolerated. Damages incurred will be considered to constitute electronic vandalism.

(11) Employees shall not use the districts networks and equipment for personal financial gain or for any unauthorized commercial activity.

(12) Employees shall not engage in political advocacy using the district's technological resources except for authorized lobbying via e-mail on educational-related issues. Before engaging in this sort of activity, employees must obtain the consent of the Superintendent or his/her designee.

(13) Employees shall not attempt to block or override filters or other technological blocking devices that have been installed by or on behalf of the school district.

(14) Employees shall not use the computer or district network to promote political, religious, or other personal doctrines.

C. Website Privacy. As stated in **Board Policy 4465**, staff may not publish or post any student identification, student images, or student activities on any personal social media site without prior written consent of the parents of each such student.

Board Policy 3140 provides that Directory Information as defined in the Family Educational Rights and Privacy Act (FERPA) may be released by the school district without parental permission subject to the following restrictions: a parent or eligible student (i.e., a student 18 years old or older) has the right to refuse to let the district designate any or all of the types information listed as Directory Information. The period of time within which a parent or eligible student has to notify the district in writing that he/she does not want any or all of those types of information about the student designated as Directory Information is two weeks from the time the notice is first published. The district may disclose information about former students without meeting the conditions of this section.

Notwithstanding the foregoing policy statement, it shall be the policy of North Bend Central Public Schools to restrict the release of Directory Information on the school district's website as follows:

**Directory Information that may be placed on the website without further parental permission includes the student's name, parent/guardians' names, photograph, enrollment status, grade level, dates of attendance, the most recent school previously attended, current field of study, participation in officially recognized activities and sports, height and weight of athletes, degrees, honors, and awards received. Nothing in this policy shall prevent an activity sponsor from discussing a student's activity performance.

**Directory Information that may not be used on the website without the specific, written permission of the eligible student or his/her parent or guardian includes: student's address, telephone listing, electronic mail address, and date/place of birth.

**While photographs of students and student names may generally be used on the website, the use of full name/photograph combinations for students in Grade 8 or below is restricted. Permission of a Principal or the Superintendent is required for full name/group photo combinations, and written permission of the student's parent or guardian is required for full name/individual photo combinations. Partial names (first names, last names, or initials) may be used in conjunction with photographs without administrative or parental permission.

**A student's work product, including original artwork, essays, class projects, and similar efforts, may be cited on the website and quoted in part, but a full reproduction of the work product shall require the written permission of the eligible student or his/her parent or guardian.

**Inclusion of any other student information not referenced above on the district's website shall require the written permission of the eligible student or his/her parent or guardian.

The Superintendent or his/her designee is authorized to establish and enforce regulations, procedures and forms to implement student privacy protections for the school district's website.

D. Technology Etiquette. Users of the North Bend Central Public Schools' computers and networks are expected to abide by the generally accepted rules of network etiquette. Informal rules of behavior have evolved for the use of the Internet and other on-line services. These include (but are not limited to) the following:

- (1) Be polite. Do not become abusive in messages to others.
- (2) Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
- (3) Do not reveal your personal address or phone numbers, or that of other colleagues if the risk of inappropriate use by the receiver exists.
- (4) Note that electronic mail is not guaranteed to be private. E-mail may be inspected by network administrators and inappropriate e-mail is subject to disciplinary action.
- (5) Do not place unlawful information on any network system.

II. Enforcement of Technology Usage Standards.

A. Methods of Enforcement

The school district or Educational Service Unit may monitor all e-mail and other Internet communications, as well as Internet usage and patterns of Internet usage. Staff members have no right of privacy to any Internet communications or other electronic files. The computer system is owned by the school district. As with any school property, electronic files on the system are subject to search and inspection at any time.

(1) North Bend Central Public Schools uses a technology protection measure that blocks access to some sites that are not in accordance with the policies of NBCPS.

(2) Due to the nature of filtering technology, the filter may at times filter pages that are appropriate for staff research. The system administrator may override the technology protection measure that blocks or filters Internet access for staff access to a site with legitimate educational value that is wrongly blocked. The Superintendent or his/her designee is required to authorize any such overriding.

(3) North Bend Central Public Schools may monitor staff use of the Internet by monitoring Internet use history to ensure enforcement of this policy.

B. Disciplinary Action. Violation of this policy and regulations promulgated under its authority may result in:

- (1) Non-renewal, termination or cancellation of the staff member's employment contract;
- (2) The filing of a complaint with the Commissioner of Education alleging unprofessional conduct by the staff member; and/or
- (3) Such other disciplinary action as the Superintendent and the Board of Education deem appropriate.
- (4) When and where applicable, law enforcement agencies may be involved in investigating and prosecuting wrongdoing by a staff member.

E. Surveillance Cameras. The Board authorizes the use of electronic monitoring and surveillance systems including, but not limited to, video cameras on District property to insure the health, welfare and safety of all staff, students, and visitors to District property, and to safeguard District facilities and equipment.

F. Copyright and Fair Use. It is the school's policy to follow the federal copyright law. See Board Policy 2240.

G. Use of School Facilities. Employees will be issued key cards to the school. Employees are expected to not lose their keys and to not allow others to have access to or to use their keys. Employees are permitted to have access to school facilities during non-school time provided such access is for work-related purposes. When employees leave the building, they are to close all windows, lock their classroom or workspace door, and make sure that the entry door

is fully closed and locked. This is especially important when employees are using the school facilities prior to the beginning of the school year and during any weekend or evening usage.

School property is to be used for approved work-related purposes and not for personal purposes or for personal gain or benefit. Use of school supplies (paper, staples, etc.), school equipment (copiers, fax machines, telephones, etc.), and school postage is to be used for approved school-related purposes only. Excess or surplus supplies or equipment, including items which have been placed in the trash, should not be removed for non-school use without approval from the administration.

Employees shall not use classrooms, buildings or other school property for personal use or profit without specific approval from the Superintendent or designee. Teachers shall not use time for which the employee is on duty or paid by the District to engage in any activity for personal financial profit.

H. Security of Desks and Lockers. Offices, teacher desks, lockers, file cabinets and other such storage devices ('storage devices') are owned by the school and are to be properly cared for and maintained. Appropriate security measures should be used to protect school and personal property kept in storage devices from theft or vandalism and to protect confidential student records. The school exercises exclusive control over school property and reserves the right search offices and storage devices provided to or used by employees were 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. School-related documents or records must remain readily available to administration and other appropriate school staff. Any personal items a teacher wants to have kept private should be kept in a separate personal storage device, such as a brief case, purse or backpack.

The District is not responsible for any personal property employees may bring to school. Employees are cautioned not to bring large amounts of money or items of significant value to school.

I. Care of School Property. Employees are responsible for the proper care of all books, equipment, supplies and furniture supplied by the school. If an item is in need of maintenance or repair, report it to the Principal. If you learn that a student has damaged school property or equipment, or if you are responsible for damage to school property, promptly report it to the Principal so the item may be replaced or repaired if possible and appropriate responsibility for the cost of replacement or repair may be determined.

J. Use of Telephones. Employees who need to make personal phone calls are encouraged to use their personal cell phones.

K. Salespersons/Solicitations/Fundraising. Employees need not allow, and should not permit, any salesperson or representative or agent of any commercial enterprise or theatrical presentation to contact them during working hours other than for school-related business. Procedures for solicitations and fund-raising are covered in Board Policy 3420, a copy of which is included in your Staff Handbook.

L. Bulletins and Announcements. Bulletin boards and display cases are available for school-related and approved materials to be posted and displayed. Posters to be used in the halls or materials for distribution will need to be approved by the Principal's office. Posters are not to be attached to any painted wall surfaces. The person or organization responsible for distributing the posters is responsible to see that all posters are removed after the event.

M. Lost and Found. Employees who find lost articles are asked to take them to the office or designated lost and found site in each building.

N. Safety Program and Safety Committee. The District has established a Safety and Security Plan which includes safety and security plans and procedures, including plans and procedures to address emergency and crisis situations. Employees are expected to be familiar with and to comply with the Safety and Security Plan and I LUV U GUYS protocol.

O. Safety Drills. Fire Drills will be held monthly and staff is to instruct students in every class on the appropriate manner and direction to go when an alarm sounds. Tornado Drills are generally held in early spring and Off-Site Evacuation Drills, Shelter-in-Place, Lockdown, and other drills may be held throughout the year.

P. Use of Personal Vehicles. Employees who drive school vehicles or volunteer to use their personal automobile to transport students must have a valid driver's license and proof of insurance. Employees will be provided a Driver's Certification form to verify this information and to be given instruction on emergency evacuation and first aid. Employees who drive school vehicles or transport students in their personal vehicles are responsible for following safe driving practices, including use of seat belts by all occupants, and are responsible for any injury or accident. Employees are not to use cell phones while driving a school vehicle or while transporting children. Refer to **Board Policy 5420, 5420.1, and 5430** for more information.

Q. Accidents. Every accident which results in a personal injury must be reported to the Superintendent, Principal, or School Nurse immediately. In the event the injury involves a student, the employee responsible for the student either as teacher, coach or sponsor is responsible for making the report.

R. Workers Compensation. Employees are required to immediately report any work-related injury and/or work-related medical condition to their supervisor and the nurse and complete all appropriate paperwork.

VII. STATE/FEDERAL REGULATIONS AND NOTICES.

A. Notice of Non-Discrimination. North Bend Central Public Schools does not discriminate on the basis of race, color, national origin, gender, marital status, disability, religion or age in admission or access to, or treatment of employment, in its programs and activities. (See Board Policy 2210).

Local complaint or grievance procedures are provided for by the District and set forth in Board Policy 2210. If an employee does not feel that a complaint of nondiscrimination has been satisfactorily resolved at the school level, the employee may file a complaint with the appropriate federal or state agency. Complaints are to be filed with the regional Department of Education, Office for Civil Rights where the complaint relates to Title IX (discrimination, harassment or lack of equity based on gender), Title VI (discrimination or harassment based on race, color, or national origin) or Section 504 (discrimination, harassment or failure to accommodate a disability). Complaints are to be filed with the regional U.S. Equal Employment Opportunity Commission (EEOC) if the complaint relates to Title VII (discrimination or harassment based on race, color, gender, national origin, or religion), the Americans with Disabilities Act (discrimination, harassment or failure to accommodate a disability), or the Age Discrimination in Employment Act (discrimination based on age). The contact information for the OCR and the EEOC in this regard are:

Office for Civil Rights
The U.S. Equal Employment Opportunity Commission (EEOC)
131 M St., NE Washington, D.C. 20507
400 State Ave., Suite 905
Kansas City, KS 66101 PH: (800) 669-4000; TDD: (800) 669-6820 816-268-0550
FAX: 816-823-1404; TDD: 800-437-0833

B. Harassment. North Bend Central Public Schools hereby gives this statement of compliance and intent to comply with all state and federal laws prohibiting discrimination or harassment and requiring accommodations. This school district intends to take necessary measures to assure compliance with such laws against any prohibited form of discrimination or harassment or which require accommodations. (See Board Policy 2211).

C. Grievance Procedures for Persons with a Disability. The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act address discrimination, harassment or failure to provide reasonable accommodations to persons with a disability. Board Policy 2210 outlines a grievance procedure for complaints under these Acts. It states, in part: "The rapid elimination of grievances is in the best interests of the school district and it is the intent of

the Board of Education to handle grievances in an efficient, humane way. No reprisals of any kind shall be invoked against any party who avails himself/herself of the grievance procedure.

In an effort to resolve problems informally when possible, students, employees, and others with grievances should first discuss them with the Principal of the building in which the problem is alleged to have occurred or with the Superintendent. If a grievance is within the power and authority of the Principal or Superintendent to resolve without resort to a formal process, he/she shall do so as quickly and diplomatically as possible.

If the grievance is not resolved informally to the satisfaction of the aggrieved party, a written statement of grievance must be filed with the Superintendent asking for a formal resolution. The Superintendent shall make a decision on the grievance within ten (10) working days unless such time period is extended by agreement with the complainant or a longer period is reasonably necessitated by the circumstances. The complainant shall have ten (10) days from the date of the Superintendent's decision to accept or reject the proposed resolution. In the event the complainant rejects the proposed resolution, he/she may submit the grievance in writing to the President of the Board of Education. The President shall cause the Board to make an investigation either by committee or in committee of the whole and shall give the aggrieved party an opportunity to appear before the full Board in person. A decision shall be rendered by the Board within 30 calendar days of the completion of the investigation.

D. Confidentiality of Student Records (FERPA). The Family Educational Rights and Privacy Act (FERPA) give parents and students over 18 years of age rights of access and confidentiality with respect to education records. Employees are expected to provide access rights and maintain the confidentiality of education records in accordance with FERPA and Board policy. Further information about FERPA and the District's policies under FERPA are found in Board Policy 3140. With regard to access of student records by school employees, it states, in part: "School officials may have access to only those education records in which they have a legitimate educational interest, unless the parent has given written and dated consent for the access. A school official who violates this restriction shall be subject to disciplinary action up to and including termination. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility and effectively provide the function or service for which they are responsible."

E. Disclosure of Student Information to Military Recruiters and Colleges. The ESSA requires the District to provide military recruiters and institutions of higher education access to secondary school students' names, addresses, and telephone listings. Parents and secondary students have the right to request that the school not provide this information (i.e., not provide the student's name, address, and telephone listing) to military recruiters or institutions of higher education, without their prior written consent. Employees are expected to follow these requirements. (See Board Policy 3140.)

F. Disclosure of Staff Qualifications.

Every Student Succeeds Act (ESSA) gives parents/guardians the right to get information about the professional qualifications of their child's classroom teachers. The District designates the following information as "directory information" and will give parents/guardians such information upon request:

- (1) Whether the teacher has met State qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
- (2) Whether the teacher is teaching under an emergency or provisional teaching certificate.
- (3) The baccalaureate degree major of the teacher, along with information about other graduate certification or degrees held by the teacher, and the field of discipline of the certification or degree.
- (4) Whether the parent/guardian's child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who does not meet the requirements of the law.

G. Student Privacy Protection and Parental Involvement. Information about student privacy and the District's policies with regard to student privacy are found in Board policy and in the student handbook. In general, employees are expected to comply with the provisions found in Policy 2420, Parents and Family Involvement/Student Privacy Protection.

- (1) Student surveys created by and administered by either the United States Department of Education or a third party (a group or person other than the District)—give parent/guardian the opportunity to inspect the survey upon request before the survey is administered or distributed to the students;

(2) Student surveys which involve “sensitive” matters — make suitable arrangements to protect student privacy (that is, do not include the name or other identifying information about a particular student) and give parents the opportunity, in advance, to “opt-out” their child from the survey. Sensitive matters include:

- (a) Political affiliations or beliefs of the student or the student’s parent;
- (b) Mental or psychological problems of the student or the student’s parent;
- (c) Sex behavior or attitudes;
- (d) Illegal, anti-social, self-incriminating or demeaning behavior;
- (e) Critical appraisals of other individuals with whom the student has close family relationships;
- (f) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
- (g) Religious practices, affiliations, or beliefs of the students or the student’s parent;
- (h) Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

(3) Instructional materials — permit parents upon reasonable request to inspect any instructional material used as part of the educational curriculum for their child. The term “instructional materials” does not include academic tests or academic assessments for purposes of this parent inspection requirement. If you receive such a request, direct the parent to contact your building principal and also inform the building principal yourself about the request to get instructions.

(4) Collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information — the District policy is to not gather such information for such purposes.

The District’s policy is to welcome parental involvement in the education of their children. As a part of this policy, employees are expected to:

(1) provide parents timely information about their child’s progress, including use of quarterly report cards, active and constructive attendance at parent-teacher conferences, and more frequent parent contacts where warranted by the student’s academic and behavioral needs;

(2) make textbooks, completed tests and other curriculum materials available for review by parents upon request;

(3) permit parents access to their child’s records according to law and school policy;

(4) encourage parents to attend courses, assemblies, counseling sessions and other instructional activities with prior approval of the proper teacher, counselor or administrator, provided that such parent attendance be educationally appropriate and not disruptive to the educational program;

(5) assure that testing occurs to assure proper measurement of each child’s educational progress and achievement;

(6) permit parents to excuse their child from testing, classroom instruction and other school experiences when possible and educationally appropriate;

(7) notify parents of student surveys in accordance with district policy, obtain parental permission for surveys where required by District policy or law, and allow parents to opt-out of such surveys in accordance with District policy and law; and

(8) encourage parents to express their concerns, share their ideas and advocate for their child’s education.

(See Board Policy 2420)

H. Homeless Students. ESSA requires that homeless students not be stigmatized or segregated on the basis of their status as homeless. Homeless children generally include children who lack a fixed, regular, and adequate nighttime residence. The Superintendent serves as the District’s designated Homeless Coordinator and should be contacted for questions relating to a homeless student. (See Board Policy 3120)

I. Breakfast and Lunch Programs

The District participates in the National School Lunch Program. Employees are expected to keep information about the participation of students in the program confidential.

J. Confidentiality of Protected Health Information.

It is the policy of the District to develop and implement all necessary practices, policies, and procedures to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) where and to the extent applicable and to maintain the privacy of protected health information (PHI), as that term is defined by HIPAA, that it receives,

obtains, or transmits for employees and students. The District designates the Superintendent as its HIPAA privacy officer. Student and employee records containing PHI shall be accessible only to those who require such information to carry out their duties.

K. Required Ceremonies and Observances. In accordance with state and federal law the commemoration of special dates and events will be arranged. Appropriate exercises may be held for the following: Veterans' Day, Martin Luther King Day, Presidents' Day, Flag Day, Arbor Day, and Memorial Day. An educational program on the U.S. Constitution shall be held on September 17, as federal law requires, or in the preceding or following week if Sept. 17 falls on a weekend or holiday. The flags of the United States and State of Nebraska shall be prominently displayed on the school grounds on each day that 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.

L. The 2022-2023 school and contract year may be impacted by the global pandemic COVID-19. The anticipated duty days, hours, and expected duty assignments may be changed without notice to the employee, and the employee accepts employment and agrees to comply with any such changes directed by the Superintendent or the Superintendent's designee. The employee is entitled to take any leave permitted by the contract agreement, any subsequent contract agreement between the parties, board policy, or law, related to COVID-19.

(Revised, June 2022)

APPENDIX I

Notice of COBRA Continuation Coverage Rights

**** Continuation Coverage Rights Under**

COBRA**

Introduction

You are receiving this notice because you have recently become covered under North Bend Central Public School's health plan (the "Plan"). This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and to other members of your family who are covered under the Plan when you would otherwise lose your group health coverage. This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it. This notice gives only a summary of your COBRA continuation coverage rights. For more information about your rights and obligations under the Plan and under federal law, you should either review the Plan's Summary Plan Description or get a copy of the Plan Document from the Plan Administrator.

The Plan Administrator is the Superintendent. The Plan Administrator is responsible for administering COBRA continuation coverage.

COBRA Continuation Coverage

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a “qualifying event.” Specific qualifying events are listed later in this notice. COBRA continuation coverage must be offered to each person who is a “qualified beneficiary.” A qualified beneficiary is someone who will lose coverage under the Plan because of a qualifying event. Depending on the type of qualifying event, employees, spouses of employees, and dependent children of employees may be qualified beneficiaries. Under the Plan, qualified beneficiaries who elect COBRA continuation must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because either one of the following qualifying events happens:

1. Your hours of employment are reduced, or
2. Your employment ends for any reason other than your gross misconduct.

If you are the spouse of an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because any of the following qualifying events happens:

1. Your spouse dies;
2. Your spouse’s hours of employment are reduced;
3. Your spouse’s employment ends for any reason other than his or her gross misconduct;
4. Your spouse becomes enrolled in Medicare (Part A, Part B, or both); or
5. You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they will lose coverage under the Plan because any of the following qualifying events happens:

1. The parent-employee dies;
2. The parent-employee’s hours of employment are reduced;
3. The parent-employee’s employment ends for any reason other than his or her gross misconduct;
4. The parent-employee becomes enrolled in Medicare (Part A, Part B, or both);
5. The parents become divorced or legally separated; or
6. The child stops being eligible for coverage under the plan as a “dependent child.”

Sometimes, filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to the employer and that bankruptcy results in the loss of coverage of any retired employee covered under the Plan, the retired employee is a qualified beneficiary with respect to the bankruptcy. The retired employee’s spouse, surviving spouse, and dependent children will also be qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

Sometimes, filing a proceeding in bankruptcy under title 11 of the United States Code can be a qualifying event. If a proceeding in bankruptcy is filed with respect to the employer and that bankruptcy results in the loss of coverage of any retired employee covered under the Plan, the retired employee is a qualified beneficiary with respect to the bankruptcy. The retired employee’s spouse, surviving spouse, and dependent children will also be qualified beneficiaries if bankruptcy results in the loss of their coverage under the Plan.

The Plan will offer COBRA continuation coverage to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, commencement of a proceeding in bankruptcy with respect to the employer to the extent retiree health coverage is provided, or enrollment of the employee in Medicare (Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event within 30 days of any of these events.

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child’s losing eligibility for coverage as a dependent child), you must notify the Plan Administrator. The Plan requires you to notify the Plan Administrator within 60 days after the qualifying event occurs. You must send this notice to the Plan Administrator. Any additional Plan procedures for this notice must also be provided.

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. For each qualified beneficiary who elects COBRA continuation coverage, COBRA continuation coverage will begin on the date of the qualifying event.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, enrollment of the employee in Medicare (Part A, Part B, or both), your divorce or legal

separation, or a dependent child losing eligibility as a dependent child, COBRA continuation coverage lasts for up to 36 months.

When the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage lasts for up to 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

Disability extension of 18-month period of continuation coverage

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled at any time during the first 60 days of COBRA continuation coverage and you notify the Plan Administrator in a timely fashion, you and your entire family can receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. You must make sure that the Plan Administrator is notified of the Social Security Administration's determination within 60 days of the date of the determination and before the end of the 18-month period of COBRA continuation coverage. This notice should be sent to the Plan Administrator. Any additional Plan procedures for this notice must also be provided.

Second qualifying event extension of 18-month period of continuation coverage

If your family experiences another qualifying event while receiving COBRA continuation coverage, the spouse and dependent children in your family can get additional months of COBRA continuation coverage, up to a maximum of 36 months. This extension is available to the spouse and dependent children if the former employee dies, enrolls in Medicare (Part A, Part B, or both), or gets divorced or legally separated. The extension is also available to a dependent child when that child stops being eligible under the Plan as a dependent child. In all of these cases, you must make sure that the Plan Administrator is notified of the second qualifying event within 60 days of the second qualifying event. This notice must be sent to the Plan Administrator. Any additional Plan procedures for this notice must also be provided.

If You Have Questions

If you have questions about your COBRA continuation coverage, you should contact the Superintendent or Plan Administrator or you may contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA). Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's web site at www.dol.gov/ebsa.

Keep Your Plan Informed of Address Changes

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

Title IX Policy

North Bend Central Title IX Coordinator:

Jon Baehr, Activities Director

402-652-3268

jbaehr@nbtigers.org

It is the policy of the school district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any of the school district's programs or activities. The district is required by Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106 to not discriminate in such a manner.

1. Title IX Coordinator

1.1. **Designation.** The district will designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under this policy, who will be referred to as the "**Title IX Coordinator**." The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment). This report may be made by any means, including but not limited to, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the

Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours).

2. **Definitions.** As used in this policy, the following terms are defined as follows:

2.1. **Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only district employee with actual knowledge is the respondent (as that term is defined below). "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in subsection 1.1 above.

2.2. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

2.3. **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. The only district official who is authorized to initiate the Grievance Process for Formal Complaints of Sexual Harassment against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a formal complaint with the district, a complainant must be participating in or attempting to participate in the district's education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under subsection 1.1 above, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy or under 34 C.F.R. part 106, and will comply with the requirements of this policy and 34 C.F.R. part 106, including subsections 5.1.3–5.1.4 and 34 C.F.R. § 106.45(b)(1)(iii).

2.4. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

2.5. **Consent** for purposes of this policy means the willingness in fact for conduct to occur. An individual may, as a result of age, incapacity, disability, lack of information, or other circumstances be incapable of providing consent to some or all sexual conduct or activity. Neither verbal nor physical resistance is required to establish that an individual did not consent. District officials will consider the totality of the circumstances in determining whether there was consent for any specific conduct. Consent may be revoked or withdrawn at any time.

2.6. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:

2.6.1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2.6.2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity;

2.6.3. **Sexual assault**, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), which means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:

2.6.3.1. **Sex Offenses, Forcible**—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

2.6.3.1.1. **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.2. **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving

consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

- 2.6.3.1.3. **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- 2.6.3.1.4. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- 2.6.3.2. **Sex Offenses, Non-forcible**—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.
 - 2.6.3.2.1. **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
 - 2.6.3.2.2. **Statutory Rape**—Non-Forcible sexual intercourse with a person who is under the statutory age of consent
- 2.6.4. **Dating violence**, as defined in 34 U.S.C. § 12291(a), which means violence committed by a person—
 - 2.6.4.1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 2.6.4.2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - 2.6.4.2.1. The length of the relationship.
 - 2.6.4.2.2. The type of relationship.
 - 2.6.4.2.3. The frequency of interaction between the persons involved in the relationship.
- 2.6.5. **Domestic violence**, as defined in 34 U.S.C. § 12291(a), which includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—
 - 2.6.5.1. is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;
 - 2.6.5.2. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - 2.6.5.3. shares a child in common with the victim; or
 - 2.6.5.4. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
- 2.6.6. **Stalking**, as defined in 34 U.S.C. § 12291(a), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - 2.6.6.1. fear for his or her safety or the safety of others; or
 - 2.6.6.2. suffer substantial emotional distress.

2.7. **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

3. Discrimination Not Involving Sexual Harassment.

3.1. **General Prohibition.** Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the district.

3.2. **Specific Prohibitions.** Except as provided elsewhere in Title IX, 34 C.F.R. part 106, or this policy, in providing any aid, benefit, or service to a student, the district will not on the basis of sex:

- 3.2.1. Treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of such aid, benefit, or service;
- 3.2.2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- 3.2.3. Deny any person any such aid, benefit, or service;
- 3.2.4. Subject any person to separate or different rules of behavior, sanctions, or other treatment;
- 3.2.5. Apply any rule concerning the domicile or residence of a student or applicant;
- 3.2.6. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
- 3.2.7. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

3.3. **Complaint Procedure.** All complaints regarding any alleged discrimination on the basis of sex, including without limitation violations of this policy, 34 C.F.R. part 106, Title IX, Title VII, or other state or federal law—when the alleged discrimination does not arise from or relate to an allegation of sexual harassment as defined in subsection 2.6 above—shall be addressed pursuant to the district’s general complaint procedure, Board Policy 1430.

4. Response to Sexual Harassment

4.1. **Reporting Sexual Harassment.** Any person who witnesses an act of unlawful sexual harassment is encouraged to report it to the District’s Title IX Coordinator. No person will be retaliated against based on any report of suspected sexual harassment or retaliation. Any District employee who receives a report of sexual harassment or has actual knowledge of sexual harassment must convey that information to the Title IX Coordinator as soon as reasonably practicable, but in no case later than the end of the following school day.

4.2. **General Response to Sexual Harassment.** When the district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, the district will respond promptly in a manner that is not deliberately indifferent. The district will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this policy “education program or activity” includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. The district’s response will treat complainants and respondents equitably by offering supportive measures as defined in subsection 2.7 above to a complainant, and by following the grievance process described in section 5 below before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator

will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

4.3. **Emergency Removal.** Nothing in this policy precludes the district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In the event that the district so removes a respondent on an emergency basis, then the district will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

4.4. **Administrative Leave.** Nothing in this policy precludes the district from placing a non-student employee respondent on administrative leave during the pendency of a grievance process that complies with section 5 below. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

4.5. **General Response Not Conditioned on Formal Complaint.** With or without a formal complaint, the district will comply with the obligations and procedures described in this section 4.

5. **Grievance Process for Formal Complaints of Sexual Harassment.**

5.1. **General Requirements.**

5.1.1. **Equitable Treatment.** The district will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following the grievance process described in this section 5 before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies will be designed to restore or preserve equal access to the district's education program or activity. Remedies may include the same individualized services described in subsection 2.7 as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

5.1.2. **Objective Evaluation.** This grievance process requires an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. Credibility determinations may not be based on a person's status as a complainant, respondent, or witness.

5.1.3. **Absence of Conflicts of Interest or Bias.** The district will require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

5.1.4. **Training.** The district will ensure that all individuals or entities described in this Training section 5.1.4 receive training as provided below. Any materials used to train these individuals will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

5.1.4.1. **All District Employees and Board Members.** All district employees and board members will be trained on how to identify and report sexual harassment.

5.1.4.2. **Title IX Coordinators, Investigators, Decision-Makers, or Informal Resolution Facilitators.** The district will ensure that Title IX Coordinators, investigators, decision-makers, or any person designated by the district to facilitate an informal resolution process receive training on:

5.1.4.2.1. The definition of sexual harassment in subsection 2.6;

5.1.4.2.2. The scope of the district's education program or activity;

5.1.4.2.3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and

- 5.1.4.2.4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 5.1.4.3. **Decision-Makers.** The district will ensure that decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in subsection 5.6.2.
- 5.1.4.4. **Investigators.** The district will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in subsection 5.5.8.
- 5.1.5. **Presumption.** It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- 5.1.6. **Reasonably Prompt Time Frames.** This grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes. The process shall also allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- 5.1.7. **Range of Possible Sanctions and Remedies.** Following a determination of responsibility, the district may impose disciplinary sanctions and remedies in conformance with this and the district's student discipline policy, and other state and federal laws. Depending upon the circumstances, these policies provide for disciplinary sanctions and remedies up to and including expulsion.
- 5.1.8. **Range of Supportive Measures.** The range of supportive measures available to complainants and respondents include those listed in subsection 2.7.
- 5.1.9. **Respect for Privileged Information.** The district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- 5.2. **Notice of Allegations.**
 - 5.2.1. **Initial Notice.** Upon receipt of a formal complaint, the district will provide the following written notice to the parties who are known:
 - 5.2.1.1. A copy of this policy.
 - 5.2.1.2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in subsection 2.6, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under subsection 5.5.5, and may inspect and review evidence under subsection 5.5.5. The written notice will inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
 - 5.2.2. **Supplemental Notice.** If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Initial Notice described above, the district will provide notice of the additional allegations to the parties whose identities are known.

5.3. **Dismissal of Formal Complaint.**

- 5.3.1. The district will investigate the allegations in a formal complaint.
- 5.3.2. **Mandatory Dismissals.** The district **must** dismiss a formal complaint if the conduct alleged in the formal complaint:
 - 5.3.2.1. Would not constitute sexual harassment as defined in subsection 2.6 even if proved;
 - 5.3.2.2. Did not occur in the district's education program or activity; or
 - 5.3.2.3. Did not occur against a person in the United States.
- 5.3.3. **Discretionary Dismissals.** The district **may** dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:
 - 5.3.3.1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
 - 5.3.3.2. The respondent is no longer enrolled in or employed by the district; or
 - 5.3.3.3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- 5.3.4. Upon a dismissal required or permitted pursuant to subsections 5.3.2 or 5.3.3 above, the district will promptly send written notice of the dismissal and an explanation of that action simultaneously to the parties.
- 5.3.5. Dismissal of a formal complaint under this policy does not preclude the district from taking action under another provision of the district's code of conduct or pursuant to another district policy.

5.4. **Consolidation of Formal Complaints.** The district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

5.5. **Investigation of Formal Complaint.** When investigating a formal complaint and throughout the grievance process, the district will:

- 5.5.1. Designate and authorize one or more persons (which need not be district employees) as investigator(s) to conduct the district's investigation of a formal complaint;
- 5.5.2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then the district will obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3);
- 5.5.3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- 5.5.4. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- 5.5.5. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the

advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

- 5.5.6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
 - 5.5.7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report; and
 - 5.5.8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to the time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.
- 5.6. **Determination Regarding Responsibility**
- 5.6.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).
 - 5.6.2. **Exchange of Written Questions.** After the district has sent the investigative report to the parties pursuant to subsection 5.5.8, but before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.
 - 5.6.3. **Written Determination.** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) will apply the preponderance of the evidence standard. The written determination will include:
 - 5.6.3.1. Identification of the allegations potentially constituting sexual harassment as defined in subsection 2.6;
 - 5.6.3.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - 5.6.3.3. Findings of fact supporting the determination;
 - 5.6.3.4. Conclusions regarding the application of the district's code of conduct to the facts;
 - 5.6.3.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and

- 5.6.3.6. The district’s procedures and permissible bases for the complainant and respondent to appeal.
- 5.6.4. The district will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- 5.6.5. The Title IX Coordinator is responsible for effective implementation of any remedies.
- 5.7. **Appeals.** The district will offer both parties the opportunity to appeal from a determination regarding responsibility, and from the district’s dismissal of a formal complaint or any allegations therein, on the grounds identified below.
 - 5.7.1. **Time for Appeal.** Appeals may only be initiated by submitting a written Notice of Appeal to the Office of the Superintendent of Schools within ten (10) calendar days of the date of the respective written determination of responsibility or dismissal from which the appeal is taken. The Notice of Appeal must include (a) the name of the party or parties making the appeal, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific grounds (from subsection 5.7.2 below) upon which the appeal is based. A party’s failure to timely submit a Notice of Appeal will be deemed a waiver of the party’s right to appeal under this policy, 34 C.F.R. part, 106, and Title IX.
 - 5.7.2. **Grounds for Appeal.** Appeals from a determination regarding responsibility, and from the district’s dismissal of a formal complaint or any allegations therein, are limited to the following grounds:
 - 5.7.2.1. Procedural irregularity that affected the outcome of the matter;
 - 5.7.2.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 - 5.7.2.3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
 - 5.7.3. As to all appeals, the district will:
 - 5.7.3.1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
 - 5.7.3.2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
 - 5.7.3.3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in subsections 5.1.3–5.1.4.
 - 5.7.3.4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - 5.7.3.5. Issue a written decision describing the result of the appeal and the rationale for the result; and
 - 5.7.3.6. Provide the written decision simultaneously to both parties.
- 5.8. **Informal Resolution.** The district will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the district will not require the parties to participate in an informal resolution process under this section and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

- 5.8.1. Provides to the parties a written notice disclosing:
 - 5.8.1.1. The allegations;
 - 5.8.1.2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
 - 5.8.1.3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - 5.8.1.4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- 5.8.2. Obtains the parties' voluntary, written consent to the informal resolution process; and
- 5.8.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

5.9. **Recordkeeping.**

- 5.9.1. The district will maintain for a period of seven years records of:
 - 5.9.1.1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
 - 5.9.1.2. Any appeal and the result therefrom;
 - 5.9.1.3. Any informal resolution and the result therefrom; and
 - 5.9.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The district will make these training materials publicly available on its website, or if the district does not maintain a website then the district will make these materials available upon request for inspection by members of the public.
- 5.9.2. For each response required under section 4, the district will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If the district does not provide a complainant with supportive measures, then the district will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

6. **Superintendent Authorized to Contract.** The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

7. **Access to Classes and Schools.**

7.1. **General Standard.** Except as provided in this section or otherwise in 34 C.F.R. part 106, the district will not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex.

- 7.1.1. **Contact sports in physical education classes.** This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby,

ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

7.1.2. **Ability grouping in physical education classes.** This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

7.1.3. **Human sexuality classes.** Classes or portions of classes that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

7.1.4. **Choruses.** The district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

7.2. **Classes and Extracurricular Activities.** The district may provide nonvocational single-sex classes or extracurricular activities as permitted by 34 C.F.R. part 106.

8. **Athletics.** It is the policy of the district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club, or intramural athletics offered by the district, and that the district will not provide any such athletics separately on such basis.

8.1. **Separate Teams.** Notwithstanding the foregoing paragraph, the district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

8.2. **Equal opportunity.** The district will provide equal athletic opportunity for members of both sexes. Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams will not constitute noncompliance with this section.

9. **Certain Different Treatment on the Basis of Sex Permitted.** Nothing herein shall be construed to prohibit the district from treating persons differently on the basis of sex as permitted by Title IX or 34 C.F.R. part 106. For example, and without limiting the foregoing, the district may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

10. **Retaliation Prohibited.** Neither the district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. part 106, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. The district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to shall be addressed pursuant to Board Policy 2006 (Complaint Procedure).

10.1. **Specific Circumstances.**

10.1.1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this section.

10.1.2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

11. **Notification of Policy.** The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the existence of this policy. The requirement to not discriminate, as stated in Title IX and 34 C.F.R. part 106, in the district's education program(s) or activities extends to admission and employment, and inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district's Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

12. **Publication of Policy.** The district will prominently display on its website, if any, and in each handbook that it makes available to applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).

13. **Application Outside the United States.** The requirements of this policy apply only to sex discrimination occurring against a person in the United States.

Scope of Policy. Nothing herein shall be construed to be more demanding or more constraining upon the district than the requirements of Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106. To the extent that the district is in compliance with Title IX and 34 C.F.R. part 106, then all of the district's obligations under this policy shall be deemed to be fulfilled and discharged.

DRUG-FREE WORKPLACE REQUIREMENTS

It is vitally important to have a healthy workforce that is free from the effects of illegal drugs. The use or possession of unlawful drugs in the workplace has a very detrimental effect upon safety and morale of the affected employee, coworkers, and the public at large; and on productivity and the quality of work.

Federal law requires this school district, as a recipient of federal funds, to maintain a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the district's workplace is prohibited. The term "workplace" includes every location where district employees may be found during their working hours or while they are on duty, regardless of whether the location is within the geographic boundaries of the district. Any employee who violates this policy will be disciplined with measures up to and including discharge. The district may, in its sole discretion, require or allow an employee who violates this policy to participate in and satisfactorily complete a drug abuse assistance or rehabilitation program.

The district shall provide every current employee with a copy of this policy, and shall provide each newly hired employee with a copy upon hiring. Every employee shall be required to signify receipt of a copy of the policy in writing. All district employees must abide by this policy, including those who are not directly engaged in the performance of work pursuant to a federal grant.

An employee must notify his/her supervisor of any conviction of a criminal drug statute for a violation occurring in the workplace within five days. The failure to report such a conviction will be grounds for dismissal. If the employee convicted of such an offense is engaged in the performance of work pursuant to the provisions of a federal grant, the district shall notify the grant agency within 10 days of receiving notice of a conviction from the affected employee or of receiving actual notice of such a conviction.

ACKNOWLEDGMENT OF RECEIPT

I acknowledge that I have received a copy of the North Bend Central School District Staff Handbook which includes the district's drug-free workplace and Title IX policy statements. I understand that, as a condition of my employment, I am required to read and abide by the provisions of the handbook and by all board policies governing my employment. Further, if I have any questions about any provision of this handbook or any board policy, I should confer with my supervisor or building principal.

Signature

Date

Name Printed _____