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BOARD OF EDUCATION

9010 BOARD OPERATIONAL GOALS

The Board is responsible to all of the people for whose benefit the School District has been established. Further, the Board's current decisions will influence the course of education and the district's schools for years to come. By virtue of this responsibility, the Board and each of its members must look to the future to the needs of all people more than the average citizen finds necessary. This requires a comprehensive perspective and long range planning in addition to attention to immediate problems.

The Board's primary responsibility is to establish those purposes, programs, and policies which will best produce the educational achievement needed by the district's students. It is charged with accomplishing this while also being responsible for wise management of resources available to the district. The Board must fulfill these responsibilities by functioning primarily as a legislative body to formulate and adopt policies, by selecting an executive officer to implement policies, and by evaluating the results. Further, it must carry out its functions openly, oft seeking the involvement and contributions of the public, students, and staff, in its decision making processes.

In accordance with these principles, the Board through its mode of operating, should seek to achieve the following goals:

- To concentrate the Board's collective effort on its policy making and planning responsibilities.
- To formulate Board policies which best serve the educational interests of each student.
- To provide the Superintendent with sufficient and adequate written guidelines for implementing Board policies.
- To maintain effective communication with the public the Board serves and with staff and students in order to maintain awareness of attitudes, opinions, desires and ideas.
- To conduct Board business openly, soliciting and encouraging broadly based involvement in the Board's decision making process by public and staff.

9020 BOARD OBJECTIVES

- To provide an educational program which will best prepare the student for his part in school life.
- To provide an educational program that will exceed the accreditation requirements of the State of Nebraska.
- To provide a sound educational program with the wise use of the tax dollar
- To be guided by State Accreditation Rules and Regulations in maintaining an accredited educational institution.
- To impart an understanding and deep regard for a democratic form of government.
- To develop the humanitarian attitudes and habits necessary so that each individual can cope with and help improve our social culture.
- To provide a student with the opportunity to become a part of the economic system.
- To encourage each person to develop according to his own interests ability and desire.
- To develop a consideration for physical, emotional, moral and social maturity as well as academic growth.
- To help each child become a social being that is an independent person capable of establishing his role within a peer group, and within society in general.

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- To help each child become a social being that is an independent person capable of establishing his role within a peer group, and within society in general.
- Offer each child an opportunity to explore all aspects of education (business, domestic, vocational or college preparatory).
- Develop an appreciation for cultural pursuits that emphasize values.
- To provide an educational experience to the extent that is humanly possible, and it will attempt to anticipate the demands of the future.
- Students' rights and responsibilities shall be maintained as, governed by State Law. 79-4170 to 79-4205. (LB-503)

9030 SCHOOL BOARD LEGAL STATUS

Section I, Article 7, of the Nebraska Constitution provides as follows: "The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of 5 and 21 years. The Legislature may provide for the education of other persons in educational institutions owned and controlled by the state or a political subdivision thereof." The State Legislature fulfills this responsibility by enacting laws to regulate the schools, providing a portion of the funds needed for operating the schools, and delegating the immediate control of the schools to the Boards of Education elected within the local school district.

The School Board, therefore, is an agency of the state with powers delegated to it by the Legislature or by clear inference. It is responsible for carrying out certain mandatory laws and shall consider and accept or reject the provisions of other permissive laws. In all cases where the state laws do not provide or prohibit, the Board shall consider itself the agent establishing and appraising the educational activities of the district and responsive to the desires of the majority of the citizens of the district.

9040 BOARD MEMBER AUTHORITY

Because all powers of the Board of Education lie in its action as a group, individual board members exercise their authority over district affairs only as they take action at a legal meeting of the Board.

In other instances, an individual board member, including the chairman, shall have power only when the board, by vote, has delegated authority to him or her.

It shall be the policy of the Board of Education to make its members, the district staff, and the public aware that only the board has authority to take official action.

9100 BOARD ORGANIZATION

9110 STANDING COMMITTEE

The board of education shall appoint a minimum of two members with a maximum of three to each of the following committees: (1) Committee on American Civics, (2) Safety Committee, (3) Negotiations Committee and (4) Policy Committee made of three members and one alternate. The Superintendent shall be an official member of all committees.

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Legal Reference LB 399 (2019)

9120 TEMPORARY COMMITTEES

The Board of Education shall authorize such special committees as deemed necessary. The committee will terminate when its final report is made to the board.

9130 BOARD MEMBERS – EMPLOYMENT OF RELATIVES

No member of the Board of Education shall enter into or execute, on behalf of the district, any contract with any employee related to them by blood or marriage. The member shall not vote on the contract or salary of such a person.

9140 NUMBER OF BOARD MEMBERS

The Board of Education shall consist of six (6) members as prescribed by school law for Class III schools. Members will be elected according to the school laws, as prescribed by law.

The President of the Board shall be the presiding officer. In his absence, the vice-president will preside.

9150 ANNUAL ORGANIZATIONAL MEETING

An organizational meeting of the Garden County School District Board of Education shall be held on or before the third Monday of January of each year for the purposes of seating any new members and electing officers.

The following are procedures for election of officers and other business to take place at the annual organizational meeting of the Board:

- After new Board members are sworn in, the Board will elect from its members a President, Vice President, Secretary and Treasurer, and if it is determined by the Board of Education to be needed an ex officio secretary and treasurer and those elected will assume office at the organizational meeting.
- Upon call for nominations for each office by the Chair, nominations shall be made by written or oral ballot. Voting will be by oral or written ballot on all members nominated and repeated until a majority is achieved for a nominee. If no member receives a majority of votes after _____ ballots or _____ hours, the Board member who was the President of the Board during the immediately preceding term shall continue as President. In the event that the previous Board President is no longer a Board member, then the Vice President from the immediately preceding term shall become the President. In the event that both the prior President and Vice President are no longer members of the Board, then the longest tenured Board member shall serve as President. The vote may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes of the meeting.
- The President shall assume the chair immediately upon the President's election
- The motions for the officer elections should read: Move that _____ be elected as _____ (name of office) to serve a term of one year, or until the person's

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successor is elected and qualified.

The order of business for meeting should be as follows:

- Call to Order and Roll Call
- Oath of office for most recently elected
- Elections
 - President
 - Vice President
 - Treasurer
 - Secretary
- Approval of committees, positions, and designations
 - Consider, discuss and take action to elect Secretary to the BOE
 - Consider, discuss and take action to select Legal counsel
 - Consider, discuss and take action to elect Committees as determined by the BOE
 - Consider, discuss and take action to select Depository bank(s)
 - Consider, discuss and take action to select District newspaper(s) of record
- Approval of current Board policies and regulations
- Designate date for the annual review of BOE policies
- Dissemination to each Board member of conflict of interest statutes
- Adjournment

Date of Adoption: July 10, 2017

9160 DISTRICT ELECTIONS

Elections for positions on the Board of Education shall be held on the same dates as the general election in Nebraska.

Members take office the first meeting in January.

Members to the board are elected by the electors of the designated school district for four (4) year terms.

Every two years, three members run for elected board positions. Candidates for these offices shall be nominated by either petition or direct filing which must be done 60 days prior to the primary election. There shall be no filing fee.

9170 OFFICERS OF THE BOARD (79-568)

9170.1 PRESIDENT

The president shall perform the customary duties of that office, appoint all committees authorized by the board (except Article II, Section 2) and represent the school in legal matters,

Members of the Board of Education may question a speaker or make comments in response to the speaker's remarks. Board members are not subject to questioning by speakers.

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At a public meeting of the board, no person shall orally initiate charges or complaints against individual employees of the district or challenge instructional materials used in the district. All such charges, complaints, or challenges shall be presented to the board in writing signed by the complainant. All such charges, if presented to the board directly, shall be referred to the teacher for investigation and report.

9170.2 VICE PRESIDENT

The vice president shall perform the duties of the president in his/her absence.

9170.3 SECRETARY

It shall be the duty of the secretary to:

- Keep a record of all meetings;
- Cause all legal notices to be published;
- Sign all legal documents;
- Perform other duties that may be prescribed.

9170.4 RECORDING SECRETARY

The board may select a recording secretary, who shall not be a member of the board at a salary set by the board whose duties shall be:

- To assist the board secretary in his/her function;
- Act as recording secretary at all board meetings;
- Perform other duties assigned by the board.

9170.5 TREASURER

It shall be the duty of the treasurer to:

- Be the custodian of all funds of the board;
- Pay out money of the board upon approval of the board;
- Sign all warrants;
- Be bonded (see notes below).

Bonding: The treasurer shall give a bond or equivalent insurance coverage payable to the School District in such amount as required by law and determined appropriate by the Board of Education. The Board of Education may require that other school officials whose duties require the handling of funds be bonded or obtain insurance coverage including, but not limited to, the bookkeeper(s), and Superintendent. The cost of such bonds or equivalent insurance coverage shall be paid by the School District.

Legal Reference: Neb. Rev. Stat. §§79-586 and 79-589

Date of Adoption: July 31, 2006

9180 BOARD MEMBER OATH OF OFFICE

School board members before taking office shall take and sign the following oath or affirmation:
I, _____, do solemnly swear that I will support the Constitution of the

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United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservations, or for purpose or evasions; and that I will faithfully and impartially perform the duties of the office of member of the Board of Education of Garden County Schools, according to law, to the best of my ability. And I do further swear that I do not advocate, nor am I member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence; and that during such time that I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence. So help me God.

9210 EXPENSES

Policy pertaining to expenses and authorization for attendance at educational workshops, conferences, training programs, official function, hearings or meetings:

Coffee Act Policy (Reimbursable Expenses)

- Board Members, employees or volunteers of the School District are expected to maintain effectiveness by being well informed on educational and related issues and are encouraged to diligently perform their required duties, attend educational workshops, conferences, training programs, official functions, hearings or meetings which are necessary to perform required duties, sponsored by the school district or State and National educational organizations or which are otherwise in the best interests of this school district as follows:
 - Board members as a result of this policy are hereby given prior approval by this School Board and upon approval by the Superintendent or the Superintendent's designee are specifically authorized to attend such functions without additional or further approval by the School Board unless otherwise so determined and the School District shall pay the registration costs, tuition costs, fees or charges for such functions along with actual travel expenses, if travel is by commercial or charter means or if a personal automobile is used, mileage shall be allowed at the rate provided by law with meals and lodging to be reimbursed based upon substantiated costs actually and necessarily incurred or applicable Federal Rates.
 - Employees and volunteers are authorized to attend such functions upon prior approval by the Superintendent or the Superintendent's designee and the School District shall pay registration costs, tuition costs, fees or charges for such functions along with actual travel expenses, if travel is by commercial or charter means or if a personal automobile is used, mileage shall be allowed at the rate provided by law with meals and lodging to be reimbursed based upon substantiated costs actually and necessarily incurred or applicable to Federal rates.
- Payment or reimbursement for expenses incurred by Board members, employees or volunteers as otherwise specifically permitted by law shall also be allowed as provided by such law.
- Since it is hereby determined to be important and in the best interest of this school district to recognize services by Board members, employees and volunteers, the school Board hereby authorizes the President, Superintendent or the Superintendent's designee to determine when and to whom plaques, certificates of achievement, flowers or other items of value should be granted provided that no such plaque, certificate, flowers or other item

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- of value to be awarded shall cost more than \$50,00.
- School Board members are not paid members and when appropriate because of the timing, length or other factors, sandwiches or meals may be provided to School Board members, employees and volunteers attending public meetings or in other appropriate or necessary situations, such as joint meetings with other governing bodies.
- That non-alcoholic beverages, cookies or other similar items may be provided to individuals attending public meetings, private meetings, discussions or public or private conferences as determined necessary or appropriate by the Superintendent or the Superintendent's designee to be in the best interest of this school district.
- Non-alcoholic beverages and meals may be provided for individuals while performing or immediately after performing relief, assistance or support activities in emergency situations or during or immediately following their participation in any activity approved by the School Board.
- In addition to the other matters covered and allowed by this policy, one recognition dinner each fiscal year may be held for Board members, employees or volunteers provided the maximum cost per person, which is hereby established for such dinner shall not exceed \$50.00 and further provided that such annual dinner may be held separately for employees of each department or separately for volunteers or any of them in combination.
- The authority necessary to carry out the provisions of this policy should be and is hereby delegated from the School Board to the designated officials so indicated herein.
- Nothing in this policy shall authorize the expenditure of public funds to pay for any expenses incurred by a spouse of a Board member, employee or volunteer unless the spouse is also a Board member, employee or volunteer.

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

Date of Adoption: July 9, 2018

9220 POLICY ADOPTION

Except for policy actions to be taken on emergency measures, or on recommendation of the policy committee, the adoption of board policies shall follow this sequence which will take place at least, at two (2) regular or special meetings of the Board of Education:

- Announcement and distribution of the proposed policy as an agenda item at a regular or special meeting of the Board of Education.
- Received at a first reading of the policy document subject to further review by school district officials and members of the community.
- Discussions and final action by the Board at its next or subsequent meeting.

Prior to enactment, all policy proposals shall be titled and coded as appropriate to the subject and in conformance with the codification system used in the Board policy manual.

Insofar as possible each policy statement shall be limited to one subject.

Policies and amendments adopted by the Board shall be included in the policy manual of the

District, with the effective date of the policy typed on the policy.

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Policies and amendments to policies shall be effective immediately upon adoption unless a specific effective date is provided in the adopted resolution.

Emergency Procedure: On matters of unusual circumstances the Board may waive the double consideration of policy and take immediate action to adopt new or revise existing policies.

Law, Philosophy and Enforcement: The Board will make every effort to insure its policies conform to the higher supremacies of state and federal laws, including the provisions of the State and U.S. Constitutions. Questions concerning the legality of any policy shall be addressed to the office of the Superintendent. Further, while it is not feasible to reiterate the principle of the Board adopted policy statement, it is to be assumed that the spirit of this document will prevail in the implementation of all policies. Finally, the Board expects compliance with its formally adopted policies. Failure to comply will be considered cause for disciplinary action.

9230 POLICY DISSEMINATION

The Superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and administrative rules and regulations needed to put them into effect. Accessibility is to extend at least to all employees of the school system, to members of the Board, and to persons in the community with an interest in such policies.

All policy manuals distributed to anyone shall remain the property of the Garden County Schools Board of Education and shall be considered as “on loan” to anyone or any organization in whose possession they might be at any time. They are subject to recall at any time deemed necessary by the administrative head of the School District for purposes of updating.

9340 BOARD MEMBERS CHILDREN’S DISCIPLINE

In the event that a child of a board member becomes involved in a problem requiring a board discipline decision, such board member shall disqualify himself/herself from rendering a board decision on the problem and likewise remove himself from the board meeting place while it is being discussed. The decision of the remaining board shall be binding and final.

9250 IN EMERGENCY

The Superintendent, or his designate, in cases of emergency, may poll board members individually concerning action to be taken and then, such actions must be ratified at the next board meeting.

9300 MEETINGS

9305 SCHOOL BOARD MEETINGS

The Board of Education shall officially transact all business at a legal meeting of the Board. The President shall start all meetings promptly at the appointed hour. The Board may hold various types of meetings, including:

- Regular meeting – the usual official legal action meeting each month held in accordance with appropriate statutes and not later than the third Monday of each month. Reference:

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§79-805

- Special meetings – official legal action meeting called between the scheduled regular meetings. These meetings may be held as circumstances may demand to enable the Board to take action on a single problem or set of problems or to enable the Board to take emergency action between regular meetings.
- Emergency meetings – in case of an emergency, an emergency meeting may be called by the Board as provided for in §84-1411. If an emergency meeting is held, complete minutes of any such emergency meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

It shall be the policy of this Board that the formation of public policy is public business and may not be conducted in secret. Every meeting of the Board of Education shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings, except as otherwise provided and permissive by state and federal statutes.

9310 EXECUTIVE (CLOSED) SESSIONS (§84-1401)

The Board of Education may hold a closed session by the affirmative vote of the majority of its voting members if a closed session is clearly necessary for the protection of public interest or the prevention of needless injury to the reputation of an individual and if such an individual has not requested a public meeting. These closed sessions may be held for, but not limited to, such reasons as (a) strategy sessions with respect to collective bargaining, real estate purchases, or litigation; (b) discussion regarding the appointment of security personnel or devices; (c) investigative proceedings regarding allegations or misconduct; or (d) evaluation of job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting; provided, however a closed meeting may not be held for discussing the appointment or election of a new member of the Board of Education.

The vote to hold a closed session shall be taken in open session. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. The entire motion, the vote of each member on the question of holding a closed session, and the time when the session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the matter of the closed session shall restate on the record the limitation of the subject matter of the closed session. The Board shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

Any member of the Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reasons stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

The term “closed session” as used in the policies, regulations and Bylaws of the District shall include within its meaning any “executive session” or “executive meeting” authorized or prescribed by said policies, regulations and Bylaws, all of said terms being interchangeable.

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Legal Reference: Neb. Rev. Stat. §§84-1407 to 84-1414

Date of Adoption: July 31, 200

9315 OPEN MEETINGS ACT POSTING AND PUBLIC ACCESS TO BOARD RECORDS

The Board of Education accepts its responsibility to conduct its meetings in public and in compliance with law. The Superintendent shall post at least one current copy of the Open Meetings Act in the meeting room at a location accessible to members of the public. At the beginning of each meeting the public shall be informed about the location of the posted information by announcement of the Board President or Chairperson or via notice given in the Agenda. The Superintendent and the Board Secretary shall make available for examination and copying by members of the public at least one copy of all reproducible written material to be discussed at an open meeting except where the law specifically states that a matter is exempted either temporarily or permanently from such disclosure.

Therefore, the Board of Education directs the Superintendent and the Board Secretary, acting jointly and cooperatively, to make easily available copies of the Board of Education Policy Manual and the minutes of meetings of the Board of Education and its committees (except as exempt by law). Minutes shall be made available within ten (10) days of the meeting reported; policies shall be incorporated into the manual within thirty (30) days of adoption.

9315.1 EXCEPTIONS AND LOCATIONS

The Board of Education and the Superintendent may withhold from the public those records in their custody enumerated by law. Records which are open to inspection shall be available in the office of the Superintendent.

Legal Reference: Neb. Rev. Stat. §§84-1408 to 84-1414

Neb. Rev. Stat §84-712

Date of Adoption: July 31, 2006

9318 RECORDS MANAGEMENT AND DISPOSITION

- General Standard: Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.,
- Records Officer: The Superintendent is hereby designated as the records officer of the school district for purposes of this policy. Any questions about the type or category of a record or the required retention period for it should be addressed to the records officer.
- Electronic Messages: Electronic messages are communications using an electronic system for the conduct of school district business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), and electronic data interchange (EDI). In this policy, the terms electronic messages and e-mail are used, depending on the context, to mean the same thing. The school district's electronic system in which records are collected, organized, and categorized to facilitate preservation, retrieval, use, and disposition is as follows:
 - End-User Management: End-user means anyone who creates or receives

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- electronic messages on the school district's electronic system. Electronic messages are to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing and disposing of records that are part of his/her desktop computer.
- Categories for Retention: Electronic messages fall within three categories: (1) transitory messages; (2) records with a less than permanent retention period; and (3) records with a permanent retention period. End-users are to organize, store, retain and dispose of electronic messages according to these three categories. This means determining which electronic messages require long term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.
 - *Transitory messages*: Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts; unwanted and unneeded "junk" mail; "personal" mail for employees not related to school business; unsolicited sectarian, religious, partisan, political or commercial messages, or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages. Employees sending or receiving such communications may delete them immediately without obtaining approval.
 - *Less than permanent retention records*: These records are governed by the retention period for equivalent hard copy records as specified in the approved records retention and disposition schedules. These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Questions relating to the retention or destruction of these records should be referred to the records officer.
 - *Permanent/archival retention records*: These are records scheduled for transfer to the Nebraska State Historical Society (NSHS). Decisions relating to such record should be made by the records officer in consultation with NSHS, and the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency and format of the transfer should be determined cooperatively by the records officer, the NSHS, and the State Records Administrator.
 - Electronic Storage Limitations; The district's computer systems have storage limitations. E-mails are deleted by the computer system within 60-90 days to avoid operational problems. End-users are instructed that electronic messages that are required to be maintained past that time period should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. The retention period for the particular record is the best indicator of which storage medium or format to choose.
 - Proper Use of Electronic Messages:

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- *Non-Discrimination:* Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national or ethnic origin, age, marital status, sex, religion, disability, veteran status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity or other protected status; promote sexual harassment; or to promote personal, political or religious business or beliefs.
- *Permissible Use:* Electronic messaging is to be used only for purposes that are consistent with the mission of the school district. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a non-profit organization except when and to the extent such use serves a school purpose or facilitates school district business.
- *Conduct:* Employees shall not read electronic messages received by another employee when there is no school purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.
- *Other Regulations:* Electronic messaging is subject to all requirements of the school district's "Acceptable Use of Computer, Network, Internet and Websites" policy and may be monitored and accessed at any time without prior notice. The school district has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right and is not a public forum. Electronic messaging is made available subject to all board policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.
- Electronic Records: All books, papers, documents, reports and records kept by the District may be retained as electronic records. Minutes of the meetings of the school board may be kept as an electronic record.
- Litigation Holds: When litigation against the District or its employees is filed or threatened, the District will take all reasonable action to preserve all documents and records that pertain to the issue. Such action will, in particular, be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

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

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

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maintained by the records officer until the hold is released

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

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

Legal Reference: Neb. Rev. Stat. §§ 84-712 through 84-712.09
Neb. Rev. Stat. §§ 84-1201 to 84-1227
State Records Administrator Guidelines
Schedule 10: Records of Local School Districts (Feb. 1089)
Schedule 24: Local Agencies General Records (March 2005)
Electronic Imaging Guidelines (March 2003)

Date of Adoption: August 10, 2020

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

Any such settled claim or settlement agreement shall be a public record. Nonetheless, specific portions of the record may be withheld from the public to the extent permitted or provided by statute. The foregoing does not apply to claims made in connection with insured or self-insured health insurance contracts.

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

Date of Adoption: June 14, 2010

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9325 ABSENCE OF BOARD MEMBER

It shall be the policy of this Board of Education to replace a board member who shall consecutively miss three regular meetings unless excused in advance by the president.

9330 NOTIFICATION OF BOARD MEETING (§84-1411)

The designated methods of giving advance notice of regular or special meetings of the Board of Education of the Garden County School District shall be by publication or by posting. If notice is given by posting, the school house door and a local bank are designated posting places, though other or different places at which the public may reasonably be notified are also designated as permissible places.

Notice shall be given a reasonable time in advance of the meeting. Two (2) days advance notice shall be considered sufficient.

For an emergency meeting, notice shall not be required to be given; however, the Board will complete minutes for such an emergency meeting as required by law. An emergency has been defined as any event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition.

The Secretary of the Board of Education, or the Secretary's designee, shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to such news media of the time and place of each meeting and the subjects to be discussed at the meeting.

Legal Reference: Neb. Rev. Stat. §79-554; §79-555 and §84-1411

Date of Adoption: June 14, 2010

9335 AGENDA FORMAT

The following is a suggested agenda format for regular meetings and as appropriate for special meetings called by the board of education:

- Call meeting to order
- Open for public to speak
- Treasurer's report and claims
- Approval of minutes
- Old Business
- New Business
- Reports:
 - Superintendent
 - Principal
- Next meeting date and time
- Adjournment.

Patrons may address the Board of Education about matters of public concern. A time limit of five

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(5) minutes per person will be enforced by the Board President. The Board will listen to comments but will not respond or take action at this meeting. Matters brought to the attention of the Board may be taken under advisement for consideration at a future board meeting.

The Board shall follow the order of business set up by the agenda, unless the order is altered by a majority vote by the members present, unless such action has been scheduled.

The agenda, together with supporting materials, shall be distributed to Board members sufficiently prior to the Board meeting, if at all possible, to permit them to give items of business careful consideration. The agenda and appropriate agenda materials will be posted on the school's website prior to the meeting for public access.

9340 AGENDA CONSTRUCTION AND CONTROL

- Written meeting agendas will be prepared by the Superintendent of Schools in corroboration with the President of the Board of Education. Any Board member may submit agenda items to be placed on the agenda by the Superintendent and Board President.
- Control of the agenda is the responsibility of the Board President.
- Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.
- An agenda, kept continuously current, shall be readily available for public inspection at the office of the Superintendent of School of the Garden County School District during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting. The School Board shall have the right to modify the agenda to include items of an emergency nature only by action taken at the public meeting at which the item is to be considered.

Legal Reference: Neb. Rev. Stat. §84-1411

Date of Adoption: July 31, 2006

9345 QUORUM (79-554)

A quorum shall be a majority of the members of the Board. In the absence of a quorum the only official action that the Board may take is to adjourn the meeting to another time and/or date.

9350 VOTING METHOD (84-1413)

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Board in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote may be satisfied by use of an electronic voting device which allows the yeas and nays of each member of the board to be readily seen by the public.

All motions shall be carried by a majority of the members present or as otherwise required by law.

Date of Adoption: August 8, 2016

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9355 MINUTES (84-1413)

The Board of Education shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The resignation of a Board member or any other circumstance that results in a vacancy in office shall be made a part of the minutes. These minutes shall include but not be limited to:

- A record of all actions taken by the board, with the vote of each member recorded.
- Resolutions and motions in full; reports and documents relating to a formal motion may be admitted if they are referred to and identified by title and date.

The minutes shall be prepared by the secretary immediately following the meeting, shall be written, shall be available for inspection by the public and for distribution to the members of the Board within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier, and shall be a part of the agenda for the next regular meeting at which time they shall be corrected, if necessary, and approved.

The minutes shall be kept in the office of the superintendent and shall be public records and open to public inspection during normal business hours.

Legal Reference: Neb. Rev. Stat. §§79-555; 79-570; and 79-577
Neb. Rev. Stat. §§84-1408 to 1414

Date of Adoption: June 14, 2010

9360 PUBLIC PARTICIPATION AT BOARD MEETINGS (84-1412)

Attend: Members of the public shall be permitted to attend and to speak at board meetings. They will not be required to identify themselves as a condition for admission to the meeting.

The Board may allow advisors, consultants, and other persons who are not Board members to appear at the meeting via telephone or other similar means.

The chair has the authority to assure that people conduct themselves in an orderly manner at the meeting. Undue interruption or other interference with the orderly conduct of business will not be allowed. The chair may order persons who are disorderly to be removed from the meeting.

Legal Reference: Neb. Rev. Stat. §§79-570; 79-571;
Neb. Rev. Stat. §84-1411 (3) and (6); §84-1412 (1) and (3)

Hear: The board will, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

Legal Reference: Neb. Rev. Stat. §84-1412 (7)

Record: Members of the public may use recording devices (tape recorder, video camera, etc.) to record any part of a meeting of a public body, except for closed sessions. No recording, other than note taking, shall be done without informing the President in advance. The President shall control the placement of the recording device so the device does not obstruct the view of Board members or other members of the public attending the meeting and does not otherwise interfere

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with the meeting.

Legal Reference: Neb. Rev. Stat. §84-1412 (1)

Access to Written Materials: At least one copy of all reproducible written material to be discussed at an open meeting, will be made available at the meeting for examination and copying by members of the public. Copies of materials requested by patrons may be obtained at the personal expense of those requesting or scanned by patron onsite with school personnel present.

Legal Reference: Neb. Rev. Stat. §84-712, §84-1412 (8)

Speak: Members of the public will be permitted to speak at Board meetings at which a public forum is on the Agenda. Members of the public may also speak when invited to make a presentation or when recognized by the chair. The Board is not required to allow members of the public to speak at each meeting. However, the Board will not forbid public participation at all meetings.

Members of the public will not be required to have their name be placed on the agenda prior to the meeting in order to speak about items on the agenda.

Members of the public who desire to address the Board will be required to identify themselves.

The President or chair for the meeting shall have the authority to establish reasonable time limits for individual speakers and for the duration of public forum sessions.

Speakers will be permitted to address the Board consistent with free speech rights. However, offensive language, defamatory remarks, and hostile conduct will not be tolerated. Further, charges or complaints against a school employee shall not be made for the first time at a public Board meeting without having followed the school's complaint procedure.

Legal Reference: Neb. Rev. Stat. §84-1412 (1), (2) and (3)
Date of Adoption: August 11, 2008

9365 RIGHTS OF THE PUBLIC

Right to record, video-tape, televise, photograph, or broadcast meetings, Section 84-1,412 formerly gave the public the right to tape record meetings. LB43 adds the right to videotape, televise, photograph or broadcast the meeting. The public body is given specific authority to make and enforce rules regarding the conduct of persons attending, speaking at, video-taping, televising, photographing, broadcasting, or recording its meetings.

Identification: No person can be compelled to identify themselves as a condition for admission to a meeting, but the body may require a member of the public desiring to address the meeting to identify himself or herself.

Meeting Place: The public body cannot "for the purpose of circumventing" the provisions of the Public Meetings Law hold a meeting in a place known to be too small to accommodate the anticipated audience. The law also provides, however, that "no public body shall be deemed in violation of this Section if it holds its meeting in its traditional meeting place."

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Also LB43 imposes an obligation upon the public body, if a request is made, to make reasonable efforts to accommodate the public's right to hear the discussion and testimony presented at the meeting.

Documents: The public body must make available at the meetings, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

Procedure in District Court: Action made or taken in violation of the provisions of the Public Meetings Laws shall be declared void by the District Court only if suit is commenced within one hundred twenty (120) days of the meeting of the public body at which the alleged violation occurred. If the suit is initiated after one hundred twenty (120) days, then the actions of the public body are "voidable" if made or taken in substantial violation of the Public Meetings Law. A suit to void final action must still be commenced within one year of the action.

9370 PARLIAMENTARY PROCEDURE

The rules of parliamentary procedures as embodied in Robert's Rules of Order, latest edition, may guide the School Board in the conduct of Board meetings. Exceptions shall be made when the issue in question is otherwise required by statute. The President, or meeting chair, shall decide all questions of procedure and order, subject to an appeal to the Board, with the object that Board meetings be conducted with order, decency, and regularity and to accomplish the work of the School Board in the best possible manner.

Date of Adoption: July 10, 2018

9410 MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

It shall be the policy of this board of education to maintain membership in the District and State associations for boards of education and to attend the meetings of such associations at every opportunity.

In order to remain current on school affairs of the state, the Board will determine the importance of belonging to state school board associations. Every effort will be made to have board members attend the State Conference at least once during their term of office. Dues and expenses for this activity are to be paid from the district funds.

9415 TIME TABLE FOR YEARLY ITEMS OF BUSINESS

- The contracts of the administration will be acted upon as follows: The superintendent's contract in January and the principals' contracts in February. It shall be the option of the Board to offer one, two, or three-year contract to the administrators, whichever length of contract seems most expedient at election time.
- The contract of a permanent certificated employee shall be deemed continuing and shall be renewed and remain in full force and effect unless amended or terminated in accordance with the provisions of sections 79-843.
- In addition, all employees shall be notified in writing on or before April 15th of any contemplated board action on the teaching contract. Such notice shall advise the employee of their rights. The board hereby affirms that all action taken in connection with

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employee contracts will be taken in accordance with the provisions of sections 84-1408 to 84-1414.

- Teachers who do not desire to be considered for a contract for the ensuing school term shall so indicate prior to the date scheduled for re-election.
- Non-certified personnel contracts will be acted on at the May board meeting.

9420 USE OF SCHOOL VEHICLES

School vehicles will not be used for any extra-curricular non-school sponsored activities without administrative approval.

Driver Certification form is attached as Form 9000-1 to this policy book.

9425 SEXUAL HARASSMENT: EMPLOYEES AND/OR STUDENTS

In compliance with title VII of the Civil Rights Act of 1964, as amended, Title IX of the Education Amendments of 1972, and the Nebraska Equal Opportunity and Education Act, based on race, color, age, sex, marital status, handicap, or religious or political affiliation.

Purpose: To establish procedures for handling allegations of sexual harassment of (a) school employees by other school employees, (b) school employees by school students, (c) school students by school employees, and (d) school students by other school students.

Policy: Sexual harassment of any employee, certificated or non-certificated or student by any individual under the jurisdiction of the Garden County Schools is expressly prohibited as a violation of law and board policy. Persons determined to have engaged in sexual harassment shall be subject to disciplinary sanctions as set forth herein.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body.

Regarding school employees, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of sexual nature shall constitute sexual harassment when:

- Submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual: or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Regarding students, unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature shall constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's enrollment, participation, or affiliation with a course, activity, or other school sanctioned program;
- Submission to or rejection of such conduct by an individual is used as a basis for any decision that may affect the educational standing of an individual; or

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- Such conduct has the purpose or effect of unreasonably interfering with an individual's educational performance or creating an intimidating, hostile or offensive environment.

9000-19

Responsibility: All Garden County School employees have the responsibility of keeping school officials informed, through the most confidential and direct means possible, of any alleged acts and/or complaints of sexual harassment. It is the responsibility of each administrator to provide a working and academic environment free of sexual harassment or sexual intimidation. The school will take prompt action to investigate and act upon instances of alleged sexual harassment.

Procedures Regarding Complaints of Sexual Harassment: Allegations of sexual harassment will be thoroughly investigated. A person who believes he/she has been sexually harassed, or person having knowledge of incidents of alleged sexual harassment, (hereinafter referred to as "complainant"), should notify the Superintendent of Schools. Such notification shall be by the most direct means possible and shall be considered confidential. The complaint should be filed as soon as possible after the sexual harassment took place.

All school employees are responsible for passing on a report of sexual harassment. All school employees contacted by a complainant shall advise complainant to notify one of the above – mentioned individuals.

Upon notification of conduct, which allegedly constitutes sexual harassment, the person notified by complainant will investigate and attempt to resolve the situation on an informal basis. Every effort shall be made to maintain full confidentiality throughout the investigation and implementation of these procedures.

Formal Procedures: The person notified by complainant shall:

- If the complainant is a student, immediately refer the complainant to the principal, principal's designee or counselor and encourage the student to consult with her/him. The parents of the complainant shall be contacted following the conference.
- Meet with the complainant to determine the nature and extent of the alleged incident. If the complainant is a student, his/her parents or legal guardians shall be present. The accused shall be allowed to have a representative of his/her choice present. A record shall be kept of the complaint, including names of the complainant and the person accused of sexual harassment, date, time, location, description of the incident, witnesses and any redress sought by the complainant.
- Meet with witnesses, if any, and record information gathered.
- Meet with the person accused of sexual harassment and inform him/her that a complaint of sexual harassment has been made against him/her. A record of information furnished by the person accused of sexual harassment shall be made.
- Determine if the educational or work situation of the complainant is threatened and, if so, take appropriate corrective measures.
- It shall be a goal to conclude the investigation in a period, not to exceed ten (10) days, with one of the following findings:
 - Attempt to resolve the matter to the satisfaction of both the complainant and person accused of sexual harassment.

9000-20

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9430 SCHOOL YEAR PROGRAM HOURS (79-211)

The minimum number of instructional hours in the school year will be 1,080 hours for the junior high and senior high school students, and 1,032 hours for elementary school students. The instructional time will include classroom time, passing time, and recess, and will exclude lunch time, parent-teacher conferences, and other dismissals of the entire body of individual schools or the school district.

Time that students are absent from school, for which the school assumes sponsorship in interscholastic activities to participate in curriculum contest, workshops, or field trips is directly related to the curriculum and will be counted as instructional time. Examples of such absences may include, but not be limited to, district music contests, leadership workshops, convocations, system-wide tours of select music groups, practices for special music programs, and field days.

Maximum effort will be made to eliminate absences for extracurricular activities for which the school assumes sponsorship to participate in extra-curricular activities, in conference activities, and in activities sponsored by the Nebraska School Activities Association.

Time that students are absent from school for activities that are not school sponsored will not be counted as instructional time and is governed by district attendance policies.

9435 INVENTORY

The Principal will keep an accurate annual record of materials and equipment. He may require teachers and employees to assist him in maintaining such an inventory. He will report to the Board extensive losses of materials and equipment not consumed in the process of use.

9440 TOBACCO FREE FACILITIES

The Board of Education believes that a healthful environment is essential to productivity of personnel and students. The Board further believes that personnel should serve as role models for the children and youth educated by the school system. To assist in achieving these goals, the Garden County School System shall be declared "Tobacco Free Facilities."

The use of tobacco products is prohibited in all school buildings and all school vehicles. Smoking shall also be prohibited in any area where school staff, students or members of the public may be present or may be affected by smoke, including without limitation the stands and bleachers of outdoor athletic fields and near the entry of school buildings. For purposes of this policy, tobacco means any tobacco product (including but not limited to cigarettes, cigars, and chewing tobacco), vapor products (such as e-cigarettes), alternative nicotine products, tobacco product look-alikes, electronic nicotine delivery systems, and products intended to replicate tobacco products either by appearance or effect.

Legal Reference: Neb. Rev. Stat. §71-5716 to 5734 (Nebraska Clean Indoor Air Act)
LB 149 and 397

Date of Adoption: August 12, 2019

9445 SCHOOL PATRON SURVEY

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This policy shall be deemed the implementation of a written plan for assessing the learning of all Garden County School Districts.

The school system demonstrates accountability to the residents of the school community. School Staff periodically assess and report student progress toward accomplishment of academic content standards. Results are used to plan and make needed changes to improve instruction for all students.

The school system has a written policy for annually preparing and distributing the performance report(s) required in Section 010.01A to the residents of the District. The policy assures that individual test scores are kept confidential. If the school has fewer than ten students in the grades being reported, or if the reporting would allow for the identification of students because they all had comparable scores, no public reports of student performance are provided for those grades.

It is the policy of Garden County Schools to inform patrons and parents annually.

9450 DRUG PREVENTION – STUDENTS AND EMPLOYEES

Minimum requirements of drug prevention program for students and employees of Local Educational Agencies: With respect to a LEA's drug prevention program for students, requires that the program, at a minimum include:

- Age-appropriate, developmentally based drug and alcohol education and prevention programs for all students in all grade levels from early childhood through grade 12.
- A statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.
- Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the school's activities.
- A clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed if the standards of conduct are violated, and a description of those sanctions.
- Information about any available drug and alcohol counseling, rehabilitation, and re-entry programs.
- A requirement that parents and students be given a copy of the standards of conduct and the statement of disciplinary sanctions.
- A requirement that parents and students be notified that compliance with the standards of conduct is mandatory.

With respect to a LEA's program for employees, the statute requires that the program, at a minimum, include: Standards of conduct that clearly prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as a part of any of the school's activities.

- A clear statement that disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed on employees who violate the standards of conduct, and a description of those sanctions.

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- Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.
- A requirement that employees be given a copy of the standards of conduct and the statement of disciplinary sanctions.
- A requirement that employees be notified that compliance with the standards of conduct is mandatory.

Under the statute, SEA's and LEA's are required to conduct a biennial review of their programs to determine their effectiveness, ensure that the disciplinary sanctions are consistently enforced, and implement changes if they are needed. The statute requires SEA's to review periodically a representative sample of LEA's programs. The proposed regulations would implement this requirement by providing that the SEA review annually a representative sample of LEA programs. The Secretary believes that an annual review is necessary to ensure that the purposes of the statute are being carried out effectively. If an SEA found, as a result of that review, that an LEA had failed to implement its program or consistently enforce its disciplinary sanctions, the SEA would be required, under the proposed regulations, to submit that information to the Secretary, so that the Secretary could take appropriate action under the statute. The proposed regulations include the statutory requirement that SEAs and LEAs make available a copy of each item in the program required by the statute and the results of the biennial review. The proposed regulations also contain requirements concerning access to personnel and records and information.

9455 ENROLLMENT OPTION PROGRAM (79-234 THROUGH 79-241)

Section 1: Admission or Departure of Option Enrollment Students:

- The student's parent or legal guardian shall submit an application to the Superintendent of Garden County Schools. The school district shall provide the resident school district with the name of the applicant. The school district shall notify, in writing, the parent or legal guardian of the student, the resident school district, and the Nebraska Department of Education whether the application is accepted or rejected within seven days after the school board meeting where the application was acted on.
- The guidelines for acceptance or rejection of an option student by the Board of Education of the Garden County School District may include but shall not be limited to, the following:
 - Whether admission of the option student would require the hiring of additional staff or contracting for services outside the district;
 - Whether the student has previously elected enrollment under the Enrollment Option Program and has not relocated in a different resident school district.
- Acceptance or rejection of an application to participate in Enrollment Option Program shall not be based upon the applicant's previous academic achievement, athletic or extracurricular ability, handicapping conditions, proficiency in the English language, or previous disciplinary proceedings.
- In selecting students for the Enrollment Option Program the Garden County School District shall give first priority for enrollment to option students whose request for enrollment would aid the racial integration of the school district and that of the resident school district, and siblings or option students attending Garden County Schools.
- The Garden County School District shall notify the parent or legal guardian of the student, the resident school district, and the Nebraska Department of Education, in writing,

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whether the application has been accepted or rejected. If an application has been rejected, the notification shall state in detail the reason(s) for the rejection.

Section 2: Rights and Responsibilities of Option Students:

- Once a student has been enrolled as an option student at the Garden County School District, such student shall remain enrolled until one of the following occur:
 - The student graduates;
 - The student moves to a different school district; or
 - The student, through a parent or legal guardian, elects to return to the resident school district;

In order for a student to elect to return to the resident school district, the parents or legal guardian shall submit a cancellation form to the Board of Education of the Garden County School District, the resident school district, and the Nebraska Department of Education. Such cancellation must be on the form prescribed and furnished by the Nebraska Department of Education.

- For purposes of all duties, entitlements, and rights established by law, option students shall be treated as resident students of the Garden County School District.
- Except as set forth below, the Garden County School District shall not be responsible for providing transportation to students who enroll under the Enrollment Option Program. It shall be the sole responsibility of the parent(s) or legal guardian(s) of option students to provide all transportation for such students. If in the judgment of Garden County Schools it is beneficial for the school district, it may transport option students for a fee established by the Board of Education. Each case will be considered on an individual basis and the following factors will be considered in determining whether it would be beneficial for the school district to transport option students: the length of the route, the proximity of the pickup point for the option student, the quality of the roads to the pickup point, the amount of time by which picking up the option student would increase the route, the availability of room on the bus, and such other factors as are considered relevant. Parents or guardians of option students who qualify for free lunches shall be eligible for transportation reimbursement as described in section 79-611, except that they shall be reimbursed at the rate provided for in section 81-1176 for each mile actually and necessarily traveled on each day of attendance by which the distance traveled one way from the residence of such student to the schoolhouse exceeds three miles.
- The Garden County School District shall accept credits towards graduation that were awarded by the resident school district.
- The Garden County School shall make information about the school district and its schools programs, policies and procedures available to interested people.
- Option students' opportunity to participate in extra-curricular competition shall be governed by the rules of the Nebraska School Activities Association. The deadline for enrollment option is March 15.

9000-24

9460

HOT LUNCH

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Meal Charge Policy: It is the policy of the Garden County School District to comply with the National School Lunch Program and School Breakfast Program and all other federal grant programs that provide free or reduced meals to qualifying students.

Student Eligibility: Families of students who may be eligible for free or reduced price school meals should submit an application to determine their eligibility. Applications are available through the Superintendent or Superintendent's designee. As long as an application is submitted on or after July 1, the application will be considered current for the new school year. A student may become eligible for free or reduced meals at any time during the school year if the household experiences a change in financial circumstances.

Meal Account Balances: The District will ensure that families can check their meal account balances in a manner other than exclusively online. The District will ensure that at least one form of meal account payment is free of charge.

The District encourages families to pre-pay without charge for free or reduced price meals. Notwithstanding the option to pre-pay, students and families will have a method to add funds during the school day. Any balance remaining in a pre-paid account shall carry over into the next month. Households approved for free or reduced price meals with funds remaining in their meal account at the end of the school year shall receive a refund. When a student leaves the District or graduates, the District shall attempt to contact the student's household to return any funds remaining in the student's meal account.

Unpaid meal charges may be carried over at the end of the school year as a delinquent debt and the District shall undertake reasonable collection efforts to collect unpaid meal charges classified as delinquent debt, pursuant to and in compliance with state and federal law. The District shall maintain records of its collection efforts and, once delinquent meal charges are converted to bad debt, its documentation establishing and handling of the bad debt.

Student Confidentiality: The District will disclose individual student eligibility information only to those persons (and organizations) who require the information in order to carry out an activity specifically authorized by the National School Lunch Act, subject to applicable legal exceptions.

The District shall not use or implement any colored or coded meal cards, tickets, tokens, or other methods of payment that would overtly identify a student as being eligible for free or reduced price meals.

Distribution Annually: This policy shall be provided in writing to all students' households at the start of each school year and to households transferring to the District during the school year.

This policy shall also be provided annually to District staff members responsible for the enforcement of this policy, including food service professionals.

The Superintendent or the Superintende **9000-25** || maintain documentation of the annual

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distribution of this policy to students' households and District staff.

Legal Reference: Richard B. Russell National School Lunch Act (42 U.S.C. §1751); U.S.D.A. Memorandum SP 57-2016.

Date of Adoption: July 10, 2017

9465 TEXTBOOK LOAN (79-734)

The Garden County Schools, Garden County, Nebraska, hereby declares that rules and regulations for textbook loans to children enrolled in private schools will be established according to Title 92, NAC – Chapter 4 – NDE Rule 4. To wit:

The School Districts Board of Education has the power and duty to purchase and loan textbooks to private school children; provided, however, that said Board is only obligated to the extent that the Legislature of the State of Nebraska appropriates funds for the specific purpose of purchasing and loaning such textbooks. Said purchases and loans will be made only for textbooks designated for use in the classroom instruction in Garden County Schools as the principal resource of classroom instruction in grades K-12. Library Book, workbooks, and other similar materials are not considered textbooks and are, therefore, exempt from this statutory obligation. Lists of principal textbooks used in Garden County Schools will be made available upon request. For purposes of this act, private schools shall mean only those which are approved for legal operation under title 92, NAC, Chapter 10.

A Textbook Loan form is attached as Form 9000-2 to this policy book.

9475 USE OF DISTRICT COMPUTER NETWORK AND INTERNET

Teachers have access to the district's computer network and the Internet for the enhancement and support of student instruction. It is important to remember that the equipment and the software are the property of the School District.

In using the computers and the Internet, teachers are agreeing to the following:

- Since copyright laws protect software, teachers will not make unauthorized copies of software found on school computers by any means. Teachers will not give, lend, or sell copies of software to others unless the original software is clearly identified as shareware or in the public domain
- If a teacher downloads public domain programs for personal use or non-commercially redistributes a public domain program, the teacher assumes all risks regarding the determination of whether a program is in the public domain.
- Teachers shall not access material that is obscene, child pornography or otherwise inappropriate matter for educational or work-related uses or contrary to the district's mission. Teachers are not permitted to knowingly access information that is profane,

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obscene or offensive toward a group or individual based upon race, gender, national origin or religion. Further, teachers are prohibited from placing such information on the Internet.

- Teachers will protect the privacy of other computer users' areas by not accessing their passwords without written permission.
- Teachers will not copy, change, read, or use another person's files.
- Teachers will not engage in "hacking" or otherwise attempt to gain unauthorized access to system programs or computer equipment.
- Teachers will not use computer systems to disturb or harass other computer users by sending unwanted mail or by other means.
- Teachers will not disclose their passwords and account names to anyone or attempt to ascertain or use anyone else's password and account name.
- Teachers will not attempt to login to the system as a system administrator.
- Teachers understand that the intended use of all computer equipment is to meet instructional objectives.
- Teachers will not waste or take supplies, such as paper, printer ribbons, toner, and diskettes that are provided by the District.
- Teachers will not use the network for financial gain or for any commercial or illegal activity.
- Attempts to bypass security systems on computer workstations or servers, or vandalism will result in cancellation of privileges and may result in further consequences. Malicious attempts to harm or destroy data of another teacher, or data that resides anywhere on the network or on the Internet, or the uploading or creation of computer viruses are forbidden.
- The District will not be responsible for any liabilities, costs, expenses, or purchases incurred by the use of the District's telecommunications systems such as the Internet. This includes but is not limited to, the purchase of online services or products. The teacher is solely responsible for any such charges. The teacher's acceptance of an email account is an acceptance of the teacher's agreement to indemnify the District for any expenses, including legal fees, arising out of the teacher's use of the system in violation of the agreement.
- The Internet will be supplied for your use on an "as is, as available" basis. The District does not imply or expressly warrant that any information you access will be valuable or fit for a particular purpose or that the system will operate error free.
- The District is not responsible for the integrity of information accessed, or software downloaded from the Internet.
- The District reserves the right to refuse posting of files, and to remove files.
- The District further reserves the right to inspect a teacher's computer and computer usage at any time. Teachers have no privacy rights or expectations of privacy with regard to use of the District's computers or Internet system.
- The computer system is not a public forum. It is provided for the limited purpose of advancing the District's mission.
- A technology protection measure is in place that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, the District may also use other technology protection measures or procedures as deemed appropriate. The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes:
 - Who has successfully completed district training on the proper disabling circumstances and procedures
 - With permission of the immediate supervisor of the staff member requesting said

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- disabling, or
- With the permission of a building administrator. An authorized staff member may override the technology protection measures that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes provided the minor is monitored directly by an authorized staff member.

Any violation of any part of this agreement or any other activity which school administrators deem inappropriate will be subject to disciplinary action. Discipline could include but would not be limited to, the immediate suspension or termination of the teacher's Internet account and computer privileges, reprimand, suspension, or termination.

9480 FIREARMS AND WEAPONS POLICY (28-1204.03 & 28-1204.04)

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 is defined as any object which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon.

Weapons: No person may bring, possess, handle or transmit any weapon while on school grounds or at any school activity or event of school grounds except as permitted by this policy. **Definition of Weapon.** The term weapon is defined as a firearm or any object or material that is ordinarily or generally considered a weapon.

Concealed Handguns: Concealed handguns are not permitted to be brought to or possessed in school, on school grounds, school-owned vehicles, or school-sponsored activities or athletic events.

Laws 2006, LB 454, Section 15
Date of Adoption: July 31, 2006

Exceptions Regarding Firearms: This prohibition does not apply to (1) the issuance of firearms to or possession by members of the armed forces of the United State, 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, (2) firearms which may be lawfully possessed by a person who is receiving instruction at the school under the immediate supervision of an adult instructor, or (3) firearms contained within a private vehicle operated by a non-student adult, which are not loaded and are encased or are in a locked firearm rack that is on a motor vehicle. **Definition of encased.** The term encased shall mean 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:

- The firearm or weapon has been brought to school grounds or to an activity or event off school grounds for some educational purpose; and
- 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

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- 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: Federal law requires that any student who brings a firearm, as that term is defined in 18 United States Code 921, to school be expelled from school for one calendar year. State law and this policy provide that any student who violates this policy by knowingly bringing, possessing, handling or transmitting a firearm or weapon on school grounds, in a school owned vehicle or at a school activity or event off school grounds, in a school owned vehicle, or at a school activity or event off school grounds may be expelled for two semesters, suspended on a long-term basis or mandatorily reassigned. The Superintendent of Schools shall have the authority to modify the expulsion requirement on a case-by-case basis.

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 which is confiscated by school personnel shall be delivered to a peace officer as soon as practicable. Such firearms are subjected 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 the law enforcement authorities when a student brings a firearm or weapon to school.

9485 SALE OR DISPOSAL OF SCHOOL PROPERTY

The Superintendent is authorized and directed to dispose of books, furniture, equipment, real estate, and other property that is obsolete or no longer needed for school operations. Any sale of school property is contingent on approval by the vote of at least two-thirds of the members of the Board of Education at a regular meeting.

Such disposal may be by private sale, auction, trade-in, or by taking bids and selling to the highest or most responsible bidder.

The following procedures shall be followed for an auction or when taking bids:

- The intention to sell shall be publicized, via school newsletter, a weekly memo, a bulletin posting, a newspaper advertisement, or other means suitable to the value and nature of the property.
- Real estate will be sold to the highest bidder, except that a minimum acceptable price may be established prior to bidding.
- Items which are offered for sale in an approved manner which are not sold after a reasonable period of time may be considered to have no value and may be disposed of as determined by the Superintendent and reported to the Board of Education.

Property that has little or no value shall be discarded or recycled as appropriate, No school employee shall take such property for their personal use, even if the item has been placed in the trash, without the express approval of the administration.

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

Date of Adoption: August 8, 2016

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9500 RESTRICTIONS ON USE

No Board member or employee of Garden County Schools shall use or authorize the use of his or her public office or any confidential information received through the holding of the public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

No Board member or employee shall use or authorize the use of school district personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

No Board member or employee shall use or authorize the use of school resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. For purposes of this restriction, "school resources" means personnel, property, resources, or funds under the official care and control of the Board member or employee.

Authorized Uses: The uses described below are not authorized by employees, and violate this policy, where an employee's use: (1) interferes with the conduct of school business; (2) interferes with the performance of the employee's duties and responsibilities (3) is contrary to another Board policy or a rule or directive set forth in an employee handbook or other employee communication device; (4) is contrary to a supervisor's directive; or (5) the use is for the employee's personal financial gain or potential for personal financial gain.

Incidental or De Minimis Use: Use of school resources by a Board member or employee which is incidental or de *minimis*, does not constitute a violation of this policy.

Personal Use as Part of Compensation: Use of school resources for personal purposes is authorized by this policy if:

- The use of the resource for personal purposes is part of the employee's compensation provided in an employment contract or is consistent with this policy; and
- The personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid by the affected employee.

Employees who engage in such personal use shall, upon request of the Board of Education or the administration, provide evidence to establish that the compensation has been reported and taxes paid as required by the Tax Code.

School Vehicles: Use of a school vehicle by a Board member or employee to travel to a designated location or the home of the Board member or employee is permissible when the primary purpose of the travel serves a school district purpose. Such use is authorized by this policy. No travel other than directly to the school-related trip destination shall occur, however, when students are in the vehicle or if the vehicle is a school bus.

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Communication Devices: A Board member or employee may use a telecommunication system, a cellular telephone, an electronic handheld device, or a computer under the control of the school district for email, text messaging, a local call, or a long-distance cell, to a child at home, a teacher, a doctor, a day care center, a baby-sitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of school business or the performance of an employee's duties.

A Board member or employee shall be responsible for payment or reimbursement of charges (e.g. long distance charges), if any, that directly results from any such communication. The Board member or employee shall promptly report any such communication that results in an expense to the School District to the Superintendent, or the Superintendent's designee. The Superintendent or the Superintendent's designee shall establish procedures for reimbursement of charges incurred as a result of such communications.

Use of the District's internet system for such communications shall not be permitted to the extent such use violates the terms of the E-Rate program, which restricts use of the internet system to "educational purposes."

Election Issues: A Board member or Superintendent, in the normal course of his or her duties, may use school resources to research and prepare materials to assist the School Board in determining the effect of a ballot question on the School District.

Mass mailings, mass duplication, or other mass communications at school expense for the purpose of qualifying, supporting, or opposing a ballot question is not permitted. Mass communications does not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting the School District on its existing websites.

A Board member or employee may campaign for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no school resources are used. An employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on duty time.

The School Board may discuss and vote upon a resolution supporting or opposing a ballot question.

A Board member may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or provide information in response to a request for information.

A Board member or employee may identify himself or herself by his or her official title when communicating about a ballot question. Employees who do so shall clearly communicate that their communication is their personal opinion and does not reflect the position or views of the Board of Education or the School District unless express authorization is given by the Board of Education or the Superintendent.

Legal Reference: Neb. Rev. Stat. §§49-14,101.01 and 49-14,101.02

Date of Adoption: May 11, 2009

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9510 CONFLICT OF INTEREST – EMPLOYMENT OF FAMILY MEMBER OF BOARD MEMBER OR SUPERVISOR AND EMPLOYMENT OF BOARD MEMBER

- A member of the Board of Education or an administrator or other employee with supervisory responsibilities may employ or recommend or supervise the employment of an immediate family member if:
 - He or she does not abuse his or her official position (for this purpose, “abuse” means employing an immediate family member: who is not qualified for and able to perform the duties of the position; at an unreasonably high salary, or who is not required to perform the duties of the position);
 - He or she makes a full disclosure on the record to the Board of Education and a written disclosure to the Superintendent and/or Secretary of the Board; and,
 - The Board of Education approves the employment or supervisory position.
- No immediate family member of a Board of Education or an administrator or other employee with supervisory responsibilities shall be employed by the School District:
 - Without first having made a reasonable solicitation and consideration of applications for such employment.
 - Who is not qualified for and able to perform the duties of the position.
 - For any unreasonably high salary.
 - Who is not required to perform the duties of the position.
- Neither the Board of Education nor an administrator or other employee with supervisory responsibilities shall terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.
- This policy shall not apply to an immediate family member of a member of the Board of Education or an administrator or other employee with supervisory responsibilities who was previously employed in a position with the School District prior to the election or appointment of the Board member or employee. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure of any immediate family member employed in a position subject to this policy.
- A member of the Board of Education may not be engaged in a contract to teach with the Garden County School District. Nor shall a member of the Board of Education cast a vote in favor of the election of any employee when the Board member is related by blood or marriage to such employee.

Legal Reference: Neb. Rev. Stat. §§49-1499.04; 49-1499.05; 79-544; and 79-818

Date of Adoption: May 11, 2009

9520 CONFLICT OF INTEREST – OTHER THAN CONTRACTS OR EMPLOYMENT:

- Members of the board of Education of this School District shall abstain from voting on matters on which they may have a conflict of interest. Any Board member who would be required to take any action or make any decision in the discharge of his or her duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict, whichever is

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sooner:

- (A) Prepare a written statement describing the matter requiring action or decision and
The nature of the potential conflict; and,
- (B) Deliver a copy of the statement to the Secretary of the Board of Education, who
shall enter the statement to the public records of the School District.

The Board member shall take such action as the Commission shall advise or prescribe to remove himself or herself from influence over the action or decision in the matter.

- The provisions of paragraph 1 above shall not prevent a Board member from making or participating in the making of a School district-related decision to the extent that the individual's participation is legally required for the action or decision to be made. In such event, the Board member shall report the occurrence to the Commission.
- Except as defined in Nebraska statute and this policy, conflict of interest of a Board member shall not prevent a Board member from serving on the board or restrict the hiring or purchasing practices of this School District.
- The Superintendent, or the Superintendent's designee, shall provide:
 - (A) Each Board member with copies of State Statutes of Nebraska pertaining to conflicts of interest at the organizational meeting of the Board of Education held at the regular School Board meeting in January of each year. In addition, any newly appointed or elected Board member shall be provided such statutes.
 - (B) When possible, provide each Board member with a list of financial matters on the agenda to come before the Board of Education at the next regular meeting in sufficient detail to allow the Board member to identify potential conflicts of interest and report and receive advice from the Commission.
- For purposes of this policy, immediate family member shall be defined as a child residing in the Board member's household, a Board member's spouse or an individual claimed by the Board member or the Board member's spouse as a dependent for Federal Income Tax purposes.

Legal Reference: Neb. Rev. Stat. §49-1425; §49-14,101; §49-14,102; §49-14,103;
§49-14,103.01; §49-14,103.02; §49-14,103.03; §49-14,103.4; §49-14,103.5
§49-14,103.6; §79-818; §79-544 and §49-1499.

Date of Adoption: August 8, 2016

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