

Section 2: Police Questioning and Apprehension

Police or other law enforcement officers may be called to the school at the request of school administration, or may initiate contact with the school in connection with a criminal investigation. The school district shall inform parents when law enforcement officers seek access to their student prior to the student being questioned unless the officers are investigating charges that the student has been the victim of abuse or neglect. Members of the school district staff will comply with board policy regarding police questioning of students.

Section 3: Reasonable Suspicion Testing

Students may be required to submit to drug or alcohol testing if there is a reasonable suspicion that the student is under the influence of drugs or alcohol.

Section 4: Sniffer (Drug) Dogs

The administration is authorized to use sniffer dogs to minimize the presence of illicit items on school grounds. Students and staff are specifically notified of the following:

1. Lockers may be sniffed by sniffer dogs at any time.
2. Vehicles parked on school property may be sniffed by sniffer dogs at any time.
3. Classrooms and other common areas may be sniffed by sniffer dogs at any time students and staff are not present.
4. If contraband of any kind is found, the student or staff member shall be subject to appropriate disciplinary action.

Article 8 - Students Rights, Conduct, Rules, and Regulations

Section 1-Part 1: STUDENT DISCIPLINE

General Discipline Philosophy

The school district has the authority to discipline students who behave inappropriately on the way to school, at school, during lunch, on the way home, and at all school activities (home and away or any time while on school or district property).

The school district's discipline is guided by the following principles:

1. The school district's discipline policy is intended to ensure that students take responsibility for their behavior.
2. Behavior expectations and the consequences for failing to meet those expectations will be clearly communicated to all students and their parents.
3. The severity of consequences for violating behavior expectations will generally be progressive in nature. That is, sanctions will increase with each

instance of misconduct; however, each instance will be assessed on its own facts, and sanctions will be imposed based on the severity of the misconduct.

4. Parents play a vital role in supporting and reinforcing the school district's expectations of their students.

5. Behavior expectations apply to all students; consequences are enforced consistently without regard to a student's academic record or achievement.

Extracurricular activities including athletics, cheerleading, band, chorus, and club activities, are governed by the Student Activity Handbook. Students who are involved in extracurricular activities may face consequences related to the activity in addition to the consequences discussed in this handbook.

The school district reserves the right to refer to the appropriate non-school agency any act or conduct of its students which may constitute a crime under federal, state, county, or local law. The administration will cooperate with these agencies in their investigations.

Section 1-Part 2: Forms of School Discipline

Administrative and teaching personnel may take actions regarding student behavior that are reasonably necessary to aid the student, further school purposes, or prevent interference with the educational process. Such actions may include, but need not be limited to, counseling of students, parent conferences, referral to restorative justice practices or services, rearrangement of schedules, requirements that a student remain in school after regular hours to do additional work, restriction of extracurricular activity, or requirements that a student receive counseling, psychological evaluation, or psychiatric evaluation upon the written consent of a parent or guardian to such counseling or evaluation. The actions may also include in-school suspensions during the day. When in-school suspensions, after-school assignments, or other disciplinary measures are assigned, the student is responsible for complying with such disciplinary measures; a failure to serve such assigned discipline as directed will serve as grounds for further discipline, up to expulsion from school. District administrators may develop building-specific protocols for the imposition of student discipline.

In this section, references to "Principal" shall include building principals, the principal's designee, or other appropriate school district administrators.

Any statement, notice, recommendation, determination, or similar action specified in this section shall be effectively given at the time written evidence thereof is delivered personally to or upon receipt of certified or registered mail or upon actual knowledge by a student or his or her parent or guardian.

Any student who is suspended or expelled from school pursuant to this section may not participate in any school activity during the duration of that exclusion including adjacent school holidays and weekends. The student activity eligibility of a student who is mandatorily reassigned shall be determined on a case-by-case basis by the principal of the building to which the student is reassigned.

After School Sessions and Detentions

Teachers and administrators may require students to stay after school or to serve a detention when the student violates any of the rules contained in this handbook or violates classroom-specific conduct rules set by individual teachers.

Students who ride the bus home from school will be given a 24-hour notice of after-school time or a detention so that the parents may make plans to pick up the student the following day.

- After-school sessions will not exceed 30 minutes from the time of dismissal and are to be served in the teacher's room. A student who fails to attend an after school session may be given a detention by the teacher or may face additional disciplinary consequences up to and including long-term suspension and/or expulsion. A student who has a conflict with an after-school session is responsible for working it out with the teacher.
- If a student is on the ineligibility list, they will be required to stay in after school study hall the ENTIRE week, regardless of getting off the failing list.
- Detentions are 30 minutes, served in the central office or the detention room designated by the building principal.

In-School Suspension

The building administrator may require a student to serve in-school suspension. Students may be required to attend up to six hours per day of school-sponsored suspension a day at a designated location where they will study and participate in campus clean up. There will be zero tolerance for behavior problems from students placed in in-school suspension. Students not completing their In-School Suspension will face further disciplinary action.

Short-Term Suspension

The Principal or the Principal's designee may exclude a student from school or any school function for a period of up to five school days (short-term suspension) on the following grounds:

1. Conduct constituting grounds for expulsion as hereinafter set forth; or
2. Other violations of rules and standards of behavior adopted by the board of education or the administrative or teaching staff of the school, which occur on

or off school grounds, if such conduct interferes with school purposes or there is a nexus between such conduct and school.

The following process will apply to short-term suspensions:

1. The Principal shall make a reasonable investigation of the facts and circumstances. Short-term suspension shall be imposed only after a determination that the suspension is necessary to help any student, to further school purposes, or to prevent an interference with school purposes.
2. Prior to commencement of the short-term suspension, the student will be given oral or written notice of the charges against the student. The student will be advised of what he/she is accused of having done, an explanation of the evidence the authorities have, and an opportunity to explain his/her version of the facts.
3. Within 24 hours or such additional time as is reasonably necessary following the suspension, the Principal will send a written statement to the student and the student's parent or guardian, describing the student's conduct, misconduct, or violation of the rule or standard and the reasons for the action taken. An opportunity will be given to the student, and the student's parent or guardian, to have a conference with the Principal ordering the short-term suspension before or at the time the student returns to school. The Principal shall determine who, in addition to the parent or guardian, is to attend the conference.
4. Students who are short-term suspended will be given the opportunity to complete classwork, including but not limited to examinations, under the following conditions: All homework assignments will be submitted to the designated teacher the day they return to campus. All exams will need to be completed within 48 hours of returning to campus.

Long-Term Suspension

Students may be excluded by the Principal from school or any school function for a period of more than five school days but less than twenty school days (long-term suspension) for any conduct constituting grounds for expulsion as hereinafter set forth. The process for long-term suspension is set forth below.

Expulsion

1. **Meaning of Expulsion.** Expulsion means exclusion from attendance in all schools, grounds and activities of or within the system for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the

following school year, or (c) unless the expulsion is for conduct specified in these rules or in law as permitting or requiring a longer removal, in which case the expulsion shall remain in effect for the period specified therein. Such action may be modified or terminated by the school district at any time during the expulsion period.

2. **Summer Review.** Any expulsion that will remain in effect during the first semester of the following school year will be automatically scheduled for review before the beginning of the school year. The review will be conducted by the hearing officer who conducted the initial expulsion hearing, or a hearing officer appointed by the Superintendent in the event no hearing was previously held or the initial hearing officer is no longer available or willing to serve, after the hearing officer has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing officer that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise, the student may be readmitted by action of the Superintendent.

3. **Suspension of Enforcement of an Expulsion:** Enforcement of an expulsion action may be suspended (i.e., "stayed") for a period of not more than one full semester in addition to the balance of the semester in which the expulsion takes effect, and as a condition of such suspended action, the student may be assigned to a school, class, or program/plan and to such other consequences which the school district deems appropriate.

4. **Alternative School or Pre-expulsion Procedures.** The school shall provide either an alternative school, class or educational program for expelled students or shall follow the pre-expulsion procedures outlined in Neb. Rev. Stat. 79-266.

Section 1-Part 3: Student Conduct

Grounds for Long-Term Suspension, Expulsion, or Mandatory Reassignment:

The following conduct constitutes grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, Neb. Rev. Stat. § 79-254 through 79-296, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

1. Use of violence, force, coercion, threat, intimidation, or similar conduct in a manner that constitutes a substantial interference with school purposes;
2. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property;
3. Causing or attempting to cause personal injury to a school employee, to a school volunteer, or to any student. Personal injury caused by accident, self-defense, or other action undertaken on the reasonable belief that it was necessary to protect some other person shall not constitute a violation of this subdivision;
4. Threatening or intimidating any student for the purpose of or with the intent of obtaining money or anything of value from such student;
5. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a weapon (*see also board policy on weapons and firearms*);
6. Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103.02 or being under the influence of a controlled substance or alcoholic liquor (*note: the term "under the influence" for school purposes has a less strict meaning than it does under criminal law; for school purposes, the term means any level of impairment and includes even the odor of alcohol on the breath or person of a student; also, it includes being impaired by reason of the abuse of any material used as a stimulant*);
7. Public indecency as defined in section 28-806, except that this prohibition shall apply only to students at least twelve years of age but less than nineteen years of age;
8. Engaging in bullying as defined in section 79-2,137 and in these policies;
9. Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person, including sexual assaults or attempted sexual assaults that occur off school grounds not at a school function, activity, or event. For purposes of this subdivision, sexual assault means sexual assault in the first degree as defined in section 28-319, sexual assault in the second degree as defined in section 28-320, sexual assault of a child in the second or third degree as defined in section 28-320.01, or sexual assault of a child in the first degree as defined in section 28-319.01, as such sections now provide or may hereafter from time to time be amended;
10. Engaging in any other activity forbidden by the laws of the State of Nebraska which activity constitutes a danger to other students or interferes with school purposes; or

11. A repeated violation of any of the following rules, or a single violation if the conduct amounts to a criminal act, if such violations constitute a substantial interference with school purposes:
- a. The use of language, written or oral, or conduct, including gestures, which is profane or abusive to students or staff members. Profane or abusive language or conduct includes, but is not limited to, that which is commonly understood and intended to be derogatory toward a group or individual based upon race, sex, national origin, or religion;
 - b. Dressing or grooming in a manner which violates the school district's dress code and/or is dangerous to the student's health and safety, a danger to the health and safety of others, or which is disruptive, distracting or indecent to the extent that it interferes with the learning and educational process;
 - c. Violating school bus rules as set by the school district or district staff;
 - d. Possessing, using, selling, or dispensing tobacco, drug paraphernalia, an electronic nicotine delivery system, or a tobacco imitation substance or packaging, regardless of form, including cigars, cigarettes, chewing tobacco, and any other form of tobacco, tobacco derivative product or imitation, or electronic cigarettes, vapor pens, etc.;
 - e. Possessing, using, selling, or dispensing any drug paraphernalia or imitation of a controlled substance regardless of whether the actual substance possessed is a controlled substance by Nebraska law;
 - f. Possession of pornography;
 - g. Sexting or the possession of sexting images (a combination of sex and texting - the act of sending sexually explicit messages or photos electronically);
 - h. Engaging in initiations, defined as any ritualistic expectations, requirements, or activities placed upon new members of a school organization for the purpose of admission into the organization, even if those activities do not rise to the level of "hazing" as defined below. Initiations are prohibited except by permission of the superintendent;
 - i. Engaging in hazing as defined by state law and this policy. Hazing is defined as any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership in any school organization. Under state criminal law, hazing activities include, but are not limited to, whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with the intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption,

prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act that endangers the physical or mental health or safety of any person. For purposes of school rules, hazing also includes any activity expected of someone joining a group, team, or activity that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate; personal servitude; restrictions on personal hygiene; yelling, swearing and insulting new members/newcomers; being forced to wear embarrassing or humiliating attire in public; consumption of vile substances or smearing of such on one's skin; binge drinking and drinking games; sexual simulation and sexual assault;

- j. Bullying which shall include cyber-bullying, defined as the use of the internet, including but not limited to social networking sites such as Facebook, cell phones or other devices to send, post or text message images and material intended to hurt or embarrass another person. This may include, but is not limited to; continuing to send e-mail to someone who has said they want no further contact with the sender; sending or posting threats, sexual remarks or pejorative labels (i.e., hate speech); ganging up on victims by making them the subject of ridicule in forums, and posting false statements as fact intended to humiliate the victim; disclosure of personal data, such as the victim's real name, address, or school at websites or forums; posing as the identity of the victim for the purpose of publishing material in their name that defames or ridicules them; sending threatening and harassing text, instant messages or emails to the victims; and posting or sending rumors or gossip to instigate others to dislike and gang up on the target;
- k. Violation of the district's computer acceptable computer use policy are subject to discipline, up to and including expulsion;
- l. Knowingly possessing, handling, or transmitting any object or material that is ordinarily or generally considered a simulated or "look-a-like" weapon;
- m. Using any object to simulate possession of a weapon;
- n. Knowingly making a false statement or knowingly submitting false information during the Title IX grievance process or any other school investigation or making a materially false statement in bad faith in the course of a Title IX grievance proceeding or any other school investigation; and
- o. Any other violation of a rule or regulation established by a school district staff member pursuant to authority delegated by the board.

The length of any suspension, expulsion, or mandatory reassignment shall be as provided or allowed by law.

Reporting Requirement to Law Enforcement

Violations of this section will result in a report to law enforcement if:

1. The violation includes possession of a firearm;
2. The violation results in child abuse;
3. It is a violation of the Nebraska Criminal Code that the administration believes cannot be adequately addressed by discipline from the school district;
4. It is a violation of the Nebraska Criminal Code that endangers the health and welfare of staff or students; or
5. It is a violation of the Nebraska Criminal Code that interferes with school purposes.

Emergency Exclusion

Students may be emergency excluded from school pursuant to the board's separate policy on emergency exclusion or state law.

Weapons and/or Firearms

Students may be disciplined for the possession of weapons and/or firearms pursuant to the board's separate policy on weapons and firearms or state law.

Dating Violence

Dating violence, as that term is defined by Nebraska law, will not be tolerated by the school district. Students who engage in dating violence on school grounds, in a school vehicle or at a school activity or that otherwise violates the Nebraska Student Discipline Act will receive consequences consistent with the Act and the district's student discipline policies.

The school district shall provide dating violence training to staff deemed appropriate by the administration and in accordance with Nebraska law.

Discrimination and Harassment

The school district prohibits discrimination and harassment based upon or related to race, color, national origin, sex, religion, marital status, disability, age or any other unlawful basis that (1) has the purpose or effect of creating an intimidating, hostile, or offensive school environment, (2) has the purpose or effect of substantially or unreasonably interfering with a student's school performance, or (3) otherwise adversely affects a student's school opportunities. Students who believe that they have been the subject of unlawful discrimination or harassment due to their disability should contact the following Section 504 Coordinator: Stephanie Dostal at (402) 487-2228 (phone number), sdostal@leigh.esu7.org (e-mail address) or in person at school. Students who believe that they have been the subject of unlawful discrimination or harassment due to their sex should contact the following Title IX Coordinator: Maddie Gall at (402) 487-2228 (phone

number), mgall@leigh.esu7.org (e-mail address), PO Box 98 Leigh, NE 68643 (mailing address) or in person at school. Students who believe that they have been the subject of any other unlawful discrimination or harassment should contact the administration at (402) 487-2228 (phone number), afaltys@leigh.esu7.org or cfischer@leigh.esu7.org (e-mail address) or in person at school. Students may report discrimination or harassment to any staff member who will then forward it on to the appropriate coordinator or administrator. The staff member will follow school district policies to respond to the report.

Bullying

Students are prohibited from engaging in any form of bullying. The Centers for Disease Control and Prevention defines bullying as "any unwanted aggressive behavior(s) by another youth or group of youths who are not siblings or current dating partners that involves an observed or perceived power imbalance and is repeated multiple times or is highly likely to be repeated." Nebraska statute defines bullying as "an ongoing pattern of physical, verbal or electronic abuse." The District's administrators will consider these definitions when determining whether any specific situation constitutes bullying. Both of these definitions include both in-person and cyberbullying behaviors.

The disciplinary consequences for bullying will depend on the severity, frequency, duration, and effect of the behavior and may result in sanctions up to and including suspension or expulsion. Students who believe they are being bullied should immediately inform a teacher or the building principal.

Reporting Bullying

Students who experience or observe bullying behavior must immediately report what happened to a teacher or administrator. Students may always confer with their parents or guardians about bullying they experience or witness, but the students must also ultimately report the situation to a teacher or administrator.

Bullying Investigations

School district staff will investigate allegations of bullying using the same practices and procedures that the district observes for student disciplinary matters. In no circumstance will school district staff be deliberately indifferent to allegations of bullying.

Initiations and Hazing

Initiations and hazing by members of classes, clubs, athletic teams, or any other organization affiliated with the district are prohibited except as otherwise

permitted by this policy. Any student engaging in hazing or non-approved initiations is subject to discipline as permitted by policy and law.

Initiations are defined as any ritualistic expectations, requirements, or activities placed upon new members of a school organization for the purpose of admission into the organization, even if those activities do not rise to the level of "hazing" as defined below. Initiations are prohibited except by permission of the superintendent.

Hazing is defined as any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership in any school organization. Hazing activities include, but are not limited to, whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with the intent to affront or alarm any person, a lewd fondling or caressing of the body of another person, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act that endangers the physical or mental health or safety of any person.

Public Displays of Affection

Students may not engage in public displays of affection that are disruptive to the school environment or distracting to others. Prohibited conduct includes hugging, kissing, touching or any other display of affection that a staff member determines to be inappropriate.

Dress Code

Students must come to school dressed in clean, neat, and appropriate clothing to conform to educational standards.

Students are prohibited from wearing the following attire:

1. Clothing displaying indecent, suggestive or profane writing, pictures or slogans
2. Clothing that advertises or displays alcohol, tobacco or any illegal substance
3. Caps, hats and bandannas during the school day or at school-sponsored events
4. Bare feet (some type of footwear must be worn)
5. Short-shorts, biker shorts, or cutoffs
6. Hairstyles which distract from the learning process or the health and safety for either the student or others
7. Any clothing that could cause damage to others or school property

8. Clothing that is torn, ripped, or cut
9. Shirts, blouses, or other clothing worn unbuttoned, unzipped, or otherwise purposely unfastened
10. "Grubby clothes," those which are purposely torn or bedraggled or threadbare, dirty or disheveled
11. Costumes and/or those clothes intended only for leisure, entertaining or special occasions
12. Bare "midriff" (belly button) styles, see-through and low cut blouses, halters, tank tops or thin-strapped tops (spaghetti straps)
13. Pants and shorts worn below the waist so as to expose undergarments
14. Pants that drag on the floor
15. Chains hanging or attached to pants or shorts
16. Coats during school hours unless the student has permission from a faculty member
17. Clothing with tears or holes that expose flesh or underclothes

Students who violate dress code guidelines will be required to correct the violation by changing into something appropriate at school or returning home to change. A detention or suspension may be given to make up the time away from school. Students will also receive zeros for any class time they miss while correcting the violation. Repeated dress code violations may result in more severe consequences.

Profanity

The use of profanity within the school or on school sponsored activities is not permitted. Administrators, faculty, students and guests are asked to refrain from the use of profanity during classes and in school plays.

Snowballing

Snowballing on the school grounds, directing snowballs toward the school grounds, cars, or persons walking to school is subject to disciplinary action. This is to ensure the safety of all students.

Student Car Driving at Noon

The pupils who drive cars to school are to leave them parked at noon. Cars are to be parked in the area adjacent to the school ground. Pupils are not to be sitting in the cars. In an emergency situation a student may drive at noon by receiving permission from the principal in advance. The running of errands shall not be considered an emergency.

Section 1-Part 4: Due Process Afforded to Students Facing Long-term Suspension or Expulsion

The following procedures shall be followed with regard to any long-term suspension, expulsion, or mandatory reassignment.

1. On the date of the decision to discipline, the Principal shall file with the Superintendent a written charge and a summary of the evidence supporting such charge.
2. The Principal shall serve the student and the student's parents or guardian with a written notice by registered or certified mail or personal service within two school days of the date of the decision to recommend long-term suspension or expulsion. The notice shall include the following:
 - a. The rule or standard of conduct allegedly violated and the acts of the student alleged to constitute a cause for long-term suspension, expulsion, or mandatory reassignment, including a summary of the evidence to be presented against the student;
 - b. The penalty, if any, which the principal has recommended in the charge and any other penalty to which the student may be subject;
 - c. A statement that, before long-term suspension, expulsion, or mandatory reassignment for disciplinary purposes can be invoked, the student has a right to a hearing, upon request, on the specified charges;
 - d. A description of the hearing procedures provided by the act, along with procedures for appealing any decision rendered at the hearing;
 - e. A statement that the principal, legal counsel for the school, the student, the student's parent, or the student's representative or guardian has the right (i) to examine the student's academic and disciplinary records and any affidavits to be used at the hearing concerning the alleged misconduct and (ii) to know the identity of the witnesses to appear at the hearing and the substance of their testimony; and
 - f. A form on which the student, the student's parent, or the student's guardian may request a hearing, to be signed by such parties and

delivered to the principal or superintendent in person or by registered or certified mail.

3. When a notice of intent to discipline a student by long-term suspension, expulsion, or mandatory reassignment is filed with the superintendent, the student may be suspended by the principal until the date the long-term suspension, expulsion, or mandatory reassignment takes effect if no hearing is requested or, if a hearing is requested, the date the hearing examiner makes the report of his or her findings and a recommendation of the action to be taken to the superintendent, if the principal determines that the student must be suspended immediately to prevent or substantially reduce the risk of (a) interference with an educational function or school purpose or (b) a personal injury to the student himself or herself, other students, school employees, or school volunteers.
4. Nothing in this policy shall preclude the student, student's parents, guardian, or representative from discussing and settling the matter with appropriate school personnel prior to the hearing stage.
5. If a hearing is requested within five days after receipt of the notice, the Superintendent shall appoint a hearing officer who shall follow the "hearing procedures" outlined below.
6. If a hearing is requested more than five school days following the receipt of the written notice, but not more than thirty calendar days after receipt, the Superintendent shall appoint a hearing officer who shall follow the "hearing procedures" outlined below, except that the time constraints set forth may differ as provided by law and this policy. The student shall be entitled to a hearing but the consequence imposed may continue in effect pending final determination.
7. If a request for hearing is not received within thirty calendar days following the mailing or delivery of the written notice, the student shall not be entitled to a hearing.

In the event a hearing is requested, the hearing, hearing procedures, the student's rights and any appeals or judicial review permitted by law shall be governed by the applicable provisions of the Nebraska Student Discipline Act (NEB. REV. STAT. § 79-254 to 79-294). The school district will provide parents with copies of the relevant statutes upon request.

Section 2: Rights of Custodial and Non-Custodial Parents

The school district will honor the parental rights of natural and adoptive parents unless those rights have been altered by a court.

The term "custodial parent" refers to a biological or adoptive parent to whom a court has given primary physical and legal custody of a child, and a person such as a caseworker or foster parent to whom a court has given legal custody of a child.

The district will not restrict the access of custodial and non-custodial parents to their students and their students' records, unless the district has been provided a copy of a court order that limits those rights. If the district is provided such a court order, school officials will follow the directives set forth in the order.

The district will provide the custodial parent with routine information about his or her child, including notification of conferences. The district will not provide the non-custodial parent with such information on a routine basis, but will provide it upon the non-custodial parent's request unless it has been denied by the courts.

A non-custodial parent who wishes to attend conferences regarding his or her child will be provided information about conference times so both parents may attend a single conference. The district is not required to schedule separate conferences if both parents have been previously informed of scheduled conference times.

If either or both parents' behavior is disruptive, staff members may terminate a conference and reschedule it with appropriate modifications or expectations.

Section 3: Student Fee Policy

The school district shall provide free instruction in accordance with the Nebraska State Constitution and Nebraska state law. The district also provides activities, programs, and services that extend beyond the minimum level of constitutionally required free instruction. Under the Public Elementary and Secondary Student Fee Authorization Act, the district is permitted to charge students fees for these activities or to require students to provide specialized equipment and attire for certain purposes. This policy is subject to further interpretation or guidance by administrative or board regulations. Students are encouraged to contact their building administration, their teachers or their coaches, and sponsors for further specifics.

Definitions.

1. "Students" means students, their parents, guardians or other legal representatives.

2. "Extracurricular activities" means student activities or organizations that (1) are supervised or administered by the district; (2) do not count toward graduation or advancement between grades; and (3) are not otherwise required by the district.

3. "Post-secondary education costs" means tuition and other fees associated with obtaining credit from a post-secondary educational institution.

Listing of Fees Charged by this District.

Technological Devices. The district will provide students with the technological devices necessary to complete all basic curricular projects. To the extent that a student is not required by the district's curriculum to utilize a device off district property, the district may charge students a convenience fee to take the device off district property. The maximum dollar amount of this convenience fee charged by the district will be \$35 per student. For more information regarding technological devices please refer to the Leigh Community Schools Computer Loan Agreement.

Bills

Students should pay bills for supplies, fines, shop materials, clothing orders, etc. in the school bookkeeper's office. Any check for these payments should be made out to Leigh Community Schools unless otherwise instructed. Pursuant to board policy, the district will assess an additional penalty of \$30 for any check returned from the bank for insufficient funds.

When students purchase items of significant value, such as class rings and letter jackets, they must make payment at the time of purchase or when the order is placed.

1. **Post-Secondary Education Costs.** Some students enroll in post-secondary courses while still enrolled in high school. As a general rule, students must pay all costs associated with such post-secondary courses. However, for a course in which students receive high school credit or a course being taken as part of an approved accelerated or differentiated curriculum program, the district shall offer the course without charge for tuition, transportation, books, or other fees. Students who chose to apply for post-secondary education credit for these courses must pay tuition and all other fees associated with obtaining credits from a post-secondary educational institution.

2. **Transportation Costs.** The district will charge students reasonable fees for district-provided transportation services to the extent permitted by federal and state statutes and regulations. The maximum dollar amount of the transportation fee charged by this district shall be \$5 per event; example: activity van bus.
3. **Charges for Food Consumed by Students.** The district will charge for items that students purchase from the district's breakfast and lunch programs. The fees charged for these items will be set according to applicable federal and state statutes and regulations. The district will charge students for the cost of food, beverages, and the like that students purchase from a school store, vending machine, booster club or from similar sources. Students may be required to bring money or food for field trip lunches and similar activities.

The maximum dollar amount charged by the district for the breakfast and lunch programs is as follows:

- Breakfast Program – Grades PK-6
 - Regular Price \$1.75
 - Reduced Price \$.30
- Breakfast Program – Grades 7-12
 - Regular Price \$1.75
 - Reduced Price \$.30
- Lunch Program – Grades K-6
 - Regular Price \$2.95
 - Reduced Price \$.40
- Lunch Program – Grades 7-12
 - Regular Price \$3.10
 - Reduced Price \$.40
- Milk for Breaks \$.50
- Second milk \$.50

Waiver Policy.

Students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs shall be provided a fee waiver or be provided the necessary materials or equipment without charge for (1) participation in extracurricular activities, (2) materials for course projects, and (3) the use of a musical instrument in optional music courses that are not extracurricular activities. Students are not required to participate in the free or reduced-price lunch program to qualify for the waivers provided in this section. The district is not obligated to provide any particular type or quality of equipment or other material to eligible students. Students who wish to be considered for waiver of a particular fee must submit a completed fee

waiver application to their building principal. Application forms are available in each school building office.

Voluntary Contributions to Defray Costs.

When appropriate, the district will request donations of money, materials, equipment, or attire from parents, guardians and other members of the community to defray the costs of providing certain services and activities to students. These requests are not requirements, and staff members of the district are directed to communicate that fact clearly to students, parents, and patrons.

Fund-Raising Activities

Students may be permitted or required to engage in fund-raising activities to support various curricular and extracurricular activities in which they participate. Students who decline to participate in fund-raising activities are not eligible under this policy for waiver of the costs or fees which the fund-raising activity was meant to defray.

Article 9 - Extra-Curricular Activities-Rights, Conduct, Rules, and Regulations

Section 1 Extra-Curricular Programs:

Extra-curricular programs enrich the curriculum of the school by making available a wide variety of activities in which a student can participate. The Leigh High School will adhere to the rules and regulations set forth in Title IX guidelines on sex discrimination as well as other pertinent rules and regulations.

Section 2 Activity Philosophy:

Activities are considered an integral part of the school's program of education that provides experiences that will help boys and girls physically, mentally and emotionally. The element of competition and winning, though it exists, is controlled to the point it does not determine the nature or success of the program. This is considered to be educationally and psychologically sound because of the training it offers for living in a competitive society. Students are stimulated to want to win and excel, but the principles of good sportsmanship prevail at all times to enhance the educational values of contests. We believe that participation in activities, both as a player and as a student spectator, is an integral part of the students' educational experiences. Such participation is a privilege that carries with it responsibilities to the school, to the team, to the student body, to the community and to the students themselves. In their play and their conduct, students are representing all of these groups. Such experiences contribute to

the knowledge, skill and emotional patterns that they possess, thereby making them better people and citizens.

Safety

The District's philosophy is also to maintain an activities program that recognizes the importance of the safety of the participants. To ensure safety, participants are required to become fully familiar with the dangers and safety measures established for the activity in which they participate, to adhere to all safety instructions for the activity in which they participate, and to exercise common-sense. In addition, the District requires that activity team members travel to and from out-of-town events as a unit. Any exceptions to this rule must be approved by both the parents and the coach/sponsor and should be done in writing prior to the departure to the event. The note should be given to the Coach/Sponsor or Principal.

Warning for Participants and Parents

The purpose of this warning is to bring your attention to the existence of potential dangers associated with athletic injuries. Participation in any intramural or athletic activity may involve injury of some type. The severity of such injury can range from minor cuts, bruises, sprains and muscle strains to more serious injuries to the body's bones, joints, ligaments, tendons, or muscles, to catastrophic injuries to the head, neck and spinal cord. On rare occasions, injuries can be so severe as to result in total disability, paralysis or death. Even with appropriate coaching, appropriate safety instruction, appropriate protective equipment and strict observance of the rules, injuries are still a possibility.

Section 3: Activity Code of Conduct

This activity code of conduct is supplemental to the Leigh High School student code of conduct which is in Article 8 of this handbook and any action taken hereunder may be in addition to any action under the student code of conduct said policy.

Grounds for Extracurricular Discipline

The grounds for suspension from participation in interscholastic competition, or other participation in activities, events and competitions are set forth below. In becoming familiar with the conduct rules for extra-curricular activities, participants need to remember that they are not only representing themselves, but also, their school and community in all of their actions. Special conduct rules exist for the reasons that:

Participants in Activities, and School events Assume Responsibility for Leadership and are Representatives of Our School: Participants in extra-curricular activities assume a leadership role. The student body, the

community and other communities judge our school on the students' conduct and attitudes, and how they contribute to our school spirit and community image. The students' performance and devotion to high ideals make their school and community proud.

Activities, and School events are a Privilege: Extra-curricular activities, and events have an important place in the educational program of the Leigh High School. It is a privilege for the students who choose to participate. Students who participate and are accepted into the program are expected to demonstrate cooperation, patience, pride, character, self-respect, self-discipline, teamwork, sportsmanship, and respect for authority. It is the belief that accepting responsibility for one's actions is a part of that philosophy.

The conduct rules apply to conduct of the student, regardless of whether the conduct occurs on and off school grounds. (If the conduct occurs on school grounds, at a school function or event, or in a school vehicle, the student may also be subject to further discipline under the general student code of conduct). The conduct rules apply to conduct which occurs at any time during the school year, and also includes the time frame which begins with the official starting day of the fall sport season established by the NSAA and extends to the last day of the spring sport season established by the NSAA, whether or not the student is a participant in an activity at the time of such conduct.

1. Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or alcoholic beverage.
2. Engaging in any activity forbidden by the laws of the State of Nebraska that substantially interferes with the activities of the school.
3. Willfully causing or attempting to cause substantial damage to property, stealing or attempting to steal property of substantial value, or repeated damage or theft involving property.
4. Causing or attempting to cause personal injury to a school employee, to a school volunteer, to any student, or to any other person.
5. Threatening or intimidating any student for the purpose of, or with the intent of, obtaining money or anything of value from such student.
6. Knowingly possessing, handling, or transmitting any object or material that is considered a weapon.
7. Engaging in the selling, using, possessing or dispensing of alcoholic beverages, tobacco, narcotics, drugs, controlled substance, inhalant or being under the influence of any of the above; or possession of drug paraphernalia. (Note: The term "under the influence" for school purposes has a less strict meaning than it does under criminal law. For school purposes, the term means any level of impairment and includes even the

odor of alcohol on the breath or person of a student. Also, it includes being impaired by reason of the abuse of any material used as a stimulant.)

8. Failure to attend all scheduled practices and meetings. If circumstances arise to prevent the participant's attendance, the coach will determine the validity of the reason. Every reasonable effort should be made to notify the coach or supervisor prior to all missed practices or meetings.

9. All other reasonable rules or regulations adopted by the coach or supervisor of an extracurricular activity shall be followed, provided that participants shall be advised by the coach or supervisor of such rules and regulations by written handouts or posting on bulletin boards prior to the violation of the rule or regulation.

10. Any unbecoming conduct by a student that reflects poorly on the Leigh Community.

Definition of Activities, Events, and Competitions:

Activities include- Pep Band, Cheerleading/Dance, FFA activities, FCCLA activities, Sports Activities, and any activities considered extra or outside of the graded curriculum. Events include- Homecoming, Prom, Banquets, Dances, Candidate representation of any these events, Conventions or Conferences

Competitions include- Quiz Bowls, Academic Competitions, Athletic Competitions, Musical Competitions, and any competitions that students represent Leigh Community Schools

All NSAA and EHC Conference Activities are included in this policy.

* This list serves as a guideline but extra programs and activities change according to need and staffing. This list may not be all-inclusive. The intent of this policy is to cover all extra-curricular activities. These are activities that are outside the curriculum area and are intended as extra and do not impact the graded curriculum.

Activities Citizenship Rules

Participants will be suspended from activities when it has been established by the school administration and activity sponsor that the student has been in possession or use of tobacco, vapor products, alcohol, narcotics, steroids, or hallucinogenic drugs or substances. The consequences associated with these violations are noted in the proceeding section.

Students may be suspended from practices or participation in interscholastic competition, co curricular activities, or school sponsored events for violations of the Code of Conduct. The consequences shall be determined by the school administration. The consequences will be determined based upon the seriousness of the offense, the student's compliance with self-reporting obligations, the student's level of cooperation and willingness to resolve the matter, and the student's demonstration of a commitment to avoid future violations.

Penalties (Drugs, Alcohol, Steroids, Tobacco, Vapor Products)

If a student self-reports his or her misconduct to the administration, the student is eligible to have a shorter suspension. This policy promotes self-accountability and ownership of one's actions. This option is only available once in a student's academic career. For example, a student violating the activity code as a freshman could self-report and receive a reduced consequence. If the same student then violates the activity code as a junior, the violation would be treated as first offense/not-self reporting regardless of whether the student reported his or her violation.

	First Offense: Self Reporting	First Offense: Not-Self Reporting
FB	1 game suspension	2 game suspension
VB	2 match suspension	4 match suspension
SB	2 game suspension	4 game suspension
BB	2 game suspension	4 game suspension
WR	1 meet suspension	2 meet suspension
T	1 meet suspension	2 meet suspension
GOLF	1 meet suspension	2 meet suspension
CHEER	2 game suspension	4 game suspension
DANCE	2 game suspension	4 game suspension

Students involved in fine arts/vocational arts activities would be suspended from one activity. Suspensions in fine arts/vocational arts shall not affect the student's grade.

For counting purposes, each game, match, or meet referenced above involves a separate scheduled date. For example, a softball player is assigned a two game suspension. If she must sit out a double header on Tuesday, this counts as one game. She would also need to sit out the next day a game is scheduled.

For a second violation of the participation rules occurring in the same school year as the first violation, the student shall be ineligible to participate in activities for a minimum of thirty (30) calendar days to include a minimum of four (4) events. Both conditions, time and number of events, must be satisfied before the student is eligible to again participate in activities.

For a third violation of the participation rules occurring in the same school year as the first violation, the student shall be ineligible to participate in activities for 180 calendar days.

For second and third violations of the activity policy in the same school year, the time period associated with the penalty begins on the day of the first scheduled event for any activity in which the student is a participant. Activity suspensions earned in the Spring will carry over to the Fall if the suspension has not been fully served.

A student earning a second or third activity suspension in the same school year forfeits the ability to earn a letter in the activity affected by the suspension.

Procedures for Extracurricular Discipline

Students may be suspended by the Administration from practices or participation in school sponsored activities, events or competitions for violation of rules and standards of behavior adopted by the Leigh Community School Board of Education or the administrative staff of the school.

The following procedures will be followed with regard to suspension:

1. The school official(s) considering the suspension will make a reasonable investigation of the facts and circumstances and determine whether the suspension will help the student or other students, further school purposes, or prevent an interference with school purpose.
2. Prior to commencement of the suspension, the student is to be given oral or written notice of the charges against the student. The student will be advised of what the student is accused of having done; an explanation of the evidence the school has, and is given the opportunity to explain the student's version of the facts.
3. If the student is not readily available to meet with the school official for this purpose before the suspension is to begin, then the suspension may be imposed at that time so long as the opportunity for the student to hear the charges and evidence and for the student to tell his or her side of the story occurs as soon as reasonably practicable. An effort to schedule a meeting for this purpose should be made by the student and the student's parent or guardian as well. Given the fact that extracurricular activity suspension actions at times need to be taken outside the regular school day, a telephone conference may be used to give the student the opportunity to provide the student's position.
4. Within two school days or such additional time as is reasonably necessary following the suspension, the Administration will send a written statement to the student and the student's parents, or guardian describing the student's

conduct, misconduct or violation of the rule or standard and the reason for the action taken and the right to a hearing upon request on the specified charges.

5. An opportunity will be afforded the student, parents, or guardian of the student, at their request, to confer on an informal basis with regard with the school official who has imposed the suspension and to give that school official any further information in the student's defense.

6. If the student or student's parents or guardian are not satisfied with the determination of the school official, an informal hearing may be requested before the Superintendent. A form to request such a hearing must be signed by the parent or guardian and will either be provided with the initial notice letter or be made available in the Principal's office. This request must be received by the building principal within five days of receiving the initial written notice of suspension.

7. If a hearing is requested, it shall be held within ten calendar days of the request. The Superintendent will notify the participants of the time and place of the hearing within five days of receiving the request. There will be no stay of the penalty imposed pending an appeal.

8. Upon conclusion of the hearing, a written decision will be rendered within five school days. The written decision will be mailed or otherwise delivered to the participant, parents or guardian. A record of the hearing (copies of documents provided at the hearing and a tape recording or other recordation of the hearing itself) shall be kept by the school.

Section 4: "Team Selection" and "Playing Time":

"Team selection" and "playing time" decisions are the responsibility of the individual coach or sponsor of the activity. Consistent, however, with the purposes of the activities program, the coaches and sponsors shall follow the following established guidelines for team selection and playing time decisions, along with such other guidelines as each individual coach and sponsor may develop which are not inconsistent with these established guidelines:

1. School Representative: Student participants must demonstrate that they can and will represent themselves and their school in a manner that reflects the development of high ideals and appropriate values, which shall include good citizenship in the school and in the community.

2. Success: Student participants must demonstrate that they can make the activity program more successful, both from a standpoint of competitive success and success in promoting a positive school spirit. Characteristics for purposes of this criteria include the student's: (1) talent or skill, (2) desire to improve the student's own skills or talents as well as those of others in the activity, and (3) attitude of respect towards teammates, the coach, the school, and the community.

Section 5: Academic Eligibility Standard for Activities Participation:

Participation in extra-curricular school activities is encouraged and desirable for all students. At the same time, the principal mission and responsibility for each student is to establish a firm academic foundation. A student participating in extra-curricular school activities must therefore follow the following guidelines:

1. Eligibility standards for students in grades 9-12: (a) Students must have passed 20 credit hours (4 classes that meet 50 minutes per day for 180 days per year) the preceding semester. (b) Students must be enrolled in six subjects and must be passing all graded subjects of their current enrollment. (c) Students must be in good disciplinary standing at the school. (d) Students do not become ineligible until the second Monday of continued failing academic performance in a class. (e)Students who become ineligible will remain ineligible for a minimum of one week.

2. Eligibility for students in grades 7-8: (a) Students must be passing all subjects. (b)Students must be in good disciplinary standing at the school. (c) Students do not become ineligible until the second Monday of continued failing academic performance in a class. (d) Students who become ineligible will remain ineligible for a minimum of one week.

3. Special Circumstances: (a) the development of an IEP for resource students may exclude that student from the Eligibility standards as set forth above. (b) extended illness and other documented special circumstances that would place the student on the failing list may also qualify for exception to the eligibility standards. (c) If a special circumstance exists, it is the responsibility of the student and or/ parent to seek exemption from the Standards by contracting the appropriate school official.

4. Academic eligibility standards may not apply to:
(A)Instructional field trips which are a part of the scheduled course learning experience; and,

(B) Activities or events which are a part of the student's grade requirements. The Principal shall make the final determination on whether student participation in the event warrants a waiver of the academic eligibility policy.

Academic Eligibility Procedures

1. At the beginning of each semester the high school counselor will review all student records and current enrollments. The names of any students who did not pass 20 credit hours the previous semester and those who are not enrolled in six subjects will be reported to the activities director/ Principal.

2. During the third full week of the each semester, all 7-12 grade students will undergo an eligibility check each Monday. Students who have one (1) failing grade, in the same class, for two consecutive weeks will be deemed ineligible to participate in all school-related activities seven (7) days (Tuesday through Monday). During the first week a student has a failing grade in a class, the student is deemed to be on academic probation. He or she may participate in school-sponsored activities.

By no later than noon on Monday, teachers will submit progress reports indicating those students with cumulative averages below passing (70%). By teacher discretion, progress reports may be issued for students with significant missing work or grades near failing. Teachers should note the student as "ineligible" if the student has failing academic performance (F) for a period of time in excess of one week. The building administrator or his/her designee will compile all teacher submitted data into one Master Performance list and distribute this list to all teachers, head coaches, and head activity sponsors each Monday afternoon, or the first day of the school week. It is the responsibility of the coach/sponsor to notify a student if he or she is ineligible.

Section 6: Student Fees Policy:

The Board of Education of Leigh Community School has adopted this student fees policy in accordance with the Public Elementary and Secondary Student Fee Authorization Act.

The District's general policy is to provide for the free instruction in school in accordance with the Nebraska Constitution. This generally means that the District's policy is to provide free instruction for courses which are required by state law or regulation and to provide the staff, facility, equipment, and materials necessary for such instruction, without charge or fee to the students.

The District does provide activities, programs, and services to children that extend beyond the minimum level of constitutionally required free instruction. Students and their parents have historically contributed to the

District's efforts to provide such activities, programs, and services. Such student and parent contributions have included: students coming to school with the basic clothing and personal supplies to be successful in the classroom (clothing, shoes, pencils, pens, paper, notebooks, calculators, and the like), students bringing their own or paying the reasonable cost of specialized equipment or supplies for the personal preference or personal retained benefit of students (for example, band equipment, locker deposit or rental fees, shop class materials where the student keeps the product, and college tuition or fees for college credit for advanced placement courses or correspondence courses), students providing their own specialized clothing and equipment to be prepared for the extracurricular activities in which they choose to participate (sporting apparel, including shoes, undergarments, and the like), and assisting with special programs, such as field trips, summer school, school dances and plays. The District's general policy is to continue to encourage and to require, to the extent permitted by law, such student and parent contributions to enhance the educational program provided by the District.

Under the Public Elementary and Secondary Student Fee Authorization Act, the District is required to set forth in a policy its guidelines or policies for specific categories of student fees. The District does so by setting forth the following guidelines and policies: This policy is subject to further interpretation or guidance by administrative or Board regulations which may be adopted from time to time. Parents, guardians, and students are encouraged to contact their building administration or their teachers or activity coaches and sponsors for further specifics.

Guidelines for clothing required for specified courses and activities: Students have the responsibility to furnish and wear non-specialized attire meeting general District grooming and attire guidelines, as well as grooming and attire guidelines established for the building or programs attended by the students or in which the students participate. Students also have the responsibility to furnish and wear non-specialized attire reasonably related to the programs, courses and activities in which the students participate where the required attire is specified in writing by the administrator or teacher responsible for the program, course or activity. The District will provide or make available to students such safety equipment and attire as may be required by law, specifically including appropriate industrial-quality eye protective devices for courses of instruction in vocational, technical, industrial arts, chemical or chemical-physical classes which involve exposure to hot molten metals or other molten materials, milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials, heat treatment, tempering, or kiln firing of any metal or other materials, gas or electric arc welding or other forms of welding processes, repair or servicing

of any vehicle, or caustic or explosive materials, or for laboratory classes involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other similar hazards. Building administrators are directed to assure that such equipment is available in the appropriate classes and areas of the school buildings, teachers are directed to instruct students in the usage of such devices and to assure that students use the devices as required, and students have the responsibility to follow such instructions and use the devices as instructed.

Personal or consumable items: Students have the responsibility to furnish any personal or consumable items for participation in the courses and activities provided by the District. This includes the responsibility to furnish minor personal or consumable items including, but not limited to, pencils, paper, pens, erasers, and notebooks. Equipment or supplies of a specialized nature for certain courses (for example, protractors and math calculators) may be available to students by the District, but students may also be encouraged to purchase their own such equipment or supplies for their own use after school hours or for use during the school day due to the limited number of District items available to the students. A specific class supply list will be published annually in a Board-approved student handbook or supplement or other notice. The list may include refundable damage or loss deposits required for usage of certain District property. While the District will provide students with the use of facilities, equipment, materials and supplies, including books, the students are responsible for the careful and appropriate use of such property. Students and their parents or guardian will be held responsible for damages to school property caused or aided by the student and will also be held responsible for the reasonable replacement cost of school property which is placed in the care of and lost by the student.

Materials required for course projects: Students have the responsibility to furnish or pay the reasonable cost of any materials required for course projects where, upon completion, the project becomes the property of the student. Students must furnish musical instruments for participation in optional music courses that are not extracurricular activities. Use of a musical instrument without charge is available under the District's fee waiver policy; however, the District is not required to provide for the use of a particular type of musical instrument for any student.

Extracurricular Activities: Specialized equipment or attire. Extracurricular activities means student activities or organizations which are supervised or administered by the District, which do not count toward graduation or advancement between grades, and in which participation is not otherwise required by the District. The District will generally furnish students with specialized equipment and attire for participation in extracurricular activities.

The District is not required to provide for the use of any particular type of equipment or attire. Equipment or attire fitted for the student and which the student generally wears exclusively, such as dance squad, cheerleading, and music/dance activity (e.g. choir or show choir) uniforms and outfits, along with T-shirts for teams or band members, will be required to be provided by the participating student. The cost of maintaining any equipment or attire, including uniforms, which the student purchases or uses exclusively, shall be the responsibility of the participating student. Equipment which is ordinarily exclusively used by an individual student participant throughout the year, such as golf clubs, softball gloves, and the like, are required to be provided by the student participant. Items for the personal medical use or enhancement of the student (braces, mouth pieces, and the like) are the responsibility of the student participant. Students have the responsibility to furnish personal or consumable equipment or attire for participation in extracurricular activities or for paying a reasonable usage cost for such equipment or attire. For music courses that are extracurricular activities, students may be required to provide specialized equipment, such as musical instruments, or specialized attire, or for paying a reasonable usage cost for such equipment or attire.

Postsecondary Education Costs. Students are responsible for postsecondary education costs. The phrase "postsecondary education costs" means tuition and other fees associated with obtaining credit from a postsecondary educational institution. For a course in which students receive both high school and postsecondary education credit or a course being taken as part of an approved accelerated or differentiated curriculum program, the course shall be offered without charge for tuition, transportation, books, or other fees, except tuition and other fees associated with obtaining credits from a postsecondary educational institution.

Transportation Costs. Students are responsible for fees established for transportation services provided by the District as and to the extent permitted by federal and state laws and regulations.

Copies of Student Files or Records. The Superintendent or the Superintendent's designee shall establish a schedule of fees representing a reasonable cost of reproduction for copies of a student's files or records for the parents or guardians of such student. A parent, guardian or student who requests copies of files or records shall be responsible for the cost of copies reproduced in accordance with such fee schedule. The imposition of a fee shall not be used to prevent parents of students from exercising their right to inspect and review the students' files or records and no fee shall be charged to search for or retrieve any student's files or records. The fee schedule shall permit one copy of the requested records be provided for or

on behalf of the student without charge and shall allow duplicate copies to be provided without charge to the extent required by federal or state laws or regulations.

Participation in Before-and-After-School or Pre-Kindergarten Services. Students are responsible for fees required for participation in before-and-after-school or pre-kindergarten services offered by the District, except to the extent such services are required to be provided without cost.

Participation in Summer School or Night School. Students are responsible for fees required for participation in summer school or night school. Students are also responsible for correspondence courses.

Breakfast and Lunch Programs. Students shall be responsible for items which students purchase from the District's breakfast and lunch programs. The cost of items to be sold to students shall be consistent with applicable federal and state laws and regulations. Students are also responsible for the cost of food, beverages, and personal or consumable items which the students purchase from the District or at school, whether from a "school store," a vending machine, a booster club or parent group sale, a book order club, or the like. Students may be required to bring money or food for field trip lunches and similar activities.

Waiver Policy. The District's policy is to provide fee waivers in accordance with the Public Elementary and Secondary Student Fee Authorization Act. Students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs shall be provided a fee waiver or be provided the necessary materials or equipment without charge for: (1) participation in extracurricular activities, (2) admission fees and transportation charges for student spectators attending extracurricular activities; (3) materials for course projects, and (4) use of a musical instrument in optional music courses that are not extracurricular activities. Participation in a fee waiver program is not required to qualify for free or reduced-price lunches for purposes of this section. Students or their parents must request a fee waiver prior to participating in or attending the activity, and prior to purchase of the materials. Materials for course projects to be provided to free or reduced-price lunch eligible students shall be required to be approved by the administration in advance; the administration shall apply a standard based on providing materials which are equitable to those purchased for comparable students.

Distribution of Policy. The Superintendent or the Superintendent's designee shall publish the District's student fee policy in the Student Handbook or the equivalent (for example, publication may be made in an addendum or a

supplement to the student handbook). The Student Handbook or the equivalent shall be provided to students of the District at no cost.

Student Fee Fund. The School Board hereby establishes a Student Fee Fund. The Student Fee Fund shall be a separate school district fund not funded by tax revenue, into which all money collected from students and subject to the Student Fee Fund shall be deposited and from which money shall be expended for the purposes for which it was collected from students. Funds subject to the Student Fee Fund consist of money collected from students for: (1) participation in extracurricular activities, (2) postsecondary education costs, and (3) summer school or night school.

Section 7: Sunday/Wednesday/Holiday Practices

1. **Sunday Practices.** It is the policy of the Leigh Community Schools to discourage practice of any extra curricular activities on Sunday. In special instances where Sunday practice may be necessary, permission can be granted by the administration if the person in charge of that activity makes a request. The Board will reserve the right to cancel or limit any or all practices on Sunday if they become excessive.

2. **Wednesday Practices.** Traditionally, Wednesday evening has been known as Family Night. Therefore, it shall be the policy of the Leigh Community Schools to not schedule any regular practices or events on Wednesday evenings. All events and practices scheduled during the day of Wednesday must end by 6:00 p.m. The Leigh School cannot be held responsible for those events scheduled by others on Wednesday evenings (i.e. Conference or State Events)

Practices are not to be held on an observed holiday when school is not in session. The exception is Labor Day, when a practice may be scheduled for later in the day to allow for family travel purposes. This practice cannot be made mandatory.

Practices over a holiday break, such as Thanksgiving and Christmas, are to be scheduled prior to the start of the season. All NSAA guidelines must be followed.

Section 8: Student Council

The Student Council will be composed of thirteen members representing grades 7-12. Two members, one male and one female, will be elected from the grades 7-11, with three members elected from the Senior Class. At the first council meeting, a President from the Senior Class, a Vice President from the Junior Class, Secretary from the Sophomore Class and Treasurer

from the Freshman Class will be elected. If a vacancy should occur in the offices of President, Vice President, Secretary or Treasurer, a committee composed of the principal and one teacher and three Student Council members chosen by the Student Council shall make an appointment to fill the unexpired term. If a vacancy should occur in the class representation, each class shall vote at a class meeting to fill the vacancy for the unexpired term.

Section 9: Class Meetings

Meetings will be held whenever necessary. At each meeting at least one sponsor must be present. Permission must be obtained from the Principal and the sponsor before a meeting can be held. All class meetings must be held in the school since it is a school organization.

Section 10: Class Officers

Class officers will be elected at the first meeting of the year. The president will conduct each meeting, unless for some reason unable to do so. At each meeting a secretary's and treasurer's report will be given. A Student Council report will be given at those meetings where it is practical. The treasurer of each class will be responsible for all money and keeping of financial records. All purchases must be authorized by purchase slip.

Section 11: Assemblies

Assemblies will be held for a variety of reasons: Special announcements and pep rallies for example. The following regulations will be followed whenever an assembly is held. These rules also apply to conduct in the hallways.

1. Students will assemble in a civilized manner.
2. Students will never make unreasonable or disruptive noises.
3. Students who do not attend assemblies will be assigned to study hall and expected to study.
4. Student conduct in the corridors should be polite and orderly. At all times students will respect the rights of others.

Section 12: Homecoming

A Homecoming celebration shall be held during the football season. All students in grades 9-12 are allowed to vote for the king and queen. The following voting procedure will be followed: On Monday of homecoming week, each high school student will vote among senior boys and senior girls for homecoming candidates. The boys and girls receiving the most votes will become the homecoming candidates (# of candidates to be determined by the school board each year). On Friday of homecoming week all high school students will vote for 1 boy and 1 girl. The king and queen will be announced at the homecoming festivities. The Student Council will be responsible for

procuring a band, decorations, cleanup, preparing the rates and obtaining the crowns and flowers.

Section 13: Senior Work Study

The program is established to provide students with an opportunity to experience Career related skills. The seniors who take advantage of this privilege are expected to be responsible, productive students on the job and in the community. If students do not act responsibly and engage in conduct or behavior that reflects poorly on Leigh Community Schools they may lose the job release privilege. The following criteria are expected of each student that takes part in the job release program. If a student does not meet criteria the student may lose his or her job release privilege.

CRITERIA:

1. Student may not work at home, on the family farm or any other family business unless approved by the principal. The program is established for educational purposes, thus expecting students to challenge themselves to grow in new areas.
2. Student must submit to the Principal a request for consideration into the work study program.
3. Student must turn into the Principal an expected work schedule, of the times and dates he or she will be working.
4. Student must return a follow up evaluation form filled out by the employer.
5. During the semester, the student must have fewer than eight (8) absences coded other than school excused to be eligible for the job release program.
6. Students accumulating more excessive tardies during a semester must make-up time before being allowed to continue in the work release program.
7. If a student is absent from school, he or she shall not participate in the work release program on that particular day.
8. Student must be on track for passing the required credits to graduate.
9. If a student becomes academically ineligible, the work study option is rescinded until the student is back into good standing.
10. If a student violates the alcohol/tobacco/drug policy noted in this section, the work study program would be suspended for two school weeks. A second infraction would result in a four week suspension. A third infraction would result in the elimination of the work study option.
11. If a student is not working, they are expected to be at school.
12. Students **MUST** choose one job.
13. Students will sign out each day in the office before leaving for work study.
14. Student will be required to enroll in a JAG course during their senior year schedule.

Section 14: Dances and Class Parties

All dances and parties must terminate on weeknights at 10:00 p.m. On Friday and Saturday nights, activities may continue until 12:00 am (midnight). Dances following football or basketball games shall run for one hour after the boys are dressed. Junior High parties shall run from 7:30 p.m. to 10:00 p.m. The Homecoming Dance is open to Leigh students in grades 9-12. Outside dates may accompany a Leigh student to the Homecoming Dance provided that the guest is either a high school student or has graduated from high school within the last two years. All outside dates must be approved by the administration.

The Junior-Senior Prom will be open to only Juniors, Seniors and dates. Servers, Board Members, and faculty members are an exception to this rule. Proposed plans for all dances and activities must be cleared one month in advance with the principal. There shall be one party per year for the Junior High.

Section 15: Students as Teacher Aides

In their senior year, students may request to assist as a teacher aide at either the elementary or secondary level for one (1) period during the school day. In the semester immediately proceeding work as a teacher aide, the student must have earned credit in all courses in which he or she was enrolled.

Student aides may:

- 1) Assist in the decoration or arrangement of the supervising teacher's classroom.
- 2) Performing basic cleaning and prep work for labs and activities.
- 3) Take recycling material to the containers located on school grounds.
- 4) Make photocopies for the supervising teacher's classes.
- 5) Assist students in work being done during the class period.
- 6) Organizing files that do not include personal student information.
- 7) Record that assigned homework has been submitted. At the junior/senior high level, student aides are not to grade assigned work.

Student aides are not to leave school grounds unless directly supervised by a staff member or prior arrangements have been approved by the administration and a waiver has been signed by a parent/guardian.

Student aides are prohibited from conducting personal errands for staff members.

Section 16: Transportation Services

The district operates school buses as a convenience for students and parents. They represent a substantial investment, and students are expected to care for and respect them.

Transportation to School

Students who ride the bus to school will arrive in time for them to eat breakfast at school. Parents must contact their bus driver if a student will not ride the bus on a given day. Bus drivers endeavor to adhere to their schedule, and will wait for riders only a short period of time so as not to jeopardize the time remaining for the rest of their schedule.

Non-resident or option enrollment students may ride the buses, but they will be charged a fee to be established by the board of education. The Superintendent will schedule bus routes, and questions concerning them should be directed to that office.

Bus Regulations

Riding school vehicles is a privilege, not a right. The bus drivers have the same authority as teachers while transporting students. Students must comply with the following rules and all school conduct rules and directives while riding in school vehicles. In addition, students must also comply with the student code of conduct while riding in school vehicles. If misconduct is recurring, the student will not be allowed to ride the bus.

a) Rules of Conduct on School Vehicles:

- 1) Students must obey the driver promptly.
- 2) Students must wait in a safe place for the bus to arrive, clear of traffic and away from where the vehicle stops.
- 3) Students are prohibited from fighting, engaging in bullying, harassment, or horseplay.
- 4) Students must enter the bus without crowding or disturbing others and go directly to their assigned seats.
- 5) Students must remain seated and keep aisles and exits clear while the vehicle is moving.
- 6) Students are prohibited from throwing or passing objects on, from, or into vehicles.
- 7) Students may not use profane language, obscene gestures, tobacco, alcohol, drugs, or any other controlled substance on the vehicles.
- 8) Students may not carry weapons, look-a-like weapons, hazardous materials, nuisance items, or animals onto the vehicle.

- 9) Students may carry on conversations in ordinary tones, but may not be loud or boisterous and should avoid talking to the driver while the vehicle is in motion. Students must be absolutely quiet when the vehicle approaches a railroad crossing and any time the driver calls for quiet.
- 10) Students may not open windows without permission from the driver. Students may not dangle any item (e.g. legs, arms, backpacks) out of the windows.
- 11) Student must secure any item or items that could break or produce injury if tossed about the inside of the vehicle if the vehicle were involved in an accident
- 12) Student must respect the rights and safety of others at all times.
- 13) Students must help keep the vehicle clean, sanitary, and orderly. Students must remove all personal items and trash upon exiting.
- 14) Students may not leave or board the vehicle at locations other than the assigned stops at home or school unless approved prior to departure by the superintendent or designee.
- 15) Video cameras may be placed on buses, at random, to monitor student behavior on the bus.

b) **Consequences**

Drivers must promptly report all student misconduct to the administration. These reports may be oral or written. Students who violate the Rules for Conduct will be referred to their building principal for discipline. Disciplinary consequences may include a note home to parents, suspension of bus riding privileges, exclusion from extracurricular activities, in-school suspension, short term or long term suspension from school, and/or expulsion.

These consequences are not progressive, and school officials have discretion to impose any listed punishment they deem appropriate, in accordance with state and federal law and board policy.

c) **Records**

Records of vehicle misconduct will be forwarded to the appropriate building principal and will be maintained in the same manner as other student discipline records. Reports of serious misconduct may be forwarded to law enforcement.

Requests to be dropped off at a point **not** on the regular route will not be accommodated, unless extenuating circumstances arise and the request is approved by the transportation director or administration.

Students who are not regular route riders may not ride the bus home with a friend, unless the parent of the non-route student presents written permission to the bus driver ahead of time. The written permission should include the date, the non-route rider's name, the signature of the non-rider's parent, and the place approved for drop off. Such requests may not be granted if they cause overcrowding of the vans or buses (Vans-10 riders only, plus driver).

Transportation to Activities

The school district provides transportation to students who are participating in school-sponsored events and they must ride to those events in a school vehicle. Students who wish to take private transportation home from a school event must submit a release form to the sponsor that has been signed by that student's parent.

Secret Organizations

Secret organizations are prohibited. School officials shall not allow any person or representative of any such organization to enter upon school grounds or school buildings for the purpose of rushing or soliciting students to participate in any secret fraternity, society, or association.

Band

Students may participate in the elementary band and begin taking band lessons in the 5th grade. Students in grades 7-8 may participate in the middle school band; grades 9-12 may participate in the high school band. Instruments will be provided by students or the school as provided by school policy. Fees may be charged as allowed or provided in the Public Elementary and Secondary Student Fee Authorization Act and the school's student fee policy or other applicable policy.

Work Permits

The building principal or other authorized school official shall be responsible for the issuance of work permits for children in accordance with state law.

Article 10 - State and Federal Programs

Section 1: Title IX Policy

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

Student Assistance

Parents who believe their students have any learning, behavior, or emotional needs that they believe are not being addressed by the school district should contact the student's teacher. If appropriate, the teacher may convene the Student Assistance Team (SAT). The SAT can explore possibilities and strategies that will best meet the educational needs of the student.

1. Title IX Coordinator

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

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

2.1. **Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is

insufficient to constitute actual knowledge. This standard is not met when the only district employee with actual knowledge is the respondent (as that term is defined below). "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in subsection 1.1 above.

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

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

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

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

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

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

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

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

2.6.3.1. **Sex Offenses, Non-forcible**—(Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

2.6.4. **Dating violence**, as defined in 34 U.S.C. § 12291(a), which means violence committed by a person—

2.6.4.1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2.6.4.2. where the existence of such a relationship shall be determined based on a consideration of the following factors:

2.6.4.2.1. The length of the relationship.

2.6.4.2.2. The type of relationship.

2.6.4.2.3. The frequency of interaction between the persons involved in the relationship.

2.6.5. **Domestic violence**, as defined in 34 U.S.C. § 12291(a), which includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior

committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

2.6.5.1. is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

2.6.5.2. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

2.6.5.3. shares a child in common with the victim; or

2.6.5.4. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

2.6.6. **Stalking**, as defined in 34 U.S.C. § 12291(a), which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

2.6.6.1. fear for his or her safety or the safety of others; or

2.6.6.2. suffer substantial emotional distress.

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

responsible for coordinating the effective implementation of supportive measures.

3. Discrimination Not Involving Sexual Harassment.

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

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

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

3.3. Complaint Procedure. All complaints regarding any alleged discrimination on the basis of sex, including without limitation violations of this policy, 34 C.F.R. part 106, Title IX, Title VII, or other state or federal law—when the alleged discrimination does not arise from or

relate to an allegation of sexual harassment as defined in subsection 2.6 above—shall be addressed pursuant to the district’s general complaint procedure, Board Policy 2006.

4. Response to Sexual Harassment

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

4.2. General Response to Sexual Harassment. When the district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, the district will respond promptly in a manner that is not deliberately indifferent. The district will be deemed to be deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this policy “education program or activity” includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs. The district’s response will treat complainants and respondents equitably by offering supportive measures as defined in subsection 2.7 above to a complainant, and by following the grievance process described in section 5 below before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

4.3. Emergency Removal. Nothing in this policy precludes the district from removing a respondent from the district’s education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In the event that the district so removes a respondent on an emergency basis, then the district will provide the respondent with notice and an opportunity to challenge the decision immediately

following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

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

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

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

5.1. **General Requirements.**

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

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

5.1.3. **Absence of Conflicts of Interest or Bias.** The district will require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any

person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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

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

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

5.1.4.2.1. The definition of sexual harassment in subsection 2.6;

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

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

5.1.4.2.4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

5.1.4.3. **Decision-Makers.** The district will ensure that decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, as set forth in subsection 5.6.

- 5.1.4.4. **Investigators.** The district will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in subsection 5.5.8.
- 5.1.5. **Presumption.** It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- 5.1.6. **Reasonably Prompt Time Frames.** This grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes. The process shall also allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- 5.1.7. **Range of Possible Sanctions and Remedies.** Following a determination of responsibility, the district may impose disciplinary sanctions and remedies in conformance with this and the district's student discipline policy, and other state and federal laws. Depending upon the circumstances, these policies provide for disciplinary sanctions and remedies up to and including expulsion.
- 5.1.8. **Range of Supportive Measures.** The range of supportive measures available to complainants and respondents include those listed in subsection 2.7.
- 5.1.9. **Respect for Privileged Information.** The district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

5.2. **Notice of Allegations.**

5.2.1. **Initial Notice.** Upon receipt of a formal complaint, the district will provide the following written notice to the parties who are known:

5.2.1.1. A copy of this policy.

5.2.1.2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in subsection 2.6, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under subsection 5.5.5, and may inspect and review evidence under subsection 5.5.5. The written notice will inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

5.2.2. **Supplemental Notice.** If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Initial Notice described above, the district will provide notice of the additional allegations to the parties whose identities are known.

5.3. **Dismissal of Formal Complaint.**

5.3.1. The district will investigate the allegations in a formal complaint.

5.3.2. **Mandatory Dismissals.** The district **must** dismiss a formal complaint if the conduct alleged in the formal complaint:

5.3.2.1. Would not constitute sexual harassment as defined in subsection 2.6 even if proved;

5.3.2.2. Did not occur in the district's education program or activity; or

5.3.2.3. Did not occur against a person in the United States.

5.3.3. **Discretionary Dismissals.** The district **may** dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing:

5.3.3.1. The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;

5.3.3.2. The respondent is no longer enrolled in or employed by the district; or

5.3.3.3. Specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

5.3.4. Upon a dismissal required or permitted pursuant to subsections 5.3.2 or 5.3.3 above, the district will promptly send written notice of the dismissal and an explanation of that action simultaneously to the parties.

5.3.5. Dismissal of a formal complaint under this policy does not preclude the district from taking action under another provision of the district's code of conduct or pursuant to another district policy.

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

to the singular "party," "complainant," or "respondent" include the plural, as applicable.

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

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

proceedings, as long as the restrictions apply equally to both parties;

- 5.5.6. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;
- 5.5.7. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report; and
- 5.5.8. Create an investigative report that fairly summarizes relevant evidence and, at least 10 calendar days prior to the time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

5.6. Determination Regarding Responsibility

- 5.6.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).
- 5.6.2. **Exchange of Written Questions.** After the district has sent the investigative report to the parties pursuant to subsection 5.5.8, but before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness,

provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

5.6.3. **Written Determination.** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) will apply the preponderance of the evidence standard. The written determination will include:

- 5.6.3.1. Identification of the allegations potentially constituting sexual harassment as defined in subsection 2.6;
- 5.6.3.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- 5.6.3.3. Findings of fact supporting the determination;
- 5.6.3.4. Conclusions regarding the application of the district's code of conduct to the facts;
- 5.6.3.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and