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PERSONNEL -ALL – POLICY 4001

Recruitment and Selection

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

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

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

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

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4002

Equal Opportunity Employment

It is the policy of St. Edward Public Schools to employ the best qualified applicant for each position without regard to sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status, and to not fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status.

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

Date of Adoption: June 10, 2024

PERSONNEL – POLICY 4003

Anti-discrimination, Anti-harassment, and Anti-retaliation

A. Elimination of Discrimination.

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

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

Students: Superintendent, 601 Clark St., St. Edward, NE 68660 (402-678-2282).

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

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

1. Purpose:

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

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

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

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

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

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

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

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

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

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

2. Anti-retaliation:

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

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

3. Grievance (or Complaint) Procedures:

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

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

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

i. Level 1 (Investigation and Findings):

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

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

The District will aim to complete its investigation within **ten (10) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may

include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees to a longer timeline.** Periodic status updates will be given to the parties, when appropriate.

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

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

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

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

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

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within **one (1) working day** after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the District to disclose relevant information to a student who was discriminated against or harassed.

ii. Level 2 (Appeal to the Superintendent):

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within **five (5) working days** after receiving the decision. The Superintendent will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal **within ten (10) working days** after receiving the appeal. The party who filed the appeal will be sent the Superintendent's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. [If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.]

iii. Level 3 (Appeal to the Board):

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

4. Confidentiality:

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

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

5. Training:

The District will ensure that relevant District employees are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees.

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

6. Designated Compliance Coordinators:

Designated compliance coordinators will be responsible for:

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

7. Preventive Measures:

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

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

Legal Reference: Title VI, 42 U.S.C. § 2000d, Title VII, 42 U.S.C. § 2000e, Title IX; 20 U.S.C. § 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §48-1101 et seq.
Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. §621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §48-1001 et seq.;
Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.
Section 504 of the Rehabilitation Act of 1973 (Section 504)
Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k)
Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301 et seq.
Neb. Rev. Stat. § 79-2,115, et seq

Date of Adoption: June 10, 2024

PERSONNEL -ALL – POLICY 4003A

Notice of Nondiscrimination

The St. Edward Public School District does not discriminate on the basis of sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Mr. Steve Osborn, Superintendent
601 Clark Street
P.O. Box C
St. Edward, NE 68660
402-678-2282

Employees and Others: Mr. Steve Osborn, Superintendent
601 Clark Street
P.O. Box C
St. Edward, NE 68660
402-678-2282

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the OCR at One Petticoat Lane, 1010 Walnut Street, 3rd Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

Date of Adoption: June 10, 2024

PERSONNEL -ALL – POLICY 4003B

Complaint Form

Discrimination, Harassment or Retaliation

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

Refer to Board Policy 4003 and/or 5401 for the particulars of the complaint and grievance process. You may attach additional materials to this form if needed.

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

Students: Mr. Steve Osborn, Superintendent
601 Clark Street
P.O. Box C
St. Edward, NE 68660
402-678-2282

Employees and Others: Mr. Steve Osborn, Superintendent
601 Clark Street
P.O. Box C
St. Edward, NE 68660
402-678-2282

Name: _____ Date: _____

(1) Description of the complaint: _____

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

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

_____.

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

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

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

Received by: _____ Signature: _____
Date: _____

PERSONNEL – POLICY 4003.5

Employment – Related Sexual Harassment

It is the policy of the school district to provide an environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication constituting sexual harassment. Sexual harassment by and of employees and students is unequivocally prohibited. Sexual harassment is misconduct that interferes with work productivity and wrongfully deprives employees of the opportunity to work and students of the opportunity to study and be in an environment free from unsolicited and unwelcome sexual overtones. Sexual harassment includes all unwelcome sexual advances, requests for sexual favors and other such verbal or physical misconduct. Sexual harassment is a prohibited practice and is a violation of the law.

The U.S. Equal Employment Opportunity Commission has issued guidelines interpreting Section 703 of Title VII as prohibiting sexual harassment. Sexual harassment is defined in those guidelines as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical misconduct of a sexual nature constitutes sexual harassment when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

- (3) 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.

A person who feels harassed is encouraged to inform the person engaging in sexually harassing conduct or communication directly that the conduct or communication is offensive and must stop. If the person who feels harassed does not wish to communicate directly with the person whose conduct or communication is offensive, or if direct communication with the offending person has been ineffective, the person who feels harassed should report the conduct or communication to a supervisor, principal, the superintendent of schools, or a board of education member with whom he or she feels comfortable in reporting the issue.

Regardless of the means selected for resolving the problem, the good faith initiation of a complaint of sexual harassment will not affect the complainant's employment, compensation or work assignments as an employee, or status as a student.

St. Edward Public Schools does not discriminate on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status in its programs and activities and provide equal access to the Boy Scouts and other designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. Sexual harassment of one student by another student or students is addressed in a separate policy.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4004

Duty Hours of Employees

1. Administrative personnel shall be on duty when and at such times as the responsibilities of their position dictates. The Superintendent shall set the duty hours of administrative staff.
2. Teachers shall make arrangements to be available to students after school. Unless otherwise specified by the Superintendent or by negotiated agreement, members of the professional staff shall be on duty from 7:45 a.m. to 3:45 p.m. and such additional time as requested to perform professional duties. Teachers shall be provided with a one-half hour duty free lunch period.
3. All other staff shall be on duty as determined by the Superintendent.
4. No teacher or other school employee shall accept any other employment or carry on any business or activity for profit that interferes with the complete discharge of his or her responsibilities to the school district.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4005

Absence of Employees

1. An employee who finds it necessary to be absent from duty shall notify the office of the employee's immediate supervisor in advance of such absence and give (1) the reason for the absence; and, (2) the anticipated length of absence.
2. Employees requesting leave in order to perform other duties for which they will be compensated (court duty, consulting, etc.) shall be required to remit to the District either the compensation received beyond expenses or their district wages for the time missed.
3. Absence or suspension from duty of any employee shall result in loss of pay for the period of absence or suspension except as otherwise provided by these policies or law.
4. A substitute may not be hired by any employee to take over his/her duties. In no instance may an employee make personal arrangements to pay a substitute.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4006

Absence From Building

1. Employees may not be absent from their respective assignments during duty hours except by permission of their immediate supervisor or Superintendent. Employees shall check out of the building whenever absent during the day.
2. Employees may be excused from the building with the approval of their immediate superior officer or Superintendent for matters of personal business which cannot be completed after regular school hours. Personal absence leave forms may be required to be completed.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFIED EMPLOYEES – POLICY 4007

Family and Medical Leave Policy

The district will comply with all provisions of the Family and Medical Leave Act of 1993 and amendments.

Unpaid family and medical leave will be granted up to twelve (12) weeks in any twelve (12) month period to eligible certificated staff members for the following reasons:

1. the birth or care of a newborn child within one (1) year of the child's birth;

2. the placement or care by way of adoption or foster care with the staff member within one (1) year of the child’s arrival;
3. to care for the staff member’s spouse, parent or dependent child with a serious health condition;
4. if the staff member’s own serious health condition prevents that employee from performing the functions of the employee’s job;
5. in qualifying urgent situations arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or call to active-duty status as a member of the National Guard or Reserves in support of a contingency operation.

Unpaid leave will be granted up to twenty-six (26) weeks during a single twelve (12) month period to eligible certificated staff members to care for a spouse, son, daughter, parent, or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness.

For purposes of this policy, the twelve-month period is defined as a twelve-month period beginning August 1 and ending July 31. Requests for family and medical leave shall be made to the superintendent.

To be eligible for FMLA benefits, a district employee must:

1. have worked for the district for a total of 12 months; and
2. have worked at least 1,250 hours over the previous 12 months.

When meeting the requirements set out in the family and medical leave administrative rules, employees may be allowed or required to substitute paid leave for unpaid family and medical leave according to the terms and conditions of the district’s normal leave policies. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. Requests for FMLA leave shall be submitted in writing. This policy shall not be construed to expand eligibility for an FMLA leave beyond what is required by the Act. It shall be the responsibility of the superintendent to implement this policy.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding family and medical leave of such employees shall be followed.

Legal Reference: 29 U.S.C. §§ 2601 et seq. (1994)
29 C.F.R. Pt. 825 (1996).

Date of Adoption: June 10, 2024

POLICY 4007A

Application for Leave Family and Medical Leave Act

Employee Name: _____ Position: _____ Send

notices to me at: _____ **FMLA**

Leave Requested From _____ To _____

If leave is requested on an intermittent or reduced leave schedule, describe the requested leave schedule:

Reason for Leave Request (check and complete as appropriate):

1. ____ For birth of a son or daughter, and to care for the newborn child.
2. ____ For placement with the employee of a son or daughter for adoption or foster care.
3. ____ To care for the employee's spouse, son or daughter, or parent with a serious health condition. Name of family member: _____
Describe reason employee needs to provide the care and the nature of the care:
_____.

4. ____ Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.
Briefly describe condition and job functions that employee is unable to perform:

_____.

5. ____ Because of a qualifying exigency arising out of the fact that the employee's spouse, son or daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. Name and relationship of family member: _____ Describe the qualifying exigency:

_____.

6. ____ To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.
Name and relationship of family member: _____ Describe reason employee needs to provide the care and the nature of the care:
_____.

I certify that the above information given by me is correct and that I have read the foregoing and understand my rights under the FMLA.

Employee's Signature

Date

FMLA FORMS
FORM 4007B

Notice of Eligibility & Rights and Responsibilities under the Family and Medical Leave Act Wage and Hour Division

Notice of Eligibility & Rights and Responsibilities
under the Family and Medical Leave Act

U.S. Department of Labor
Wage and Hour Division



**DO NOT SEND TO THE DEPARTMENT OF LABOR.
PROVIDE TO EMPLOYEE.**

OMB Control Number: 1235-0003
Expires: 6/30/2023

In general, to be eligible to take leave under the Family and Medical Leave Act (FMLA), an employee must have worked for an employer for at least 12 months, meet the hours of service requirement in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles. While use of this form is optional, a fully completed Form WH-381 provides employees with the information required by 29 C.F.R. §§ 825.300(b), (c) which must be provided within five business days of the employee notifying the employer of the need for FMLA leave. Information about the FMLA may be found on the WHD website at www.dol.gov/agencies/whd/fmla.

Date: _____ (mm/dd/yyyy)

From: _____ (Employer) To: _____ (Employee)

On _____ (mm/dd/yyyy), we learned that you need leave (beginning on) _____ (mm/dd/yyyy)
for one of the following reasons: (Select as appropriate)

- The birth of a child, or placement of a child with you for adoption or foster care, and to bond with the newborn or newly-placed child
- Your own serious health condition
- You are needed to care for your family member due to a serious health condition. Your family member is your:
 - Spouse
 - Parent
 - Child under age 18
 - Child 18 years or older and incapable of self-care because of a mental or physical disability
- A qualifying exigency arising out of the fact that your family member is on covered active duty or has been notified of an impending call or order to covered active duty status. Your family member on covered active duty is your:
 - Spouse
 - Parent
 - Child of any age
- You are needed to care for your family member who is a covered servicemember with a serious injury or illness. You are the servicemember's:
 - Spouse
 - Parent
 - Child
 - Next of kin

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. The terms "child" and "parent" include *in loco parentis* relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave to care for an individual who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave to care for a child for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.

SECTION I – NOTICE OF ELIGIBILITY

This Notice is to inform you that you are:

- Eligible for FMLA leave. (See Section II for any Additional Information Needed and Section III for information on your Rights and Responsibilities.)
- Not eligible for FMLA leave because: (Only one reason need be checked)
 - You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately: _____ towards this requirement.
(months)
 - You have not met the FMLA's 1,250 hours of service requirement. As of the first date of requested leave, you will have worked approximately: _____ towards this requirement.
(hours of service)

FORM 4007C

Designation Notice Under The Family And Medical Leave Act

Designation Notice under the Family and Medical Leave Act

U.S. Department of Labor Wage and Hour Division



OMB Control Number: 1235-0003 Expires: 6/30/2023

DO NOT SEND TO THE DEPARTMENT OF LABOR PROVIDE TO EMPLOYEE.

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form is optional, a fully completed Form WH-382 provides employees with the information required by 29 C.F.R. §§ 825.300(d), 825.301, and 825.305(c), which must be provided within five business days of the employer having enough information to determine whether the leave is for an FMLA-qualifying reason. Information about the FMLA may be found on the WHD website at www.dol.gov/agencies/whd/fmla.

SECTION I - EMPLOYER

The employer is responsible in all circumstances for designating leave as FMLA-qualifying and giving notice to the employee. Once an eligible employee communicates a need to take leave for an FMLA-qualifying reason, an employer may not delay designating such leave as FMLA leave, and neither the employee nor the employer may decline FMLA protection for that leave.

Date: (mm/dd/yyyy)

From: (Employer) To: (Employee)

On (mm/dd/yyyy) we received your most recent information to support your need for leave due to: (Select as appropriate)

- Birth of a child, or placement of a child with you for adoption or foster care, and to bond with the newborn or newly-placed child
Your own serious health condition
The serious health condition of your spouse, child, or parent
A qualifying exigency arising out of the fact that your spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty with the Armed Forces
A serious injury or illness of a covered servicemember where you are the servicemember's spouse, child, parent, or next of kin (Military Caregiver Leave)

We have reviewed information related to your need for leave under the FMLA along with any supporting documentation provided and decided that your FMLA leave request is: (Select as appropriate)

- Approved. All leave taken for this reason will be designated as FMLA leave. Go to Section III for more information.
Not Approved: (Select as appropriate)
The FMLA does not apply to your leave request.
As of the date the leave is to start, you do not have any FMLA leave available to use.
Other
Additional information is needed to determine if your leave request qualifies as FMLA leave. (Go to Section II for the specific information needed. If your FMLA leave request is approved and no additional information is needed, go to Section III.)

SECTION II - ADDITIONAL INFORMATION NEEDED

We need additional information to determine whether your leave request qualifies under the FMLA. Once we obtain the additional information requested, we will inform you within 5 business days if your leave will or will not be designated as FMLA leave and count towards the amount of FMLA leave you have available. Failure to provide the additional information as requested may result in a denial of your FMLA leave request.

If you have any questions, please contact (Name of employer FMLA representative) at (Contact information)

Incomplete or Insufficient Certification

The certification you have provided is incomplete and/or insufficient to determine whether the FMLA applies to your leave request. (Select as applicable)

- The certification provided is incomplete and we are unable to determine whether the FMLA applies to your leave request. "Incomplete" means one or more of the applicable entries on the certification have not been completed.

FORM 4007D

Certification of Health Care Provider for Employee’s Serious Health Condition under the Family and Medical Leave Act

Certification of Health Care Provider for Employee’s Serious Health Condition under the Family and Medical Leave Act

U.S. Department of Labor Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.

OMB Control Number: 1235-0003 Expires: 6/30/2023

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee’s health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee at least 15 calendar days to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found on the WHD website at www.dol.gov/agencies/whd/fmla.

SECTION I – EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R. § 825.306. You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Additionally, you may not request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

- (1) Employee name: First Middle Last
(2) Employer name: Date: (mm/dd/yyyy) (List date certification requested)
(3) The medical certification must be returned by (mm/dd/yyyy) (Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee’s diligent, good faith efforts.)
(4) Employee’s job title: Job description () is / () is not attached.
Employee’s regular work schedule:
Statement of the employee’s essential job functions:

(The essential functions of the employee’s position are determined with reference to the position the employee held at the time the employee notified the employer of the need for leave or the leave started, whichever is earlier.)

SECTION II - HEALTH CARE PROVIDER

Please provide your contact information, complete all relevant parts of this Section, and sign the form. Your patient has requested leave under the FMLA. The FMLA allows an employer to require that the employee submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of the employee. For FMLA purposes, a “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. For more information about the definitions of a serious health condition under the FMLA, see the chart on page 4.

You may, but are not required to, provide other appropriate medical facts including symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment. Please note that some state or local laws may not allow disclosure of private medical information about the patient’s serious health condition, such as providing the diagnosis and/or course of treatment.

4007E

Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act

Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act

U.S. Department of Labor
Wage Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 6/30/2023

The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA leave to care for a family member with a serious health condition to submit a medical certification issued by the family member's health care provider. 29 U.S.C. §§ 2613, 2614(c)(3); 29 C.F.R. § 825.305. The employer must give the employee **at least 15 calendar days** to provide the certification. If the employee fails to provide complete and sufficient medical certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

SECTION I - EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, this form asks the health care provider for the information necessary for a complete and sufficient medical certification, which is set out at 29 C.F.R. § 825.306. **You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308.** Additionally, you **may not** request a certification for FMLA leave to bond with a healthy newborn child or a child placed for adoption or foster care.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

- (1) Employee name: _____

First
Middle
Last
- (2) Employer name: _____ Date: _____ (mm/dd/yyyy)
(List date certification requested)
- (3) The medical certification must be returned by _____ (mm/dd/yyyy)
(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

SECTION II - EMPLOYEE

Please complete and sign Section II before providing this form to your family member or your family member's health care provider. The FMLA allows an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to the serious health condition of your family member. If requested by your employer, your response is required to obtain or retain the benefit of the FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). **You are responsible for making sure the medical certification is provided to your employer within the time frame requested, which must be at least 15 calendar days.** 29 C.F.R. §§ 825.305-825.306. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA leave request. 29 C.F.R. § 825.313.

- (1) Name of the family member for whom you will provide care: _____
- (2) Select the relationship of the family member to you. The family member is your:
 - Spouse
 - Parent
 - Child, under age 18
 - Child, age 18 or older and incapable of self-care because of a mental or physical disability

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including in a common law marriage or same-sex marriage. The terms "child" and "parent" include *in loco parentis* relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave to care for an individual who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave to care for a child for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.

4007F

Certification for Military Family Leave for Qualifying Exigency under the Family and Medical Leave Act

Certification for Military Family Leave for Qualifying Exigency under the Family and Medical Leave Act

U.S. Department of Labor Wage and Hour Division



DO NOT SEND FORM TO THE DEPARTMENT OF LABOR. RETURN THE COMPLETED FORM TO THE EMPLOYER.

OMB Control Number: 1235-0003 Expires: 6/30/2023

The Family and Medical Leave Act (FMLA) provides that eligible employees may take FMLA leave for a qualifying exigency while the employee's spouse, child, or parent (the military member) is on covered active duty or has been notified of an impending call or order to covered active duty. The FMLA allows an employer to require an employee seeking FMLA leave due to a qualifying exigency to submit a certification. 29 U.S.C. §§ 2613, 2614(c)(3). The employer must give the employee at least 15 calendar days to provide the certification. 29 C.F.R. § 825.305(b). If the employee fails to provide complete and sufficient certification, the employee's FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found on the WHD website at http://www.dol.gov/agencies/whd/fmla.

SECTION I - EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, it asks the employee for the information necessary for a complete and sufficient qualifying exigency certification, which is set out at 29 C.F.R. § 825.309. You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. § 825.309.

- (1) Employee name: First Middle Last
(2) Employer name: Date: (mm/dd/yyyy) (List date certification requested)
(3) This certification must be returned by: (mm/dd/yyyy). (Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

SECTION II - EMPLOYEE

Please complete all Parts of Section II and sign the form before returning it to your employer. The FMLA allows an employer to require that you submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a qualifying exigency. If requested by your employer, your response is required to obtain the benefits and protections of the FMLA. 29 C.F.R. § 825.309. Failure to provide a complete and sufficient certification may result in a denial of your FMLA leave request. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes written documentation confirming a military member's covered active duty or call to covered active duty status. You are responsible for making sure the certification is provided to your employer within the time frame requested, which must be at least 15 calendar days. 29 C.F.R. § 825.313.

- (1) Provide the name of the military member on covered active duty or call to covered active duty status: First Middle Last

(2) Select your relationship of the military member. The military member is your:

- Spouse Parent Child, of any age

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including a common law marriage or same-sex marriage. The terms "child" and "parent" include in loco parentis relationships in which a person assumes the obligations of a parent to a child. An employee may take FMLA leave for a qualifying exigency related a military member who assumed the obligations of a parent to the employee when the employee was a child. An employee may also take FMLA leave for a qualifying exigency related a military member for whom the employee has assumed the obligations of a parent. No legal or biological relationship is necessary.

Certification for Serious Injury or Illness of a Current Servicemember for Military Caregiver Leave under the Family and Medical Leave Act

Certification for Serious Injury or Illness of a Current Servicemember for Military Caregiver Leave under the Family and Medical Leave Act

U.S. Department of Labor
Wage Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR. RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 6/30/2023

The Family and Medical Leave Act (FMLA) provides that eligible employees may take FMLA leave to care for a covered servicemember with a serious illness or injury. The FMLA allows an employer to require an employee seeking FMLA leave for this purpose to submit a medical certification. 29 U.S.C. §§ 2613, 2614(c)(3). The employer must give the employee at least 15 calendar days to provide the certification. If the employee fails to provide complete and sufficient certification, his or her FMLA leave request may be denied. 29 C.F.R. § 825.313. Information about the FMLA may be found [on the WHD website at www.dol.gov/agencies/whd/fmla](http://www.dol.gov/agencies/whd/fmla).

SECTION I - EMPLOYER

Either the employee or the employer may complete Section I. While use of this form is optional, it asks the health care provider for the information necessary for a complete and sufficient medical certification. You may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. § 825.310. Recertifications are not allowed for FMLA leave to care for a covered servicemember. Where medical certification is requested by an employer, an employee may not be held liable for administrative delays in the issuance of military documents, despite the employee's diligent, good-faith efforts to obtain such documents. An employer requiring an employee to submit a certification for leave to care for a covered servicemember must accept as sufficient certification invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued to any family member to join an injured or ill servicemember at the servicemember's bedside. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

Employers must generally maintain records and documents relating to medical information, medical certifications, recertifications, or medical histories of employees or employees' family members created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

- (1) Employee name: _____
First Middle Last
- (2) Employer name: _____ Date: _____ (mm/dd/yyyy)
(List date certification requested)
- (3) This certification must be returned by: _____ (mm/dd/yyyy)
(Must allow at least 15 calendar days from the date requested, unless it is not feasible despite the employee's diligent, good faith efforts.)

SECTION II - EMPLOYEE and/or CURRENT SERVICEMEMBER

Please complete all Parts of Section II before having the servicemember's health care provider complete Section III. The FMLA allows an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a covered servicemember. If requested by your employer, your response is required to obtain or retain the benefit of FMLA-protected leave.

PART A: EMPLOYEE INFORMATION

- (1) Name of the current servicemember for whom employee is requesting leave: _____

PERSONNEL - ALL EMPLOYEES – POLICY 4008

Adoption Leave

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

The adoptive parent leave of absence begins following the commencement of the parent-child relationship. The parent-child relationship commences, for purposes of adoption leave, when the child is placed with the employee for purposes of adoption. The employee shall be deemed to have waived any adoptive leave days not taken following the commencement of the parent-child relationship, except as the Superintendent and the employee may otherwise agree. Advance notice of an anticipated adoption shall be provided by the employee to the Superintendent as soon as possible.

Legal Reference: Neb. Rev. Stat. ' 48-234

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4009

Drug and Substance Use and Abuse

Section 1 Drug Free School and Community – Employee Policies

St. Edward Public School is committed to providing an employment environment that is safe and provides appropriate motivation to ensure a creative and productive work force. It is the policy **to** eliminate the influence of drugs, alcohol and other chemicals within the school environment and to educate students against the usage of drugs, alcohol and illegal substances. The District will implement regulations and practices which will ensure compliance with laws relating to drugs and alcohol, including: the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act of 1991, and all regulations and rules promulgated pursuant thereto.

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

1. The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any district property or district sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace.

2. The possession or distribution of a look-alike drug or look-alike-controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the District's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time.
3. As a condition of employment, employees will abide by the District's drug-free workplace policies and notify the Superintendent or designee in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction.
4. Disciplinary sanctions, up to and including termination of employment and referral for prosecution, will be imposed upon employees who violate the aforementioned standards of conduct. Sanctions for violation thereof may include the requirement that the employee complete an appropriate rehabilitation program, reprimands, and non-renewal, cancellation, or termination of contract of employment.
5. Employees shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.
6. Employees shall be furnished with a paper or digital copy of this policy.

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

Definitions

As used in this policy, prohibition against 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 shall mean, but not limited to the following:

1. The possession, use, or distribution of any substance which is declared by the State of Nebraska or any other applicable law to be an illicit substance.
2. The possession, use, or distribution of alcohol on school premises or as a part of any of the school's activities.
3. As used herein, the term "school premises" shall mean any property whether owned, leased, or in other manner under the control of the Board of Education of the District.
4. As used herein, the phrase "as a part of any of the school's activities" shall mean any activity or enterprise carried out in whole or in part under the auspices of the District.

Procedures

1. All employees and each new employee will receive a copy of this policy.
2. Each employee will acknowledge receipt of this policy and will sign such a form acknowledging the District's policy of absolutely prohibiting conduct as set forth in this policy, and further acknowledging that serious sanctions can and will be taken against an employee, including termination of employment and referral for prosecution for any failure to comply with the above-stated standards of conduct and further acknowledging that such compliance is mandatory, and further acknowledging that this policy is adopted pursuant to Nebraska State statutes, and will further acknowledge that failure to comply with such federal requirements may put the District's receipt of federal funds in jeopardy.
3. In the event the employee does not understand the terms and conditions of this policy, it shall be the duty of the employee to ask for such points of clarification of the Superintendent of Schools

or his designee at the time this policy is distributed to the employee. If no question is directed by an employee to the Superintendent of Schools or his designee it shall be the legal position of the District to presume the employee has understood and will abide by this policy.

4. In the event of any non-compliance by any employee with this policy, it shall be the duty of the Superintendent of Schools or his designee to inform any employee not in compliance about any drug and alcohol counseling and rehabilitation and re-entry programs are available to employees within fifty (50) miles of the administrative offices of the District. If no such programs are available within 50 miles, then such other programs as may exist in the State of Nebraska shall be made known to such employee. The Superintendent or his designee shall maintain a list of such available services and shall from time to time update such list.
5. Sanctions which may be taken against an employee for non-compliance with this policy may be any one or more of the following:
 - a. An oral reprimand.
 - b. A written reprimand.
 - c. Suspension with pay.
 - d. Suspension without pay.
 - e. Termination of employment.
 - f. Cancellation of employment.
 - g. Non-renewal of employment.
 - h. Referral to appropriate authorities for criminal prosecution.
 - i. Mandatory enrollment in in-patient care or otherwise as a term and condition to any continuing employment by the District.
 - j. Mandatory enrollment in any training programs that are or may be provided by the District or others relating to any of the activities prohibited by this policy.
6. Disciplinary action sought to be imposed by the Superintendent or his or her designee shall be carried out in accordance with the established policies of the District. However, nothing in this policy shall be construed to vest any right in any employee beyond that required by law and the manner in which each case shall be handled shall be in the sole discretion of the Superintendent or his designee subject to the Superintendent's approval, provided only that such action shall be carried out within the bounds of applicable law.
7. Conviction of an employee of the District of any criminal statute relating to the unlawful use, possession, or distribution, of any controlled substance or alcohol, may result in disciplinary action being taken against such employee. When such conviction shall come to the attention of the Superintendent or other officials of the District, any employee convicted as above described may be disciplined in any manner provided by statute, the contract of the employee, any existing policy of the District or any other applicable body of law. As used herein "applicable body of law" shall mean, but shall not be limited to, state and federal statutes, state and federal regulations, and any applicable case law.
8. As an alternative to discipline or as a concurrent requirement to the disciplinary action less severe than the maximum disciplinary action may be carried out against an employee as referred to in the immediately preceding paragraph, the District, by and through its Superintendent or his designee may require the employee to successfully finish a drug abuse program. As used herein, the term "drug abuse program" shall mean a drug abuse program sponsored by an approved private governmental institution. The Superintendent or his designee may require the employee to provide the Superintendent or his designee written documentation satisfactory to the Superintendent or his designee that the employee has successfully finished such program. If aftercare is recommended by such institution, then the Superintendent or his designee in his sole discretion may require the employee to enroll such aftercare program and to participate in a manner satisfactory to the provider of such aftercare program. The Superintendent or his

designee may require an employee to participate in aftercare in the same manner and under the same terms as may be required by the Superintendent or his designee. The Superintendent or his designee may require ongoing reporting of such participation as a term and condition of continuing employment by such employee at the District.

9. It shall be the policy of the District to require an employee who has been charged or convicted of a violation of any statute as hereinabove referred to in this policy to report such charge or conviction to the Superintendent or his designee. Any information received pursuant to this policy may be used in any lawful manner. Any employee having concerns about an admission hereunder constituting self-incrimination shall bear the burden of seeking his or her own legal advice regarding any such potential self-incrimination.

It shall be the policy of St. Edward Public School to review biennially its entire program pertaining to the prevention of the use of illicit drugs and the abuse of alcohol by students and employees to determine the effectiveness of the program and to implement such changes to the program as are deemed needed.

The Superintendent shall undertake such study as is deemed appropriate to determine whether the program of the District as hereinabove referred to is accomplishing its intended goals. If the Superintendent determines that changes are necessary or desirable in the program, the Superintendent shall, on or before the regular July meeting of the Board of Education, present to the Board of Education such changes as are proposed by the administration in the program of the District.

It shall be the policy of St. Edward School District No. 06-0017 to require the Superintendent of Schools to keep a statistical report of all violations of the District's policies and programs prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the school District's property or as a part of any of the District's activities.

The Superintendent shall at least annually provide a report to the Board of Education consisting of at least the following:

1. The date and nature of any incidents of non-compliance with the District's policies pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol by students or employee.
2. The nature of any sanction carried out against any such person in violation of such policies.
3. A brief description of any treatment, counseling, or rehabilitation that any such individual in violation of any such policy shall have undertaken and whether such undertaking was voluntary or involuntary.

Drug and Alcohol Testing Policy

Alcohol and Drug Testing

The District will implement regulations and practices which will ensure compliance with the Omnibus Transportation Employee Testing Act of 1991, the Moving Ahead for Progress in the 21st Century (MAP-21) Act, and all regulations and rules promulgated pursuant to such Acts. Employees in "safety-sensitive" positions, as defined by the Act and regulations promulgated thereunder, including employees whose position requires a commercial driver's license (CDL), shall be tested for alcohol and controlled substances as required by law. (See attached Appendix "1"). Refusal to submit to such pre-employment testing, or testing positive, shall disqualify an applicant from employment. Reasonable suspicion, ra of selection, and scientifically valid method, post-accident, return-to-duty, and follow-up testing shall also be conducted. Employees who test positive shall be immediately removed from safety-sensitive positions and shall be removed from employment.

Additional Drug Testing Procedures

1. Need for Testing.

The Board is committed to eliminating drug and alcohol use and abuse in the workplace. All District employees are role models for students, and no employee is permitted to be under the influence of alcohol or any illicit drug while on duty. The Board is further committed to being proactive in ensuring that all employees are prepared to protect the safety of themselves and students in the workplace.

2. Eligibility for Testing.

Every employee who receives any remuneration, commission, bonus, or other form of wages in return for such person's actions which directly or indirectly benefit the District is subject to drug testing.

3. Testing Procedure.

a. Testing.

A confidential testing schedule will be created by the Superintendent or designee to ensure that the testing of eligible employees is conducted in a manner that is confidential. Reasonable suspicion will be at the discretion of the Superintendent or designee.

b. Collection.

In order to perform tests on an employee's breath specimen or bodily fluid, the District may contract with a clinic, hospital or laboratory. Any clinic, hospital or laboratory must be certified pursuant to the federal Clinical Laboratories Improvement Act of 1967, 42 U.S.C. 263a.

The testing collection process will be conducted in a manner that protects privacy, guards against tampered specimens, maintains specimens for the required amount of time and ensures an accurate chain of custody. The tests are to be designed to detect only the use of alcohol and illegal drugs, not medical conditions or the presence of authorized prescription medications.

4. Confidentiality.

All activities related to the testing policy will be carried out in a confidential manner. Test results shall be not be divulged to others except as required by law or to the employee upon request. Test results may be released to the District officers, agents, or employees who need to know the information for reasons connected with their employment. Confidentiality shall be maintained in accordance with Neb. Rev. Stat. §48-1906 and any other applicable confidentiality laws.

5. Consequences for Positive Tests.

The District may take disciplinary action, up to and including termination of employment, for an employee's positive test if the following conditions are met:

(1) A positive finding of drugs by preliminary screening procedures has been subsequently confirmed by gas chromatography-mass spectrometry or other scientific testing technique which has been or may be

approved by the Department of Health and Human Services; and

(2) A positive finding of alcohol by preliminary screening procedures is subsequently confirmed by either:

(a) Gas chromatography with a flame ionization detector or other scientific testing technique which has been or may be approved by the department; or

(b) A breath-testing device operated by a breath-testing-device operator. If the employee disputes the positive results of a breath-testing device, the employee may immediately request further testing by a blood sample if the employee voluntarily submits to give a blood sample taken by qualified medical personnel. If the confirmatory blood test results do not confirm a violation of the employer's work rules, any disciplinary or administrative action shall be rescinded.

An employee's refusal to submit to testing shall be deemed to be a positive test result.

An employee's tampering or interference with the testing process or testing equipment shall be deemed to be a positive test result.

6. Appeal Procedures.

An employee may challenge the results of a positive test through an appeal process to be developed by the Superintendent or designee.

7. Process.

The Superintendent or the Superintendent's designee is directed to develop specific testing procedures consistent with this policy.

Legal Reference: Neb. Rev. Stat. §§ 48-1901 through 48-1910

Date of Adoption: June 10, 2024

4009 - APPENDIX 1

Controlled Substances And Alcohol Use And Testing:

Federal Regulations, St. Edward Public Schools' Compliance Policies And Procedures, And Educational Materials

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

(A) The persons designated by St. Edward Public Schools to answer employee questions about these materials are:

Superintendent of Schools
Secondary Principal

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

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

(C) The term "safety-sensitive functions" means:

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

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

1. **Alcohol concentration.**
No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
2. **Alcohol possession.**
No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.
3. **On-duty use.**
No driver shall use alcohol while performing safety-sensitive functions.
4. **Pre-duty use.**
No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. **Use following an accident.**
No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

6. **Refusal to submit to a required alcohol or controlled substances test.**
No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substances test.
7. **Controlled substances use.**
No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
8. **Controlled substances test.**
No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

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

1. Pre-employment testing.

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

2. Post-accident testing.

(a) As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver:

- (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- (2) Who receives a citation under State or local law for a moving traffic violation arising from the accident shall undergo a test for alcohol and controlled substances.

(b) (1) *Alcohol tests.* Shall be administered within two hours following the accident unless such cannot reasonably be done, and not more than eight hours following the accident.

(2) *Controlled substance tests.* Shall be administered within 32 hours following the accident.

(c) A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. The driver shall be permitted to leave the immediate scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care, but shall otherwise remain readily available for testing.

3. Testing.

(a) Drivers shall be subject to testing. The minimum annual percentage rate for alcohol testing should be 25 percent of the average number of driver positions, or such minimum annual percentage rate as established from time to time by the FHWA. The minimum annual percentage rate for controlled substance testing shall be 50 percent of the average number of driver positions.

(b) The selection of drivers for alcohol and controlled substances testing shall be made by a random and scientifically valid method of selection. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.

(c) The alcohol and controlled substances tests shall be unannounced and the dates for administering alcohol and controlled substances tests shall be spread reasonably throughout the calendar year.

(d) Each driver who is notified of selection for alcohol and/or controlled substances testing shall proceed to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function at the time of notification, the driver shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.

4. Reasonable suspicion testing.

(a) A driver shall submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations (except for possession of alcohol).

(b) Under federal law, notwithstanding the absence of a reasonable suspicion alcohol test, a driver is prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol and must not perform or continue to perform safety-sensitive functions, until:

(i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(ii) Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.

5. Return-to-duty testing.

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

(b) Controlled Substances. If a driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations concerning controlled substances, and has not been terminated, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

6. Follow-up testing.

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

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

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

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

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

(H) A "refusal to submit" to an alcohol or controlled substance test includes:

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

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

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

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

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

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

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

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

(J) The consequences under the federal regulations for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04 include: Removal from safety-sensitive functions for a period of not less than 24 hours following administration of the test.

(K) Information to assist employees in avoiding alcohol misuse and controlled substances use, signs and symptoms of an alcohol or a controlled substances problem, and available methods of intervening

when such a problem is suspected: Information will be made available by the counselor to employees upon request.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4010

Intellectual Property And Work-For-Hire - Equipment, Books, And Non-Expendable Supplies

All teachers are responsible for books, equipment and non-expendable supplies drawn by them from libraries, classrooms, supply rooms or the Instructional Materials Center.

Teachers shall keep a careful list of all books and equipment issued to pupils. They must check this list and report losses to the principals at the close of school in May. Pupils will be charged for any and all losses or damage, beyond normal expectancy. Cost will be determined by the building principal.

It is the policy of the St. Edward Schools to select educational materials in accordance with the following:

1. Educational materials shall be chosen to supplement and enrich the curriculum of all the students of the community. Materials will be judged on content, not on the author or producer.
2. There shall be the fullest practical provision of material presenting all points of view concerning the problems and issues of our times, international, national, and local and materials of sound factual authority shall not be prescribed or removed from use because of partisan or doctrinal disapproval.
3. Censorship of materials shall be challenged in order to maintain the school's responsibility to provide information.

Interpreting these principles in the selection of material, the following will apply:

1. The school district believes it is the right and responsibility of teachers and media personnel to select material which is carefully balanced and to include various points of view of any subject.
2. Since materials are selected to provide for the interests and needs of the students, school community and the school program, they will be selected utilizing the input of students, teachers, administrators, media personnel, and community resources.
3. Selection of materials will be enhanced through the use of preview examinations, recommendations and standard evaluation guides.
4. Three basic factors; accuracy of information, literary merit and quality of production will be considered in the selection of materials.
5. Materials shall be examined to select those in which the presentation and the subject matter are suitable for the maturity and interest level at which they are to be used. They will be considered in relation to both the curriculum and to the interests of students and teachers.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4011

Bloodborne Pathogen Compliance Plan

A. Procedures for Control of Communicable Diseases.

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

B. Students

1. Contagious and Infectious Diseases. Contagious and infectious diseases subject to this part include those diseases regulated by the Nebraska Department of Health and Human Services regulations pertaining to school health and communicable disease control (173 NAC 3). A student showing any signs or symptoms of a contagious or infectious disease will be excluded from attending St. Edward Public Schools or programs in accordance with the Contagious and Infectious Disease Chart attached to those regulations and not be allowed to return until the minimum isolation period has elapsed, and all signs or symptoms of illness have disappeared in accordance with the Chart. Students with contagious or infectious diseases or conditions other than those listed in the Chart will be subject to exclusion until the student's physician gives a written statement that the disease or condition is not in a communicable stage or there is minimal risk of transmission to others in a school program setting.
2. Bloodborne Pathogen Communicable Diseases. Communicable diseases subject to this part include diseases spread via bloodborne pathogens, including Human immunodeficiency virus (HIV) (including AIDS) and Hepatitis B (only carriers are of concern). A student with such a disease shall not be excluded or be subject to different treatment concerning services or participation in activities in the absence of an individualized determination that exclusion or modifications are appropriate because the student's condition poses an imminent threat to the health or the safety of others in the School District or program community. Such a determination shall be made by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers are to consult with the student's physician and parent or guardian; respect the student's and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

In making such a determination, the following factors will be evaluated: (1) the nature of the disease; (2) the age of the student; (3) the behavior of the student; (4) the neurological development of the student; (5) the physical condition of the student; (6) the expected type of interaction which the student will have with other individuals in the proposed placement setting; (7) the degree to which other individuals may be exposed to infectious organisms;

(8) the hygienic practices of the student; (9) the risk of transmission of the disease from the student to those individuals with whom the student will interact; and (10) any other pertinent factor reasonably related to the decision.

3. Reporting. Employees who become aware that a student has been diagnosed with or is suspected of having a reportable disease shall immediately inform the Superintendent or designee, who shall notify the appropriate Superintendent of the school in which the student is enrolled and make a report to the Board of Health where required by law.

C. Employees

1. Contagious and Infectious Diseases. When an employee has a contagious or infectious disease which is in a communicable stage or presents more than a minimal risk of transmission to others, the employee should not report to work and is expected to follow the absence reporting procedures. Employees should in general follow the same guidelines for absence from work as a student is to follow under the guidelines of the Contagious and Infectious Disease Chart of the Nebraska Department of Health and Human Services regulations pertaining to school health and communicable disease control. Prior to returning to work, employees shall upon request submit a physician's written statement stating that the employee is able to return to work and does not pose a significant risk of transmission of the disease to others.
2. Bloodborne Pathogen Communicable Diseases. Communicable diseases subject to this part include diseases spread via bloodborne pathogens, including Human immunodeficiency virus (HIV) (including AIDS) and Hepatitis B (only carriers are of concern). An employee with a communicable disease, or an applicant for employment, shall be employed or be continued in employment without consideration of the communicable disease provided the employee or applicant is able to perform the essential functions of the position with such reasonable accommodations as may be necessary and provided the communicable disease does not pose an imminent threat to the health or the safety of others within the employee's work environment. Employees who have a communicable disease are expected to conduct themselves in such a manner as to not place others at risk and, in the event reasonable accommodation is necessary to avoid such risk, to make a confidential request for such accommodation.

D. General Provisions

1. No Discrimination or Harassment. No employee or student shall be unlawfully discriminated against or subjected to harassment on the basis of having a communicable disease.
2. Privacy. Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the bloodborne pathogen status of a student or other employee. Violation of medical privacy may be cause for disciplinary action against the employee, including possible termination.

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

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

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

4. Infection Control. All employees are required to consistently follow infection control guidelines. Employees are required to follow the exposure control plan of The School District established in accordance with OSHA’s “Occupational Exposure to Blood-Borne Pathogens” Standard. The use of universal precautions is mandated and work practice controls to minimize or prevent potential exposure are to be implemented. Any incident of exposure to blood shall be reported, evaluated, and follow-up completed and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees’ right to know requirements. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept accessible.
5. Staff Development. The Superintendent or designee will make communicable disease and bloodborne pathogen education programs available to employees as appropriate to convey guidance on infection control procedures and inform employees about School District policies.

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

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4012

Infectious Diseases

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

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

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

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

Any person with an infectious disease will retain the rights of confidentiality and privacy, limited to individuals in a need-to-know position (administrators and board members). The community shall be informed that an infectious disease is present in the school system and that the person will be excluded if the situation warrants such action, based on medical and legal advice. No information will be given out about the individual, his or her specific medical record, or about the family without the written permission of the individual (adult) or parent/legal guardian (student).

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

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES - 4013

Personnel Files

Personnel records shall be kept on all current employees and shall include information usually expected in good personnel administration.

A file shall be kept for all resigned or retired employees, including such essential information as shall seem appropriate to the administration.

All personnel files will be considered confidential and will not be available to persons other than the employee and those authorized by law.

All written materials filed (except for those prohibited by law) shall be made available for inspection by the employee involved in the presence of an administrator. Upon request, a professional employee will be provided a copy of supervisory records and reports of competence, personal character and efficiency maintained in said employee's personal file as a guide to evaluation of performance.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4014

Receiving Agents, Salespersons, and Other Business Representatives

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

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

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

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4015

Unauthorized Purchases

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

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES - POLICY 4016

Use of School Facilities and Equipment by School Employees

The Superintendent may approve use of school facilities, equipment and other resources by school employees, except for activities which result in personal or corporate gain.

School vehicles shall not be available for personal use.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4017

Activity Passes

All employees and Board of Education members of St. Edward Public Schools may be given a Goldenrod Conference activity pass which will admit the family members, including spouse and children from birth through high school graduation, of Board members and school employees to school activities.

Date of Adoption: June 10, 2024

PERSONNEL – POLICY 4018

Community Relations—Political Activity

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

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

1. Their position, whether as an instructor or as a leader or supervisor of other employees;
2. Classrooms, buildings or facilities;
3. Students; or
4. School equipment, materials or mailing systems.

These restrictions do not apply to employees who are engaged in authorized lobbying activities on behalf of the district. The restrictions also do not apply to the distribution of employee association

correspondence or newsletters in the normal course of association business, even though those communication media may contain information concerning adopted positions of the association on political issues.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4019

Fair Labor Standards Act (Minimum Wage & Overtime)

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

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

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

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

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

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4021

Social Security Numbers

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

1. Legal Mandates. Compliance with state or federal laws, rules, or regulations.
2. Internal Administration. Internal administrative purposes, including provision of employee social security numbers to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the internal administrative uses shall not permit use of employee social security numbers:
 - a. As an identification number for occupational licensing.
 - b. As an identification number for drug-testing purposes except when required by state or federal law.
 - c. As an identification number for District meetings.
 - d. In files with unrestricted access within the District.
 - e. In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
 - f. For posting any type of District information.
3. Voluntary Transactions. Commercial transactions freely and voluntarily entered into by the employee with the District for the purchase of goods or services.

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

1. Public Posting or Display. Any public posting or display available to the general public or to an employee's co-workers.
2. Internet Transmission. Transmission over the Internet unless the connection is secure or the information is encrypted.
3. Internet Access. To access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the Internet web site.
4. Identifier. As an employee number for any type of employment-related activity.

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

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES - 4022

Military Service Leave

Certificated employees who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve and State Guard are entitled to a leave of absence, without loss of pay, on all days during which they are employed under the orders or authorization of

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4023

Notification of Arrest, Criminal Charges, and Certificate, License or Child Abuse Complaints

Employees must notify the Superintendent by the next working day after:

1. Arrest or Criminal Charges. The employee is arrested, ticketed, or issued a criminal charge where:
 - a. The maximum penalty for the crime equals or exceeds six months incarceration;
 - b. The crime relates to abuse, neglect or endangerment of a minor, a minor was allegedly a victim or a witness, or the crime involves alleged sexual misconduct;
 - c. Conviction would impact performance of employee’s job responsibilities, including offenses that:
 - i. Would impact the responsibility to be a role model for students;
 - ii. Would impact the employee’s ability to operate a motor vehicle if the employee at times needs to travel during duty time or the employee at times drives our students, including on extracurricular activities; or
 - iii. Would impact the employee’s Commercial Driver’s License if the employee’s job requires that the employee have a CDL.
 - d. The arrest or the alleged criminal activity occurred while the employee was on duty, on school property or in a school owned or utilized vehicle, or at a school-supervised activity or school-sponsored function.
 - e. Employees must also promptly report to the Superintendent whenever the employee has been sentenced to be incarcerated for any period of time, even if the offense was not otherwise reportable.
2. Certificate or License. The employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee’s position. This includes proceedings of the Nebraska Department of Education related to an alleged violation of the NDE Standards of Conduct and Ethics, Chapter 27, and proceedings of the Health and Human Services related to an alleged violation of the professional standards of conduct for the employee’s position.
3. Child Abuse. The employee becomes aware that a report of child abuse or neglect has been made against the employee under the Child Protection Act.

Further, employees must give full disclosure of any Child Protection Act investigation that resulted in an “inconclusive” determination that occurred at any time. Current employees must give such

disclosure within ten days following adoption of this Policy. As a condition of employment, applicants for employment must give such disclosure prior to commencement of employment. Any hiring made without such disclosure shall be subject to being immediately revoked in the event the required disclosure was not given.

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

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

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

Date of Adoption: June 10, 2024

PERSONNEL – CERTIFIED EMPLOYEES – POLICY 4024

Wage and Deduction Information

All certified staff shall be paid in accordance with their contract of employment. All certified employees shall be paid bi-monthly on a 12-month basis. Direct Deposits or Pay checks for certified staff members shall be distributed on or before the 5th day and on or before the 20th day of each calendar month. During the summer months, any pay checks to be issued will be available at the business office. Employees may have a check forwarded, after providing a self-addressed, stamped envelope.

Payments for extra-duty assignments on the schedule will be included with contracted salary and divided into the 12 months.

General fund payments to certified employees for non-contracted work rendered will be included in paychecks after being forwarded by the Superintendent and approval by the Board.

Payments for substitute teachers shall be made at the regular monthly board meeting following service.

In case of retirement or changes in contracts, employees may request the Board to consider alternate forms of payments.

PERSONNEL - ALL EMPLOYEES

Wage Information

The District will not terminate or retaliate against any employee for inquiring about or sharing compensation information for the purpose of determining whether the District gives equal pay for equal work. However, an employee with authorized access to wage information as part of their job function, who discloses the wages of other employees to those who do not have authorized access to other employees' compensation information, may be disciplined for such

disclosure, up to and including termination, unless the disclosure is made in response to a complaint or investigation proceeding, hearing or other similar action.

ACTIVITY AND HOT LUNCH ACCOUNTS

Payment for receipt of goods or services rendered shall be authorized by the Activities Director or Food Service Director from the respective accounts. The Superintendent is hereby delegated the authority to sign checks on either account upon receiving authorization from the respective director and verification of receipt of goods or services.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4025

Professional Boundaries Between Employees and Students

School district employees are responsible for conducting themselves professionally and for teaching and modeling high standards of behavior and civic values, both at and away from school. Employees are required to establish and maintain professional boundaries with students. They may be friendly with students, but they are the students' teachers, not their friends, and they must take care to see that this line does not become blurred. This applies to employees' conduct and interactions with students and to material they post on personal web sites and other social networking sites including, but not limited to, Twitter, Snapchat, Facebook, and/or any other social networking sites not mentioned. The posting or publication of messages or pictures or other images that diminish an employee's professionalism or ability to maintain the respect of students and parents may impair his or her ability to be an effective employee. When communicating electronically with a student (e.g. by e-mail, text messaging, or instant messaging), a parent or guardian must be included on the communicated message. Employees are expected to behave at all times in a manner supportive of the best interests of students.

Unless an employee has a legitimate educational purpose, the following behavior is a violation of the professional boundaries that employees are expected to maintain with students. The following list is intended to illustrate inappropriate behavior involving students but not to describe every kind of prohibited behavior.

- a. Communicating about sex when the discussion is not required by a specific aspect of the curriculum.
- b. Joking about matters involving sex, using double entendre or making suggestive remarks of a sexual nature.
- c. Displaying sexually inappropriate material or objects.
- d. Making any sexual advance, whether written, verbal, or physical or engaging in any activity of a romantic nature.
- e. Intruding on a student's personal space (e.g. by touching unnecessarily, moving too close, staring at a portion of the student's body, or engaging in other behavior that makes the student uncomfortable).
- f. Communicating electronically (e.g. by e-mail, text messaging, or instant messaging) on a matter that does not pertain to a school matter.

- g. Playing favorites or permitting a specific student to engage in conduct that is not tolerated from other students.
- h. Discussing the employee's personal issues or problems that should normally be discussed with adults.
- i. Giving a student a gift of a personal nature.
- j. Giving a student a ride in the employee's vehicle without first obtaining the express permission of the student's parents or a school administrator.
- k. Taking a student on an outing without first obtaining the express permission of the student's parents or a school administrator.
- l. Inviting a student to the employee's residence without first obtaining the express permission of the student's parents and a school administrator.
- m. Going to a student's home when the student's parent or a proper chaperone is not present.

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

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

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

All reports made under this policy will remain confidential to the extent allowed by law.

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

A violation of the standards set out above will form the basis for employee discipline up to and including termination or cancellation of employment, filing a report with law enforcement officials, and filing a report with the Commissioner of Education.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4026

Prohibition On Aiding And Abetting Sexual Abuse

A school employee, contractor, or agent of the school district is prohibited from assisting another school employee, contractor or agent in obtaining a new job if the individual knows or has probable cause to believe, that such other employee, contractor, or agent engaged in sexual misconduct with a minor or student in violation of the law.

“Assisting” does not include the routine transmission of administrative and personnel files.

Exceptions to giving such assistance may only be made where the exception is authorized by the Every Student Succeeds Act (for example, where the matter has been investigated by law enforcement and the person has been exonerated and approved by the Superintendent or designee.)

Legal Reference: ESSA sec. 8038, § 8546

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4027

Workplace Privacy Policy

1. The District will abide by the Nebraska Workplace Privacy Act and will not:
 - a. Require or request that an employee or applicant provide or disclose any user name or password or any other related account information in order to gain access to the employee's or applicant's personal Internet account by way of an electronic communication device;
 - b. Require or request that an employee or applicant log into a personal Internet account by way of an electronic communication device in the presence of the District in a manner that enables the District to observe the contents of the employee's or applicant's personal Internet account or provides the District access to the employee's or applicant's personal Internet account;
 - c. Require an employee or applicant to add anyone, including the District, to the list of contacts associated with the employee's or applicant's personal Internet account or require or otherwise coerce an employee or applicant to change the settings on the employee's or applicant's personal Internet account which affects the ability of others to view the content of such account;
 - d. Take adverse action against, fail to hire, or otherwise penalize an employee or applicant for failure to provide or disclose any of the information or to take any of the actions prohibited by the Workplace Privacy Act.
 - e. Require an employee or applicant to waive or limit any protection granted under the Workplace Privacy Act as a condition of continued employment or of applying for or receiving an offer of employment.

Notwithstanding anything to the contrary, all employees must abide by the District's technology policies, procedures and guidelines, including the District's Internet Use policy and/or practice. Pursuant to the Workplace Privacy Act, the District may also:

- a. Monitor, review, access, or block electronic data stored on an electronic communication device supplied by or paid for in whole or in part by the District or stored on the District's network, to the extent permissible under applicable laws;
- b. Access information about an employee or applicant that is in the public domain or is otherwise obtained in compliance with the Workplace Privacy Act;
- c. Conduct an investigation or require an employee to cooperate in an investigation if the District has specific information about potentially wrongful activity taking place on the employee's personal Internet account, for the purpose of ensuring compliance with

applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct;

- d. Any other reason permitted by the Workplace Privacy Act.

Legal Reference: Laws 2016, LB 821

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4028

Employee Fundraising

Any employee who directly or indirectly seeks to use their position as a District employee to fundraise (such as through a crowd funding initiative) must obtain prior approval from the Superintendent or Superintendent’s designee before taking any action to fundraise.

An employee who receives permission to fundraise shall abide by the following requirements:

- a. The employee shall inform the Superintendent or Superintendent’s designee of any content (including online messages or requests) that the employee intends to publish.
- b. The employee shall not violate any District policy, rule or law in any fundraising efforts and shall keep all student information confidential.
- c. The employee must account for any money raised through the approved fundraising effort and shall provide evidence to the Superintendent or Superintendent’s designee as to how the money was spent.

District employees who engage in fundraising efforts in their private capacities need not abide by this policy.

Date of Adoption: June 10, 2024

PERSONNEL – CERTIFIED EMPLOYEES – POLICY 4029

Donations, Gifts, Grants, And Bequests

The board of education or any school employee who, because of his or her employment by the school district, may accept donations, gifts, grants, bequests or property, real or personal, when they are consistent with the district’s mission and objectives. When the board or school employee accepts a donation, gift, grant, bequest or property, it shall become the sole property of the district. The donation, gift, grant, bequest or property will be under the complete control of the board or board authorized designee which will not have any obligation to replace it if it is destroyed or becomes obsolete.

If any school employee should leave the district for any reason, they may request to take a donation, gift, grant, bequest or property with them to a new place of employment. Only the board of education shall approve or disapprove such request.

Date of Adoption: June 10, 2024

PERSONNEL – CERTIFIED EMPLOYEES - 4030

Wage Information

Compensation And Related Benefits

Each teacher shall be provided with at least a thirty minute, uninterrupted lunch period, and no teacher shall be assigned teaching, supervisory or other duties during such lunch time.

Travel

The board may reimburse employees for normal expenses for hotel, food, registration, and transportation costs incurred while attending authorized conferences or other activities whose purpose is related to instructional or related operational improvement in the district. Arrangements for attendance must be approved in advance, in writing, by the superintendent. The participant may attend without loss of compensation.

Payroll And Deductions

Employees may request that salary deductions be made for association dues and other items as approved by the superintendent. Within ten working days after a written request is made by an employee, the Superintendent or designee shall furnish the employee with an itemized statement listing the wages earned and the deductions made from the employee's wages for each pay period that earnings and deductions were made. The statement may be in print or electronic format.

Employee Purchases Through The School District

Employees may request to purchase, at his/her own expense, technology equipment or materials at an educational rate through the district to supplement upgrades and/or personal resources. Any items approved by the Board of Education or superintendent will be paid by the employee at the time of receipt of the item(s), either in full or an agreed salary deduction within the contract year. Equipment or materials are limited to Desktop computer, Laptop computer, and/or iPad items up to \$2400 per contract year. Any purchase item will be subject to Federal or State Tax Laws that may exist.

Health Examinations

Each successful applicant for employment shall provide reasonable evidence of freedom from communicable disease and of physical ability to fulfill the requirements of the position for which application is made.

The superintendent and/or the board may require, from an applicant for employment or from any employee, a report of examination by a physician.

Each such report shall include a statement by the examining physician as to any physical or mental condition noted likely to prevent the person examined from performing all duties and responsibilities of the position sought or occupied, or a statement that no such condition exists.

Payroll Procedures

All certified staff shall be paid in accordance with their contract of employment. All certified employees shall be paid bi-monthly on a 12-month basis. Direct Deposits or Pay checks for certified staff members shall be distributed on or before the 5th day and on or before the 20th day of each calendar month. During the summer months, any pay checks to be issued will be available at the business office. Employees may have a check forwarded, after providing a self-addressed, stamped envelope.

Payments for extra-duty assignments on the schedule will be included with contracted salary and divided into the 12 months.

General fund payments to certified employees for non-contracted work rendered will be included in paychecks after being forwarded by the Superintendent and approval by the Board.

Payments for substitute teachers shall be made at the regular monthly board meeting following service.

In case of retirement or changes in contracts, employees may request the Board to consider alternate forms of payments.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4031

Injury Leave

A District employee who believes that they have been physically injured within the employee's scope of employment by another individual who intentionally, knowingly, or recklessly causes bodily injury to such employee must report such injury to the employee's administrator as soon as practical. An administrator will then investigate the circumstances to determine if the employee qualifies for paid injury leave. The employee may be required to provide confirmation from a physician regarding the causation and the period of time for which an employee is unable to work. If the administrator determines that the employee qualifies for paid injury leave, then the employee will receive up to seven calendar days of paid injury leave to cover the amount of time that the employee was otherwise scheduled to work. Such paid injury leave will not count against the employee's other available leave.

If the administrator determines that the employee does not qualify for paid injury leave, then the employee may be required to use other available leave. There is no appeal process for an employee who has been denied a request for paid injury leave.

Legal Reference: LB 1186

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFIED EMPLOYEES – POLICY 4032

Unpaid Sick Leave

Unpaid leave may be used to excuse an involuntary absence not provided for in this or other leave policies of the board. Unpaid leave for certificated employees must be authorized by the superintendent. Any unused Personal Leave days must be applied to such absences rather than including them as Unpaid Leave.

The superintendent shall have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent shall consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period shall be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

Whenever possible, certificated employees shall make a written request for unpaid leave 5 days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary shall be made unless they are waived specifically by the superintendent.

The requirements stated in the Negotiated Contract between employees in that certified collective bargaining unit and the board regarding the unpaid leave of such employees, Article IX, Section F, shall be followed.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4100

Qualifications for Appointment as Teacher

To be eligible for appointment as a teacher, an applicant must have a minimum of a Bachelor's Degree from an accredited or approved college or university and have a current teaching certificate from the State of Nebraska, Department of Education (or provide satisfactory evidence that these requirements will be in place prior to commencement of duties), and such other certification or license as may be required by law.

Legal Reference: Neb. Rev. Stat. ' 79-801 et. seq.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4101

Qualifications for Appointment to Administrative and Supervisory Positions

To be eligible for appointment to any administrative or supervisory position, an applicant must have a minimum of a Master's Degree from an accredited institution of higher learning with graduate training in educational supervision and administration from an accredited or approved college or university and have a current Administrative and supervisory certificate from the State of Nebraska, Department of Education (or provide satisfactory evidence that these requirements will be in place prior to commencement of duties), and such other certification or license as may be required by law.

Legal Reference: Neb. Rev. Stat. ' 79-801 et. seq.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4110

Contract

Certificated employees shall be recommended for hiring by the Superintendent with the final approval by the Board of Education prior to hiring. Final approval must be made by formal motion of the Board of Education. The final approval by the Board of Education should generally follow closely the recommendation of the Superintendent whenever possible, but such approval of recommendation is not mandatory on the Board of Education.

All contracts for employment of a teacher or administrator to be effective must meet the following conditions:

1. The contract must be in writing and contain such provisions as are required by law.
2. The employed person must hold a valid teaching or administrative certificate at all times.
3. The employed person must not be under contract to another district in this state.
4. The contract must be approved by at least four (4) school Board members and signed by a designated member of the Board.

No member of the Board of Education may cast a vote in favor of the election of any teacher when such

member of the Board is related to him or her or to the majority of the Board by blood or marriage.

Legal Reference: Neb. Rev. Stat. ' 79-817
 Neb. Rev. Stat. ' 79-818
 Neb. Rev. Stat. ' 79-819

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4111

Certification

Each certificated staff member shall hold at all times a valid Nebraska teaching or administrative certificate.

Legal Reference: Neb. Rev. Stat. ' 79-802

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4120

Probationary Certified Employees

During the first three (3) years of employment with the School District, as determined and calculated in accordance with state law, a certificated employee shall be considered a probationary employee. A probationary employee's rights to continued employment status and non-renewal of a probationary employee's contract shall be determined according to law.

Legal Reference: Neb. Rev. Stat. ' 79-824

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES - 4121

Permanent Certified Employees

A certificated employee who has been employed for the full probationary period as set forth in policy 4120 and in accordance with state law is a permanent certificated employee. A permanent certificated employee's rights to continued employment status and termination of said permanent certificated employee's contract shall be determined according to law.

Legal Reference: Neb. Rev. Stat. ' 79-824

Date of Adoption: June 10, 2024

PERSONNEL – CERTIFIED STAFF – POLICY 4125

Non-School Employment

The board of education recognizes that a school employee, as a citizen of the community, has certain responsibilities.

The board also recognizes that outside employment and responsibilities may be justifiable and sometimes desirable; it also recognizes the fact that this out-of-school employment can become the major consideration of the employee and detract from the efficient operation of school work.

It is also recognized that the school has a right to ask employees to give somewhat of their time to assist in the normal functions of the school after hours as well as the right to schedule professional meetings outside of the regular school hours.

It is, therefore, resolved that employees wishing out of school employment or assuming major out-of-school responsibilities should indicate to the superintendent the type of employment, number of hours per week, the flexibility of the hours of employment and such other conditions as deemed advisable.

Unless, in the opinion of the superintendent, the employment or responsibility interferes with the normal employment and the normal out-of-school responsibilities of the employee, nothing about such employment will be a concern of the district.

The superintendent and the board may review the employment situation at any time, however, and ask employees to terminate out-of-school employment or responsibilities if, in their opinion, the situation interferes with the employee's ability to function in his or her assigned role as a district employee.

Date of Adoption: June 10, 2024

PERSONNEL – CERTIFIED STAFF – POLICY 4130

Assignment of Duties

Certified Staff also known as "Teachers" will be responsible to the principal for carrying out of policies of the school board as they relate to the function of the school, to the classroom, and to the immediate contact with students and parents. Teachers will be expected to furnish such after-school time as is needed for assisting students, conferring with parents and doing other necessary out-of-school work.

Teacher's specific responsibilities shall include:

1. To direct and evaluate the learning experiences of students in both curricular and extracurricular activities.
2. To provide guidance to students to promote their proper educational development and welfare.
3. To be responsible for student accounting.
4. To provide for the care and protection of school property.
5. To supervise students on the school grounds.
6. To cooperate with and participate in the planning and the evaluation of the school program.
7. To participate in the business and activities of the faculty.
8. To take part in the in-service education program of the school.
9. To maintain cordial relationships with colleagues.
10. To follow the ethics of the profession.
11. To enforce policies and regulations as established by the board and professional staff.
12. To accept a fair share of supervisory duties at pupil activities in buildings and on grounds during school hours as well as the athletic events.

LIBRARIAN/MEDIA DIRECTOR DUTIES:

The librarian is directly responsible to the building principal in all matters except budgeting. The librarian is responsible for the direct supervisor of the library facilities and materials.

Duties of the Librarian shall include:

1. Evaluates, selects and requisitions all library materials.
2. Assists teachers in the selection of books and other instructional materials.
3. Informs teachers and other staff members concerning new library acquisitions.
4. Maintains a comprehensive and efficient system for cataloging all library materials and instructs students and teachers in the use of the system.
5. Arranges for interlibrary use of materials of interest to students or teachers.
6. Works with teachers in planning those assignments leading to extended use of library resources.
7. Completes all forms as required from the building administration.
8. Assumes the care and responsibility of all library books and AV materials and equipment.
9. Arranges and schedules AV equipment repairs.
10. Maintains a complete and up-to-date inventory of all books, periodicals, AV materials and equipment.
11. Promotes appropriate conduct of students using library facilities and materials.
12. Helps students to develop habits of independent reference work and to develop skill in the use of reference materials in relation to planned assignments.
13. Presents and discusses materials with a class upon the invitation of the class instructor.
14. Counsels with and gives reading assistance to students who have a special reading problem or an unusual intellectual interest.
15. Schedules class sessions for each elementary grade level for the purpose of teaching library skills.
16. Participates in curriculum meetings and other committees as assigned by the administration.

GUIDANCE COUNSELOR:

The guidance counselor is directly responsible to the building principals.

Duties of the Guidance Counselor shall include:

1. Maintains all academic and auxiliary student records properly filed and cross referenced if more than a single file is maintained for a single student. The file shall include:
 - a. Nationally Norm student achievement data.
 - b. Test results as required by the State of Nebraska
 - c. Cumulative record or casework and grades
 - d. ACT and SAT test results for Juniors and Seniors
2. Responds to all K-12 student and/or parent/guardian requests for individual counseling. Referrals will be made if requests exceed the Guidance Counselor's ability level.
3. Develop and implement age-appropriate character education for all students, individually or in the classroom setting.
4. Individually schedule all grade 7-12 class schedules for students to include a parent approval.
5. Respond to requests from the Superintendent for student data such as drop-outs, census corrections, etc., in a timely manner.
6. Provide ACT or SAT testing schedules for senior and junior students indicating post-secondary plans.
7. Provide senior or junior students with the most updated contacts for post-secondary institutions and provide orientation opportunities.
8. Provide senior students with the most update scholarship information available at the local, state, and national level.
9. Respond to properly authorized requests for student data from outside individuals and agencies as approved by the building administrator.
10. Assist students in grades 7-12 for the purpose of giving direction in pursuit of post-high school employment or education opportunities.
11. Assist and/or supervise all standardized testing for grades K-12.
12. Advise students as to sources of financial assistance and governmental sources. The counselor attempts to identify the source of such aid and provide the application forms websites to the parents and/or students. Forms may be completed by the student and his/her parent and returned for review before submission, but not required.
13. The counselor shall assist the principal in building the master schedule of classes to be incorporated in the curriculum and the times thereof for grades 7-12.
14. The counselor shall also assist in scheduling those elementary activities such as music, P.E., etc., as shall take place outside the self-contained classroom.
15. Facilitate the Student Assistance Team (SAT) and meetings.
16. Works with Superintendent and building principals on the Emergency Response Criteria and is a member of the district's Crisis Team.

TITLE I INSTRUCTOR

The Title I instructor is directly responsible to the superintendent. The Title I instructor has direct supervision for all students assigned to his/her classroom while attending Title I instructional activities.

Duties of the Title I instructor shall include:

1. Compiles an annual district needs assessment for grades K-12.
2. Selects student caseload from qualified student list according to need and program description.
3. Provides appropriate parent involvement activities as prescribed by federal program regulations.
4. Completes federal project form requirements as determined by state application guidelines.
5. Acquires and reports evaluation data required by project or local administrator.
6. Diagnoses individual student needs in the basic skill areas being served.
7. Places students in appropriate level materials according to diagnosed needs and objectives.

8. Works effectively with classroom teachers and parents to meet student needs from a cooperative standpoint.
9. Instructs students using the instructional techniques commensurate with training.
10. Serves as a resource to classroom teachers in grades K-12 regarding to basic skill instruction.
11. Attends recommended staff development activities designed to improve delivery of instruction.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4131

Agents/Tutors

Teachers and other certificated staff shall not act as agents, or accept commission, royalties, or other rewards for books or other school materials, the selection or purchases of which they may influence.

A professional employee may not provide private tutoring or professional services in exchange for compensation from a source other than the School District without advance approval of the Superintendent:

1. to a child that the employee teaches or provides professional services in the course and scope of the employee’s duties to the School District; or
2. in a facility owned or under the control of the District; or
3. during the employee’s duty hours.

Professional employees who accept engagements to provide private tutoring or professional services are to make clear that the services are not being provided on behalf of the School District to the extent the recipient of the services may in any way otherwise be caused to believe the services are provided through the School District.

Legal Reference: NDE Rule 27, sections 27.402E, 27.403F and 27.404B

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4132

Student Teachers and Pre-Student Teachers

The district will cooperate with colleges and universities by allowing students who are preparing to teach to devote a reasonable amount of time to training in our schools, provided that this training will in no way impede the satisfactory progress of pupils.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4133

Substitute Teachers

Persons employed as substitute teachers shall meet such qualifications as are established by law and the State Department of Education and may be employed for periods of time in the absence of the regular teacher.

Rates of compensation for all substitute teachers will be set by the Board, provided that after a substitute employee has been on duty for fifteen (15) consecutive school days, such substitute teacher shall be paid on a per diem rate applying the salary schedule in place for certificated teachers for the school district based upon the substitute teacher's level of educational attainment and years of teacher experience. Substitute teachers will not participate in the health plan or other fringe benefits of the school district.

The Superintendent shall be responsible for recruitment, selection, assignment, orientation and evaluation of substitute teachers. The Superintendent, or Superintendent's designee, is hereby authorized on behalf of the District to execute any necessary documents to assist a substitute teacher to secure a local substitute teaching permit.

Legal Reference: Neb. Rev. Stat. Sec. 79-808

Date of Adoption: June 10, 2024

PERSONNEL – CERTIFIED STAFF – POLICY 4140

Professional Growth

The St. Edward Public School recognizes the significance of professional growth and shall encourage the continued growth and development of certified personnel subject to the regulations adopted by the board of education.

The contents of this policy describe professional activities which faculty members may follow in meeting the requirements for professional growth as set forth by the St. Edward Board of Education.

The "Professional Growth Period" refers to each six-year period during which permanent certificated teachers are required to give evidence of professional growth. Six professional growth credits shall meet the requirement. The beginning of the seventh year starts the second six-year period.

Each hour of college credit in the area of assignment, endorsement, or a special project approved by the superintendent may be accepted as one professional growth credit, evidence of professional growth upon the filing of the appropriate application and documentation in the superintendent's office.

Documentation shall consist of an official transcript of the credit earned from a college or university, an in-depth report, an article with publication data, or similar evidence deemed acceptable.

College credit hours obtained by attending professional development activities will apply toward the professional growth requirement. These hours will not apply toward salary schedule movement.

Teachers may be permitted to substitute travel, professional publication of an article or other activities toward completion of the professional growth requirements. Duplication of individual activities for meeting the professional growth requirement of the following shall not be permitted.

1. Professional Work
 - a. Curriculum Committee Work—15 hours of time equals one (1) point (clock hours)
2. Other professional activities to determine the number of professional growth credits, the following guidelines shall be followed: For every fifteen (15) hours of class and preparation time spent on the activity, one (1) professional growth credit shall be granted with approval and verification of the superintendent. Activities which will be accepted as professional growth include:
 - a. Workshops
 - b. Committees
 - c. State Department Committees
 - d. Conferences on classroom instruction-related topics.
 - e. In-service Programs.
 - f. Professional education organization conventions, and other activities sponsored by the NSEA, NDE, NCSA, NRCSA, ESU's which are related to instruction and approved by the superintendent.
3. Professional Publications
 - a. Publication of any piece of professional writing shall entitle the author to a professional growth credit from one to two points as determined by the superintendent.
4. Educational Travel
 - a. Sponsored Tours-Must be under the direction of an accredited college for which college credit is given.
 - b. Tour sponsored by Professional Organizations and Independent Travel must have prior approval by the superintendent and shall be evaluated on the basis of educational worth.
 - c. The board of education delegates to the superintendent the authority to approve professional growth activities for professional growth credits.

Date of Adoption: June 10, 2024

Personnel - Certificated Employees – Policy 4141

Teacher Training

The district shall provide and promote development programs for all professional staff - Superintendent, principals, teachers and the Board of education. Features of the staff development program:

1. Staff development resources and time shall be allocated in keeping with the key values and priorities of the district.
2. The staff development program shall concentrate on the programs and practices of effective schools and teaching, goal setting, assessment procedures, evaluation of staff, and the change process.
3. Content shall be selected that has been verified by research to improve student outcomes.
4. Teachers shall be actively involved in initiating, planning, and conducting the development programs for teachers.

At least annually, the administration will present to the Board the planned staff training as required by law. The Board will then approve those training requirements if the Board determines that the length of each training is reasonable.

Legal Reference: LB 1329 (2024)

Date of Adoption: June 10, 2024

PERSONNEL – ALL STAFF – POLICY 4144

Key Issuance

Responsibility of the facilities, equipment and general welfare of all property of School District 17 lies directly with the board of education and those employed by said district.

The employees of District 17 are responsible for all property of said district put within their care. Any key issued, that opens any part of the building, gives direct responsibility to the holder of that key for all property exposed to that key. Whenever areas of the building or the building itself are left unlocked school property is put in jeopardy. Keys are issued to keep property under locked security.

Duplication of any key, the loaning of any key or the issuance of any key is the direct responsibility of the superintendent of the St. Edward Public School and is strictly forbidden by any other employee of District 17. This is subjective to the directives of the board of education of District 17.

All employees of District 17 must accept the responsibility of the security of the facilities and equipment when issued a key to any part of the building.

I, the undersigned, accept and understand the policy that, the key(s) issued in my care, if lost will result in the replacement of all locks related to said keys at my expense.

KEY RECIPIENT: _____

SUPERINTENDENT: _____

LIST KEYS:

Main Door: _____

Office Door: _____

Classroom: _____

Other school keys (file cabinets, desk, padlocks, other rooms):

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4150

Evaluation of Teachers

The board of education recognizes the need for a continuing appraisal of teacher performance in the St. Edward Public Schools and requires the superintendent to ensure that such appraisal is carried out as outlined in this policy.

I. Purpose

The board recognizes two separate purposes for teacher performance appraisal:

1. To assist teachers in improving their instructional and management skills in order to enhance instruction for students.
2. To evaluate teacher performance so that the board may make decisions on the renewal or non-renewal, termination, cancellation or amendment of teacher contracts as provided in Sections 79-824-839 RSS.

II. Instructional Improvement

The most important purpose of teacher performance appraisal is to improve instructional performance. To meet this purpose, the administration shall:

1. Receive training in appraising and improving teaching and update their appraisal skills frequently. Such training may include but not limited to courses in Instructional Theory into Practice and Clinical Supervision. Workshops and in-service meetings will also be attended by evaluators to update appraisal skills. The superintendent shall ensure that all evaluators are trained in the use of the district’s forms and procedures. All evaluators shall have valid administrative and supervisory certificates.
2. Encourage teachers to engage in additional staff development activities designed to improve instruction for professional growth.
3. Directly observe each teacher’s performance. Provide feedback to teachers about such observations.

4. Recognize excellent performance, suggest ways of improving performance, and assist teachers in upgrading their skills.
5. Report to the board as necessary on the district's instructional improvement.

III. Evaluation of Permanent Teachers

Permanent teachers shall be formally evaluated by the superintendent and/or principal at least once each fiscal year for an entire instructional period. Such evaluation shall be based on the teacher's adherence to the district's policies, rules, and regulations, job descriptions, and to the provisions of the employment contract as well as these criteria:

A. Teaching and Instructional Skills Include:

1. Planning and Preparation
 - a. Knowledge of Content and Pedagogy
 - b. Demonstrating Knowledge of Students
 - c. Setting Instructional Outcomes
 - d. Demonstrating Knowledge of Resources
 - e. Designing Coherent Instruction
 - f. Designing Student Assessments
2. Classroom Environment
 - a. Creating an Environment of Respect and Rapport
 - b. Establishing a Culture for Learning
 - c. Managing Classroom Procedures
 - d. Managing Student Behavior
 - e. Organizing Physical Space
3. Instruction
 - a. Communicating with Students
 - b. Questioning and Discussion Techniques
 - c. Engaging Students in Learning
 - d. Using Assessment in Instruction
 - e. Demonstrating Flexibility and Responsiveness
4. Professional Responsibilities
 - a. Demonstrating Flexibility and Responsiveness
 - b. Maintaining Accurate Records
 - c. Communicating with Families
 - d. Participating in a Professional Community
 - e. Growing and Developing Professionally
 - f. Showing Professionalism

Observations of instructional performance and such other observations as the administration may perform, whether formal or informal, along with all other information available to the administration shall form the basis for evaluation. The evaluator must consider the teacher's complete job performance.

The evaluation shall be prepared on a written document and shall be discussed with the teacher by the evaluating administrator. A copy shall be placed in the teacher's personnel file. The

teacher shall have the right to place on file a written response to part or all of the evaluation and shall have a right to inspect or respond to any items in his/her personnel file.

The evaluation shall include a rating of Unsatisfactory, Basic, Proficient, Distinguished. Administrators will offer to assist teachers in overcoming deficiencies, provide suggestions for improvement and shall set time lines for correction of deficiencies. The superintendent is delegated the power and is authorized to devise and approve forms for the purpose of such evaluation. Such forms may be revised by the superintendent as necessary.

On an annual basis, the superintendent shall recommend to the Board of Education the continuation, cancellation, termination, or amendment of permanent teacher contracts based on the results of evaluation and all other information available to the administration. If cancellation, termination or amendment is recommended, the procedure outlined in Board Policy and Sections 79-824 to 79-839, RSS, which is hereby adopted, shall be followed.

IV. Evaluation of Probationary Teachers

Those teachers defined as probationary by Section 79-824, R.S.S., shall be observed by the superintendent and/or principal and evaluation shall be based on actual classroom observations for an entire instructional period or the functional equivalent thereof at least once each semester based along with the teacher's adherence to the district's policies, rules, and regulations, job descriptions, and to the provisions of the employment contract as well as these criteria outlined in Section III.

The evaluation shall include a rating of Unsatisfactory, Basic, Proficient, Distinguished. Administrators should offer to assist teachers in overcoming deficiencies, provide suggestions for improvement, and shall set time lines for correction of deficiencies. The superintendent is delegated the power and is authorized to devise and approve forms for the purpose of such evaluation. Such forms may be revised by the superintendent as necessary.

On an annual basis, the superintendent shall recommend to the Board of Education the continuation, cancellation, amendment, or nonrenewal of probationary teachers contracts based on the results of evaluation. If cancellation, amendment or nonrenewal is recommended, the procedure outlined in Board Policy and Sections 79-824 to 79-839, R.S.S., which is hereby adopted, shall be followed.

V. Dissemination

The superintendent shall ensure that teachers are aware of the performance appraisal policy and shall distribute copies of the evaluation instrument and specific criteria which shall serve as the basis for evaluative procedures. The superintendent shall interpret the meaning of the items used in the evaluation instrument. A copy of this policy should be given to each teacher annually.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4152

Evaluation of Coaches

All Coaches shall be evaluated by the Activities Director and/or the Superintendent's designated evaluator. The procedure for evaluation is as follows:

- A. Sponsors (Varsity Level):
 - 1. A pre-season meeting between the Activities Director and/or designated evaluator and the sponsor at which time written goals and objectives will be stated, discussed, and acknowledged.
 - 2. A post-season meeting at which time the Activities Director and/or designated evaluator will give the sponsor a written evaluation to be reviewed, discussed and acknowledged.
 - 3. Evaluations of sponsors shall be performed on an annual basis and shall be completed no later than two weeks after the end of a season. The evaluation instrument shall indicate whether the Activities Director and/or designated evaluator will recommend that the Sponsor return for another year.
 - 4. Appeal of Sponsor Evaluation shall be, first, to the Principal; second, to the Superintendent; third, to the Board of Education.
 - 5. The decision of the superintendent is final; unless the appeal is requested to the Board of Education, in which the decision of the Board of Education is final.
- B. Assistant Coaches (Junior Varsity and/or Freshman):
 - 1. The sponsor or designated evaluator will evaluate each assistant coach on an annual basis.
 - 2. The sponsor will present to the assistant coach a written evaluation to be reviewed and discussed.
 - 3. The sponsor or designated evaluator will submit the assistant coach's evaluation to the Activities Director within two weeks of the close of a season.
 - 4. Appeals of Assistant Coach Evaluation shall be, first, to the Activities Director; second, to the Principal; third, to the Superintendent.
 - 5. The decision of the superintendent is final.
- C. Junior High Coaches:
 - 1. A pre-season meeting between the Activities Director and/or designated evaluator and the junior high coach at which time written goals and objectives will be stated, discussed, and acknowledged.
 - 2. The Activities Director or designated evaluator will evaluate each junior high coach on an annual basis. (Only the St. Edward coach(es) in a cooperation)
 - 3. The Activities Director will present to the junior coach a written evaluation to be reviewed and discussed.
 - 4. The Activities Director or designated evaluator will submit the junior high coach's evaluation to the Principal within two weeks of the close of a season.
 - 5. Appeals of Activities Director Evaluation shall be, first, to the Principal; second, to the Superintendent.
 - 6. The decision of the superintendent is final.
- D. Designated evaluators will be recommended by the appropriate principal and Activities Director to be approved by the Superintendent.
- E. All final evaluation documents will be placed in the personnel file of the coach located in the Superintendent Office.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4154

Evaluation of Sponsors

ACTIVITIES POLICY - EVALUATION OF SPONSORS

All Sponsors shall be evaluated by the Activities Director and/or the Superintendent's designated evaluator. The procedure for evaluation is as follows:

- A. Secondary Activities' Sponsors (Grades 7-12): Activities include: All-School Play, Art, Cheerleading, Dance Team, FCCLA, FFA, National Honor Society, One-Act Play, Quiz Bowl, Speech Team, and Student Council
 1. A pre-year meeting between the Activities Director and/or designated evaluator and the sponsor at which time written goals and objectives will be stated, discussed, and acknowledged.
 2. A post-year meeting at which time the Activities Director and/or designated evaluator will give the sponsor a written evaluation to be reviewed, discussed and acknowledged.
 3. Evaluation of a sponsor shall be performed on an annual basis and shall be completed prior to the end of the school year. The evaluation instrument shall indicate whether the Activities Director and/or designated evaluator will recommend that the Sponsor return for another year.
 4. Appeal of Sponsor Evaluation shall be, first, to the Principal; second, to the Superintendent; third, to the Board of Education.
 5. The decision of the superintendent is final; unless the appeal is requested to the Board of Education, in which the decision of the Board of Education is final.
- B. Elementary Sponsors (Grades K-6):
 1. The Elementary Principal or designated evaluator will evaluate each elementary sponsor on an annual basis.
 2. The Elementary Principal will present to the elementary sponsor a written evaluation to be reviewed and discussed.
 3. The Elementary Principal or designated evaluator will submit the sponsor evaluation to the Principal or Superintendent prior to the end of the school year.
 4. Appeals of Elementary Principal Evaluation shall be to the Superintendent.
 5. The decision of the superintendent is final.
- C. Designated evaluators will be recommended by the appropriate principal and Activities Director to be approved by the Superintendent.
- D. All final evaluation documents will be placed in the personnel file of the coach located in the Superintendent Office.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4160

Reduction in Force Policy for Certificated Staff

Reductions-in-force of certificated staff member may be required due to decreasing enrollments, limited financial support, changing programs, or other changes in circumstances. If such changes occur and a reduction of certificated staff is necessary, the Superintendent (or his designee) shall recommend to the Board of Education those certificated employees to be reduced under the reduction-in-force provisions of the continuing contract laws; provided, however, that no permanent employee may be reduced through a reduction-in-force while a probationary employee is retained to perform a service in a position that the permanent employee is qualified by certification and endorsement to perform or where certification is not applicable, by reason of college credits in the teaching area.

Due to the often intimate, confidential, and unique personal working relationship necessary between the

administration and the Board of Education, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the school system.

The selection of personnel to be reduced shall be made with consideration given to the following: (1) programs to be offered, (2) areas of certification and endorsement, (3) state and federal regulations which may mandate certain employment practices, (4) special qualifications that may require specific training and/or experience, (5) contributions to activity programs, (6) qualifications based on past performance and competence as determined by the Principal and/or Superintendent through employee evaluation procedures, (7) the organizational and educational impact created by multiple part time certificated employees, and (8) any other reasons which can be rationally related to the instruction in or administration of the school system.

Employee evaluations (including frequency of evaluations, evaluation forms, and number and length of classroom observations, if applicable) used for purposes of this policy shall conform to the board policies and administrative rules, regulations, and practices (in effect at the time) related to the periodic evaluation of certificated staff members.

If, after consideration of the above, it is the opinion of the Superintendent that no significant difference exists between certificated employees being considered for reduction-in-force, then the employee with the longest uninterrupted service to the district shall be retained. Uninterrupted service time shall accrue the same for all certificated employees regardless of their full-time equivalency. Uninterrupted service time for employees employed less than a full school year shall accrue according to the number of contract days worked. Uninterrupted service time shall not accrue for certificated employees on leave of absence for more than forty (40) days.

Any certificated employee whose contract is terminated because of reduction-in-force shall be considered to have been dismissed with honor and shall, upon request, be provided a letter to that effect. Such employee shall have preferred rights to re-employment for a period of twenty-four months commencing at the end of the contract year and the employee shall be recalled on the basis of length of uninterrupted service to the school to any position for which he or she is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits which had accrued to said employee prior to the reduction, but such leave of absence shall not be considered as a year of employment by the district. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.

It shall be the responsibility of such certificated employee to file (with the Superintendent of Schools) a copy of said employee's teaching certificate (including endorsements) upon initial employment with the district. On or before March 15th of each year thereafter (for so long as the employee is employed in the school system or has rights of recall) evidence of any changes in said employee's certification or endorsements which have occurred (since March 15th of the previous year) or are pending shall be filed with the Superintendent of Schools.

Any certificated employee whose employment contract is reduced as a result of reductions-in-force shall (during his/her period of recall) report his/her current address to the Superintendent of Schools and shall inform said Superintendent of any changes of address thereafter. If a vacancy in the system occurs for which said employee has rights of recall, the offer of such employment may be sent by said Superintendent to said employee's last known address. If no acceptance of such offer is received from said employee within fourteen days of mailing and the Superintendent has no personal knowledge of the whereabouts of

said employee (other than said last known address), the employee shall be deemed to have waived his/her rights to recall to said employment position.

Anything in this policy to the contrary notwithstanding, this policy shall specifically permit and allow reductions in force to occur which deal with total elimination or termination or amendment of contracts or positions, which deal with reductions in force from full-time to part-time, which deal with reductions in force from part-time to a lesser part-time, or which deal with any other reductions in force which result in the termination or amendment of a certificated employee's contract or employment position.

Legal Reference: Neb. Rev. Stat. ' ' 79-846 to 79-849

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4170

Leave of Absence

After a minimum of three (3) years of employment in St. Edward Public Schools, a teacher may apply for a one-year leave of absence. Criteria to be considered by the superintendent in recommending approval or denial of a request include:

- no more than two (2) Elementary teachers and no more than one (1) Secondary teacher may be on leave during the same year. If more than one request is received from the Elementary or Secondary, the administration shall decide based on factors including the date of application, the reason for requesting leave, the subsequent value to the school district, and seniority;
- requests for the one-year leave of absence must be submitted in writing to the Superintendent;
- a qualified replacement must be found before the leave is approved;
- no salary or benefits will be paid to the teacher by the district during the year of absence. Continued group health insurance may be obtained, subject to the approval of the insurance carrier; the premiums for such insurance shall be paid by the teacher in advance. Upon return, the teacher will be placed on the salary schedule at the vertical step earned prior to the beginning of the leave period;
- a teacher who wishes to return from leave shall notify the Superintendent in writing by March 1. If no such notice is received by March 1, the teacher is considered to have resigned. The school district shall not be responsible for reminding the teacher of the required return notice;
- a teacher returning from leave is not guaranteed the same position held before the leave of absence. However, an effort will be made to arrange for the same or a comparable position placement; and
- a teacher shall enter into a written agreement with the Board of Education setting forth the terms of such leave of absence.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4171

Certified Employee Resignation

Certificated employees are encouraged to notify the Superintendent of their plans to resign as soon as

practicable. The Superintendent, upon receipt of the request, shall notify the school board members of the individual's request, include the request as an action item for the next regularly scheduled meeting, and begin advertising to fill the vacancy. The employee is also required to deliver a written, signed, and dated notice of resignation addressed to the Board of Education. The Board of Education will generally accept all tendered resignations, effective at the end of the current school year, submitted prior to March 15th.

The Board delegates to the Superintendent the authority to formally ask certificated employees in writing whether they intend to accept employment with the District for the following school year. The Superintendent shall give employees a deadline to respond to such requests, so long as the deadline occurs after March 14th. Any employee who fails to respond or declines to accept employment for the following school year may be terminated from employment if they refuse to resign.

As teachers shall be notified of their reelection or non-election before April fifteenth (15th) of any year, teachers will not, after April 15th, be excused from performing under a contract. It is presumed that a teacher, after signing a contract, will not expect to be excused from honoring that contract.

When reasons for resignation, after April 15th are considered consequential and professionally significant, the teacher may ask to negotiate with the Superintendent for release from a contract by mutual agreement. Consideration will be given only if a qualified, satisfactory replacement is available. If the superintendent obtains a suitable replacement, he/she will make a recommendation to the Board of Education to accept the resignation. The decision of release rests with the Board of Education.

Any certificated employee who wishes to be released from contract should consider the difficulty of obtaining an adequate replacement for the district and disruption to the educational program. An early resignation greatly increases this difficulty and disruption. The Board may request the employee to continue as a member of the staff and to fulfill the terms of his/her contract. The Board may consider the decision on an individual basis.

An employee's refusal to fulfill his/her contract shall be cause for the district to request a suspension or revocation of certification by the Nebraska Department of Education.

Legal Reference: Nebraska Statutes 79-817 to 79-845

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4171.5

Certified Employee Retirement

Certificated employees are encouraged to notify the Superintendent of their plans to retire as soon as practicable. The Superintendent, upon receipt of the request, shall notify the school board members of the individual's request, include the request as an action item for the next regularly scheduled meeting, and begin advertising to fill the vacancy. The employee is also required to deliver a written, signed, and dated notice of retirement addressed to the Board of Education. The Board of Education will generally accept all tendered retirements, effective at the end of the current school year, submitted prior to March 15th.

The Board delegates to the Superintendent the authority to formally ask certificated employees in writing whether they intend to accept employment with the District for the following school year. The Superintendent shall give employees a deadline to respond to such requests, so long as the deadline occurs after March 14th. Any employee who fails to respond or declines to accept employment for the following school year may be terminated from employment if they refuse to retire.

As teachers shall be notified of their reelection or non-election before April fifteenth (15th) of any year, teachers will not, after April 15th, be excused from performing under a contract. It is presumed that a teacher, after signing a contract, will not expect to be excused from honoring that contract.

When reasons for retirement, after April 15th are considered consequential and professionally significant, the teacher may ask to negotiate with the Superintendent for release from a contract by mutual agreement. Consideration will be given only if a qualified, satisfactory replacement is available. If the superintendent obtains a suitable replacement, he/she will make a recommendation to the Board of Education to accept the retirement. The decision of release rests with the Board of Education.

Any certificated employee who wishes to be released from contract should consider the difficulty of obtaining an adequate replacement for the district and disruption to the educational program. An early retirement greatly increases this difficulty and disruption. The Board may request the employee to continue as a member of the staff and to fulfill the terms of his/her contract. The Board may consider the decision on an individual basis.

An employee's refusal to fulfill his/her contract shall be cause for the district to request a suspension or revocation of certification by the Nebraska Department of Education.

Legal Reference: Nebraska Statutes 79-817 to 79-845

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4172

Certified Employee Contract Release During The Current School Year

A request for release from a contract shall be contingent upon obtaining a suitable replacement with the following exception:

The action on a release from contract during a current school year shall be discretionary with the Board of Education. The earlier the request for release is submitted, the greater will be the likelihood of the release being granted. Releases may be made subject to conditions, including but not limited to liquidated damages, payment of costs of obtaining a replacement, and the condition a suitable replacement be obtained. The Superintendent or his designee shall have the sole responsibility for determining the criteria used to define a suitable replacement for each position.

The Board of Education shall act upon a request from a certificated employee to be released from his/her contract during the current year if the following conditions are met:

1. The employee provides the Board of Education with sixty (60) calendar days' notice prior to the effective requested date of resignation.

2. The effective date of the resignation shall coincide with the end of a grading period.

If in the opinion of the certificated employee's unusual circumstances exist, the certificated employee may appeal to the Board to waive any of the above stated requirements.

The superintendent is authorized to file a complaint with the Nebraska Professional Practices Commission against a certificated employee who leaves without proper release from the board.

The Board of Education reserves the right to seek damages against any certificated employee as a result of breach of contract.

Legal Reference: NDE Rule 27
Neb. Statute 79-817 et seq.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4173

Certificated Employee Suspension

Certificated employees shall perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a certificated employee pending board action on a discharge, for investigation of charges against the employee, and for disciplinary purposes. It shall be within the discretion of the superintendent to suspend a certificated employee with or without pay.

In the event of a suspension, appropriate due process shall be followed.

Date of Adoption: June 10, 2024

PERSONNEL - CERTIFICATED EMPLOYEES – POLICY 4180

Dual Sponsorship of Activities

In any instance where more than one teacher is assigned to the sponsorship of an activity for which a stipend is paid, each teacher thereby assigned shall receive payment of the stipend as is specified in the negotiated agreement between the certificated teaching staff and the school district. Should two or more teachers receive administration approval to share the sponsorship of any activity, only an amount equal to one stipend as specified shall be made but shall be equally divided among those teachers sharing the sponsorship.

Date of Adoption: June 10, 2024

PERSONNEL - Certificated Employees – Policy 4190

Standards of Ethical and Professional Performance – Certificated Staff

Both the State of Nebraska and the Board of Education recognize that teaching and its related services, including administrative and supervisory services, are a profession with all of the rights, responsibilities, and privileges accorded other recognized professions. The Board recognizes and endorses the Standards of Ethical and Professional Performance as established by the Nebraska Department of Education and expects all certificated employees to abide by these standards.

Certificated Personnel-Professional Performance and Code of Ethics

It is the expectation of this District that all certificated staff shall comply with the ethics standards set forth by the Nebraska Department of Education, as such standards may be modified from time to time. The ethics standards which certificated staff shall follow shall include the standards set forth in this policy. References to “educator” shall include all certificated employees of the District.

Preamble

The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this code of ethics.

The standards listed in this section are held to be generally accepted minimal standards for all educators with respect to ethical and professional conduct.

Principle I - Commitment as a Professional Educator:

Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

In fulfillment of the educator's contractual and professional responsibilities, the educator:

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
2. Shall not discriminate on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status.
3. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.

4. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
5. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.
6. Shall not sexually harass students, parents or school patrons, employees, or board members.
7. Shall not have had revoked for cause in Nebraska or another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which an educator's certificate is issued in Nebraska.
8. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
9. Shall report to the Superintendent any known violation of these standards.
10. Shall seek no reprisal against any individual who has reported a violation of these standards.

Principle II - Commitment to the Student:

Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.
2. Shall not deliberately suppress or distort subject matter for which the educator is responsible.
3. Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.
4. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.
5. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.
6. Shall not tutor for remuneration students assigned to his or her classes unless approved by the Board of Education.
7. Shall not discipline students using corporal punishment.

8. Shall not engage in physical or sexual abuse of students, including engaging in inappropriate sexual behaviors with students.

Principle III - Commitment to the Public:

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of the confidence in the rule of law, respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.

In fulfillment of the obligation to the public, the educator:

1. Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.
2. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
3. Shall neither offer nor accept gifts or favors that will impair professional judgment.
4. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
5. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.
6. Shall, with reasonable diligence, attend to the duties of his or her professional position.

Principle IV - Commitment to the Profession:

In belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to the profession, the educator:

1. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
2. Shall not misrepresent his or her professional qualifications, nor those of colleagues.
3. Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

Principle V - Commitment to Professional Employment Practices:

The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to professional employment practices, the educator:

1. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
2. Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.
3. Shall give prompt notice to the employer of any change in availability of service.
4. Shall conduct professional business through designated procedures, when available, that have been approved by the Board of Education.
5. Shall not assign to unqualified personnel tasks for which an educator is responsible.
6. Shall permit no commercial or personal exploitation of his or her professional position.
7. Shall use time on duty and leave time for the purpose for which intended.

Legal Reference: Neb. Rev. Stat. Sections 79-859, 79-866; 92 NAC 27 (NDE Rule 27)

Date of Adoption: June 10, 2024

PERSONNEL - NON-CERTIFICATED EMPLOYEES – POLICY 4200

Qualifications of Non-Certificated Employees

Non-certificated employees shall meet the statutory license requirements and such other qualifications as may be determined by the Board and the Superintendent.

Date of Adoption: June 10, 2024

PERSONNEL - NON-CERTIFICATED EMPLOYEES – POLICY 4201

"At Will" Employees

All non-certificated employees and non-certificated assignments shall be employed on an "at will" basis. Non-certificated employees shall have no property right in continued employment and need not be accorded a hearing or any other procedural or substantive due process, prior to termination of their employment.

Nothing in board policy, administrative regulations or practices, employee handbooks, or in any evaluation instrument or in the appraisal process or program for non-certificated employees shall be or is intended to create or be a contract or part of a contract with a non-certificated employee which shall in any way be construed to be contrary to the "at will" employment of non-certificated employees. No administrator or other employee of the school district has any authority to enter into any agreement of employment with a non-certificated employee for any specific period of time or to make any agreement contrary to an at-will employment relationship.

Date of Adoption: June 10, 2024

PERSONNEL - NON-CERTIFICATED EMPLOYEES - 4210

Hiring/Dismissal

The Board of Education hereby delegates to the Superintendent the authority to hire, suspend and dismiss non-certificated employees (employees in positions that do not legally require a teacher or administrative certificate) on behalf of St. Edward Public Schools. Such authority shall be exercised in compliance with the policies of the Board of Education. The Board of Education reserves the authority to modify or reverse any such action taken by the Superintendent.

Dismissal of non-certificated employees shall be on an at-will basis, as such employees are subject to termination at any time without cause, without prior disciplinary action or progressive discipline, and irrespective of the lack of any evaluation or the irregularity in any evaluation process.

Date of Adoption: June 10, 2024

PERSONNEL - NON-CERTIFICATED EMPLOYEES – POLICY 4220

Contract

All non-certificated employees shall be required to sign an "at will" employment contract with the school district as a condition precedent to employment or continued employment with the school district. The non-certificated "at will" employee contract shall be in the form as proposed by the Superintendent and approved by resolution of the Board of Education.

Date of Adoption: June 10, 2024

PERSONNEL - NON-CERTIFICATED EMPLOYEES – POLICY 4230

Assignment and Transfer

Each non-certificated employee shall be assigned to a position at the direction of the Superintendent and may be transferred to any other position as the Superintendent may direct.

Date of Adoption: June 10, 2024

PERSONNEL - NON-CERTIFICATED EMPLOYEES – POLICY 4240

Complaint Procedure

The normal procedure to be followed by each employee regarding a personal complaint related to his/her employment is to discuss the matter in a personal conference with the school principal or with the supervisory officer directly in charge. When the nature of the complaint dictates otherwise, the employee is entitled to present the complaint to any higher supervisory officer. An unsatisfactory result with the school principal or with the supervisory officer may be taken to the Superintendent.

Date of Adoption: June 10, 2024

PERSONNEL - NON-CERTIFICATED EMPLOYEES – POLICY 4240 - FORM

Complaint Form

This complaint form is to be used when a non-certificated employee of St. Edward Public Schools has a personal complaint related to his/her employment. The initial step for such a complaint is to have a conference with the school principal or with the supervisory officer directly in charge. That step may be undertaken informally, without completing this form.

This form is to be completed if the employee is dissatisfied with the outcome at the initial step and wishes to have his/her complaint reviewed at the next level.

Date: _____

Name: _____

(1) Description of the complaint:

_____.

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

_____.

(3) Identify and attach any material supporting the complaint:

_____.

(4) Date of the personal conference with the principal or supervisor: _____.

(5) Response given by principal or supervisory officer to the employee's complaint:

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

The undersigned states: I have a reasonable belief that the facts in this complaint are true and accurate and I give permission for an investigation to be made into this complaint.

Received by: _____ Signature: _____
Date: _____

PERSONNEL – POLICY 4250

Non-Certified Staff - Bus Drivers

Bus drivers are selected from qualified applicants by the superintendent and recommended to the Board of Education for employment. Bus drivers must meet all the requirements prescribed by Nebraska Law.

Regular bus drivers are paid at a rate established annually by the Board of Education.

Bus drivers will be paid at an hourly rate established annually by the Board for school activity and field trips.

Except as may otherwise be established by the Board, the pay for each trip on a regular route shall be the total annual pay divided by the total scheduled trips. This amount shall be deducted for each trip that a substitute must be hired. Substitute drivers will be paid an amount calculated according to the procedures outlined above.

Legal Reference: Neb. Rev. Stat. ' 79-608
NDE Rules 91 and 92

Date of Adoption: June 10, 2024

PERSONNEL – CLASSIFIED EMPLOYEES – POLICY 4260

Standards of Performance for Non-Certified Employees

The board of education recognizes the need for a continuing appraisal of classified staff member's performance in the St. Edward Public Schools and requires the superintendent to ensure that such appraisal is carried out as outlined in this policy.

I. Purpose

The board recognizes two separate purposes for classified staff performance appraisal:

1. To assist classified staff members in improving their instructional and/or management skills in order to enhance the educational process.
2. To evaluate classified staff performance so the administration may make decisions on the renewal or non-renewal, termination, cancellation or amendment of classified staff contracts as outlined in the employment contract and pursuant of Nebraska Education Laws.

II. Performance Improvement

The most important purpose of classified staff performance appraisal is to improve or sustain performance for the school district. To meet this purpose, the administration shall:

1. Receive training in appraising and improving their appraisal skills frequently. Such training may include workshops and in-service meetings attended by evaluators to update appraisal skills. All evaluators shall have valid administrative and supervisory certificates.
2. Encourage classified staff members to engage in additional staff development activities designed to improve instruction or performance for professional growth.
3. Directly observe each classified staff member's performance. Provide feedback to classified staff members about such observations.
4. Recognize excellent performance, suggest ways of improving performance, and assist classified staff members in upgrading their skills.
5. Report to the board as necessary on acceptable or unacceptable performance.

III. Evaluation of Classified Staff

Classified staff members shall be evaluated by the superintendent and/or principal at least once each semester. Such evaluation shall be based on the classified staff member's adherence to the district's policies, rules, and regulations, job descriptions, and to the provisions of the employment contract as well as these criteria:

B. Performance Skills Include:

1. Punctuality and Attendance
2. Ability and Willingness to Follow Instructions
3. Responsibility and Initiative
4. Policies and Procedures
5. Organizational Skills
6. Rapport with Others
7. Attitude and Pride
8. Personal Standards

Observations of performance and such other observations as the administration may perform, whether formal or informal, along with all other information available to the administration shall

form the basis for evaluation. The evaluator must consider the classified staff member's complete job performance.

The evaluation shall be prepared on a written document and shall be discussed with the classified staff member by the evaluating administrator. A copy shall be placed in the classified staff member's personnel file. The classified staff member shall have the right to place on file a written response to part or all of the evaluation and shall have a right to inspect or respond to any items in his/her personnel file.

The evaluation shall include a rating of "meets district standards" or "does not meet district standards." One criteria marked "does not meet district standards" may be cause for dismissal or contract amendment. Administrators should offer to assist each classified staff member in overcoming deficiencies, provide suggestions for improvement and shall set time lines for correction of deficiencies. The superintendent is delegated the power and is authorized to devise and approve forms for the purpose of such evaluation. Such forms may be revised by the superintendent as necessary.

On an annual basis, the superintendent shall recommend to the Board of Education the continuation, cancellation, termination, or amendment of the Classified staff contracts based on the results of evaluation and all other information available to the administration. If cancellation, termination or amendment is recommended, the procedure outlined in the employment contract and pursuant of Nebraska Education Laws, which is hereby adopted, shall be followed.

IV. Dissemination

The superintendent shall ensure that classified staff members are aware of the performance appraisal policy and shall distribute copies of the evaluation instrument and specific criteria which shall serve as the basis for evaluative procedures. The superintendent shall interpret the meaning of the items used in the evaluation instrument. A copy of this policy should be given to each Classified staff annually.

Date of Adoption: June 10, 2024

PERSONNEL – CLASSIFIED EMPLOYEES - 4265

Wage Information

All classified staff shall be paid in accordance with their employment agreement. All classified employees shall be paid bi-monthly on a 12-month basis. For employees paid from the general fund, all hours worked and submitted by employees shall be verified by the Superintendent before direct deposits or checks are presented for Board approval. Direct deposits or pay checks for classified staff members shall be distributed on or before the 5th day and on or before the 20th day of each calendar month. During the summer months, any pay checks to be issued will be available at the business office. Employees may have a check forwarded, after providing a self-addressed, stamped envelope.

Payments for extra-duty assignments on the schedule will be included with contracted salary and divided into the 12 months.

General fund payments to classified employees for non-contracted work rendered will be included in paychecks after being forwarded by the Superintendent and approval by the Board.

In case of retirement or changes in employment agreements, employees may request the Board to consider alternate forms of payments.

For employees paid from the general fund, all hours worked and submitted by employees shall be verified by the Superintendent before direct deposits or checks are presented for Board approval.

Longevity of Classified staff for salary and/or benefits will be considered after 5 years of service; and each additional 5 years of service (10, 15, 20, etc.) to the district.

- A. 12 month Contracts: District pays 100% of PPO 1050 deductible single health/single dental insurance and 100% LTD premiums. There will be no comp time. Employee will receive 5 sick days, 2 personal days, 2 Bereavement days, 10 Paid Vacation, and 6 holidays (Labor, Thanksgiving, Christmas, New Years, Memorial & July 4)
Each 12 month classified staff member will receive one additional Paid Time Off (PTO)/personal day with a total cap of 15 days. Each 12 month classified staff member may carryover unused sick days with a total cap of 8 days.
- B. 9-10 month Contracts: District pays 100% of PPO 1050 deductible single health/single dental insurance and 100% LTD premiums. There will be no comp time. Employee will receive 5 sick days, 2 personal days, 2 Bereavement days, and 2 Holidays (Labor Day and Thanksgiving)
Each 9-10 month classified staff member will receive one additional personal day with a total cap of 5 days. Each 9-10 month classified staff member may carryover unused sick days with a total cap of 8 days.
- C. Classified staff will receive payment for any school day which they are scheduled to work whereas the day is cancelled or shortened due to circumstances beyond the employee's control. Examples of such days may include but are not limited to inclement weather, facility issues, other issues which may interfere with conducting the school day in a normal, safe and orderly manner. Such days will be determined by the superintendent or designee.

Date of Adoption: June 10, 2024

PERSONNEL - ALL EMPLOYEES – POLICY 4270

Staff Payments During Closure

In the event of inclement weather, a pandemic, or other unexpected or extraordinary circumstances, the Board of Education or the Superintendent may close school or a particular school building in order to protect staff and students from harm, and will establish a reopen date when it is safe to return. If such closure extends for a long period of time as determined by the Superintendent, then the Superintendent may implement procedures, agreements, or other requirements to compensate staff during a closure to ensure staff return to employment after the closure. The District may consistently pay staff according to District policies and procedures already established by salaries or wages

Date of Adoption: June 10, 2024

