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InstructionGeneral Policy Statement

The Board of Education delegates to the Superintendent the responsibility of maintaining the program of instruction and extracurricular activities.

The instructional program and extracurricular activities shall meet the accredited school system standard of the State Board of Education through the Nebraska Department of Education, Federal regulations, Nebraska School Activities Association regulations and the policies of the Board of Education.

The professional staff is responsible for the development of educational and activities programs which meet the objectives of Arlington Public Schools.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020

InstructionScope of Instructional Program

- A) The District shall provide instruction suitable to the needs of all who are legally eligible to attend school in the District.
- B) Except for special types of instruction, the instructional program may be arranged in units commonly designated as grades, each grade approximately the work of one (1) year. Such a program of instruction shall be organized into schools or other administrative units as follows:
 - 1. The elementary school shall provide for the instruction of children kindergarten through sixth grade.
 - 2. The secondary school shall provide for the instruction of children in grades seven (7) through twelve (12). Within the secondary school grades seven (7) and eight (8) may be treated as separate from grades nine (9) through twelve (12).
 - 3. Instruction appropriate to the needs of the community and individuals may be provided for adults and others beyond the age required to attend school.
 - 4. Departures from the above noted organizational plan for instruction may be made by the Superintendent of Schools upon approval of the Board of Education.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020, Jan 9, 2023

InstructionThe Program of Instruction

The minimum program of instruction in the schools shall be that prescribed by the statutes. The statutory curriculum may be augmented and extended to provide for the educational needs of individual pupils and differing areas in the School District.

Legal Reference: Rule 10: ESSA

Date of Adoption: February 13, 2017

Reviewed: January 13, 2020, January 9, 2023

InstructionSchool Calendar

The superintendent will develop a calendar that will accommodate all the planned experiences and activities the school district provides and fulfill the intent of Board Policy, Administrative Regulation, State Statute, and Rules and Regulations of the Nebraska State Board of Education.

No later than March board meeting of the preceding year, the Board of Education shall approve the school calendar. Arlington Public Schools will have a school year consisting of at least (a) for grades up through grade eight, the time equivalent to 1,032 hours and (b) for grades nine through twelve, the time equivalent to 1,080 hours.

In addition, school shall be in session for students in kindergarten through grade twelve for a minimum of 178 days per school calendar year. The superintendent will develop a contingency plan for making up lost days in session if such days are lost to inclement weather or other reasons that cause school to be cancelled. Exceptions to the school calendar or days in session may be approved by the Board, but any deviations to instructional hours or days in session shall not conflict with laws of the State of Nebraska nor with rules and regulations of the State Board of Education or Department of Education.

The school calendar shall include, but need not be limited to, days for student instruction, staff development, in-service days, or teacher conferences.

Date of Adoption: February 13, 2017

Reviewed: January 13, 2020, January 9, 2023

InstructionClassroom Environment

At all times, teachers are expected to organize, maintain and ensure that their classroom is in a safe, orderly and clean condition for student learning. Classrooms should be free from distractions (such as inappropriate or unprofessional posters or other displays) and other apparatus that may cause student health problems (such as essential oils and/or essential oil diffusers). Teachers who are uncertain as to whether their classroom meets this requirement are encouraged to consult with their building principal in a proactive manner.

Date of Adoption: August 24, 2020

Reviewed: July 12, 2021; January 9, 2023

InstructionSchool Day for Students

The school day shall be scheduled in such a way that students are given the best opportunity for their educational growth and development. The Board of Education recognizes that the instructional program includes academic classes, Teacher Advisement Period or similar time allotments, athletics, activities, contests, assemblies, clubs, recess, field trips, passing time and other planned instructional activities. The Board of Education further recognizes from time to time these compete for the attention of individual students and professional staff. It is the intent of the Board of Education that the first priority be given to the regular instructional program during the hours that school is in session. Therefore, effort should be made to limit, as much as possible, students and teachers missing school for participation in activities other than the academic program. Within this framework, the superintendent should try to maintain a balanced program of academic studies and other instructional activities within the total instructional program. The length of the day, and the arrangement of time segments within it, need not be uniform for all grade levels.

- A) The length of the school day shall not conflict with laws of the State of Nebraska nor with rules and regulations of the State Board of Education or Department of Education.
- B) The hours of opening and closing each type of school shall be determined by the Superintendent of Schools. The superintendent is authorized to modify these hours and/or suspend operation of schools when, in his judgement, disruptions, weather, act of God or any other conditions dictate the he do so for emergency reasons to protect the health and safety of students and staff members. The superintendent may authorize changes to daily school schedule to accommodate special events or other circumstances that may occupy a portion of the day.
- C) In designing the student day, the following considerations are to be met:
 - 1. The learning activities of each student are carefully guided and supervised.
 - 2. Each student has opportunities to receive individual assistance from teachers outside of the regular school day.
 - 3. Parents shall be informed of late starts or early dismissal.
 - 4. Early dismissal for student employment shall be tied to the curriculum and subject to approval of the building administration. Early dismissal of other students shall be reasons of health, etc., and must be validated by the student's parent or guardian.
 - 5. Principals may also approve requests to reduce the school day for individual students within the following guidelines:
 - a) An unusual set of circumstances, which would prevent the student from continuing his or her education.

- b) Prolonged illness, physical or psychological disability, or other disability, which would prevent the student from educationally benefitting from a regular school day.
 - c) The existence of unusual circumstances, which indicate the program of the school, can no longer meet the needs of the student.
 - d) Severe financial hardship of the family requiring a secondary student to be employed or to provide childcare for a sibling.
 - e) Instructional time requirements as documented in the verified handicapped student's Individual Education Program (I.E.P.).
6. Changes in the school day shall be subject to the approval of the Superintendent.

Date of Adoption: February 13, 2017

Reviewed: January 13, 2020; January 9, 2023

InstructionSchool Day for Staff

Unless otherwise specified by the Superintendent, members of the professional staff shall be on duty during contracted hours to plan and to carry out their individual professional responsibilities as determined by the Superintendent and the building principals.

Teachers shall make arrangements to be available to students during duty hours.

Date of Adoption: February 13, 2017

Reviewed: January 13, 2020; January 9, 2023

Instruction

Emergencies

All employees of the school system are responsible for promoting the safety of students.

Procedures for fire, civil defense, and other emergencies shall be maintained.

Legal Reference: §79-706

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionFire Drills

Fire drills shall be conducted at such times and manner as is required by the State Fire Marshal.

The frequency of fire drills shall be as follows:

- at a sufficient frequency to familiarize occupants with the drill procedure as a matter of routine;
- every month in each school building in which the facility is in session;
- subject to the exception that a monthly drill may be deferred in months of severe weather, provided that the required number of annual drills is achieved and not less than four are conducted before the drills are deferred; and
- one additional drill shall be conducted within the first 30 days of a school year.

The manner of conducting fire drills shall be as follows:

- emphasis shall be on conducting an orderly evacuation, rather than speed;
- under varying conditions and at expected and unexpected times;
- participants shall relocate to a predetermined location and remain until recalled or dismissed; and
- all emergency and relocation drill alarms shall be sounded

Crisis Plans

Crisis Plans for emergency responses and directions for tornado, evacuation, lockdown, lockout, shelter in place and fire drill activities have been developed. To be in compliance with the fire code, there are to be nine fire evacuation exercises each school year. Two tornado drills are to be exercised and two lockdown drills practiced each school year.

Since many parents may not be at home, all children and faculty will be normally retained at the school building in case of extreme emergency. The school notification system will be activated to inform parents and guardians regarding where children may be picked up at school or at the evacuation site.

Legal Reference: Neb. Rev. Stat. §79-706

Date of Adoption: August 10, 2015

Reviewed: February 13, 2017, January 13, 2020; January 9, 2023

Instruction

Emergency Dismissal or Cancellation

Except for those dates designated on the school calendar, school shall not be dismissed or canceled except by action of the Board of Education or in emergency situations as determined by the Superintendent.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionCeremonies, Observances, and the Pledge of Allegiance

Appropriate patriotic exercises suitable to the occasion shall be held under the direction of the Superintendent on George Washington's birthday, Abraham Lincoln's birthday, Dr. Martin Luther King, Jr.'s birthday, Native American Heritage Day, Constitution Day, Memorial Day, Veterans Day, and Thanksgiving Day, or on the day or week preceding or following such holiday, if the school is in session. In addition, appropriate exercises may be held for Flag Day and State Fire Day.

The flags of the United States of America and the State of Nebraska shall be prominently displayed on the school grounds on each day such school is in session. All flag displays shall be in accordance with the standards prescribed for the display of the flag of the United States of America.

Each of the District's schools shall establish a period of time during the school day, when a majority of the students are scheduled to be present, during which time students will be led in the recitation of the Pledge of Allegiance in the presence of the flag of the United States of America. Student participation in the recitation of the Pledge of Allegiance shall be voluntary. Students not participating in the recitation of the Pledge of Allegiance shall be permitted to silently stand or remain seated but shall be required to respect the rights of those students electing to participate.

Legal Reference: Neb. Rev. Stat. Sections 79-705; 79-707, 79-708, 79-724; and NDE Rule 10
70 Federal Register 55507 (Constitution Day)

Date of Adoption: August 24, 2020
Date of Review: January 9, 2023

InstructionSafe Schools Policy

It is the mission of Arlington Public Schools to provide a safe, secure, drug-free and welcoming environment for all students, staff and community members. The administration is authorized and directed to adopt such regulations and take such actions as determined appropriate by the board of education to advance the mission of providing safe schools. Such regulations and actions may include, but not be limited to, school security measures, such as use of metal detectors, surveillance, searches and seizures, and security officers, as well as staff training and student educational programs.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionCurriculum Review Cycle

	BUSINESS & INDUSTRIAL TECH/AGRICULTURE	MATH	SOCIAL STUDIES	FINE ARTS & FOREIGN LANGUAGE	SCIENCE	FAMILY & CONSUMER SCIENCE, HEALTH AND PHYSICAL EDUCATION	LANGUAGE ARTS
Research & Development	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28
Adoption (Budget Year for Purchasing)	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Implementation	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30
Refinement	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31

Date of Adoption: February 13, 2017Reviewed: January 13, 2020; January 9, 2023

InstructionObjectives of the Instructional Program

Arlington Public Schools has designated as its objectives the following:

Our school shall enable each student to react to his environment as a total being by:

- A. Aiding each student in acquiring fundamental skills and knowledge that will engender in each student a sense of personal worth and direction most beneficial to himself and society. This shall be accomplished through:
 - 1. Selection and using subject matter and facilities appropriate to the development of specific skills and knowledge.
 - 2. Setting standards of achievement so that every student can experience some degree of success.
 - 3. Providing equal opportunities for all students, fully realizing that not all students have the same talents and capacities for learning.
 - 4. Finding relationships which exist among the curricular studies.
 - 5. Finding relationships which exist between the curricular studies and the extra curricular activities.
 - 6. Aiding the student to recognize the value of the past as a developmental influence on aesthetic, humanistic and creative ideals for the future.
 - 7. Recognizing scholastic achievement and marks of improvement.
 - 8. Recognizing social and civic contributions made by students.
- B. Providing an environment in which freedom is regarded as a responsibility for administrators, teachers, and students. This shall be accomplished through:
 - 1. Providing direction and substantial meaning whereby respect for each other shall be paramount and reciprocal.
 - 2. Emphasizing the necessity of respect for public and private property as well as dignity of all work.
- C. Maintaining an environment conducive to good physical and mental health. This shall be accomplished through:
 - 1. Providing activities which have as their goal the development of physical fitness.

2. Providing activities in which all students can experience some measure of success.
 3. Allowing for creative response through music, art, dramatics and physical education.
 4. Providing programs of specialization to meet specific needs of the student; such as speech therapy, remedial reading, guidance counseling and student health.
- D. Providing a means of public relations. This shall be accomplished through:
1. Keeping the public informed as to current happenings in all phases of the school's activities.
 2. Allowing the public to participate in the development of the school policies and programs.
 3. Making available to the public opportunities to discuss current educational interest.
 4. Attempting to develop good relationships among students, teachers, administrators, parents and the community at large.
- E. Selecting for employment, administrators and teachers who have the inspiration, dedication and factual competence to put into effect the philosophy and objectives of Arlington Public Schools. This shall be accomplished through the auspices of the administration and the Board of Education as designated by the procedures set forth in the Board Policies of the Arlington Public Schools.
- F. Establishing a program of continuous evaluation of the entire school system that it might determine the measure of success of the philosophy and the objectives of Arlington Public Schools. This will be accomplished through coordinating the evaluative efforts of the students, teachers, administrators, specialists, and the entire community.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionCurriculum - Development and Adoption

All major program adoptions and/or major course revisions shall be subject to the approval of the Board of Education.

Major program adoptions and/or major course revisions may be proposed by district-wide curriculum committee and/or building curriculum committees and approved, rejected or revised and approved by the Superintendent before being submitted to the Board of Education for final approval.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionCurriculum – Assessments (Policy No. 6211)1. State Assessments.

The Arlington Public School District has adopted an assessment plan and has aligned the curriculum with the state approved content standards. The assessment plan includes a schedule and procedures for assessing success in achieving state standards.

Teachers are to clearly articulate the learning targets and align instruction to the learning targets within each of the content standards. Teachers are to give students instruction on the content prior to students being assessed on each content standard in order to provide learning opportunities for all students.

The assessments are to be conducted in accordance with the assessment plan schedule. Teachers are to conduct the assessments in a manner that assures it accurately assesses whether or not students are meeting the targets outlined by the content standards.

Assessment results are to be reported by the teachers in the manner and within the time directed by the administration or designee. The assessment data is to be used to meet state standards, to provide students and parents with information about student progress, to enhance school improvement planning, and to improve instruction. The assessment data is to be evaluated by teachers to monitor student learning and to improve instruction or terminate ineffective teaching practices to ensure students are being given the opportunity to meet the standards.

2. Achieving Valid Assessments.

Educators are responsible for maintaining the integrity of the assessments to ensure that assessments provide a valid measure of student progress and accomplishments. Educators are not to engage in any practice that may result in assessment results that do not reflect student learning, knowledge, skills or abilities in the area assessed.

For purposes of this policy, student assessments include both “standardized assessments” (including state assessments, norm referenced tests, and evaluations conducted for special education eligibility) and “coursework assessments” (e.g., classroom tests, quizzes, and other evaluative tools used to assign grades).

The following specific assessment expectations and rules apply:

- a. Integrity of the Assessment Instrument. The integrity of the assessment instrument is to be maintained.
 - i. Standardized Assessments. Standardized assessment instruments are not to be made available to students at any time before the student takes the assessment. The assessment instrument is to be maintained in a secure manner.

- ii. Coursework Assessments. Coursework assessment instruments are to be periodically modified to keep the assessments current and prevent students from effectively using “test banks.” For coursework assessments that are given on a repeat basis to students at different times (e.g., a test that is given to students throughout the school day), the educator is to remind students to not share the content of the assessment with students who will be taking the assessment later.

b. Teaching for Success on Assessments.

It is appropriate for educators to prepare students to do well on assessments. This is to be accomplished in a manner that assures the assessment accurately reflects the student’s knowledge, and not simply test preparation.

- i. Teach the Content. Educators are to prepare students to do well on assessments by teaching the subject content. Educators are not to “teach to the test” by teaching based solely on the content of the assessment. The content is to be taught to the students over an appropriate amount of time prior to the assessment. “Cramming” assessment content just before the assessment is to be taken is not appropriate. Review of content previously taught is appropriate.
- ii. Practice Tests. Educators are to prepare students by teaching test taking skills independent of the subject matter being assessed. Educators are not to conduct reviews (drills) using earlier (no longer published) versions of the same test, using alternate (parallel) forms of the same published test, or using actual items from the current form of a standardized test that will be administered to students. Educators are not to conduct reviews (drills) using items of identical format (for example, multiple choice) to the exclusion of other formats.

c. Conditions for Successful Assessments.

- i. Communications. Educators are to communicate to students and parents when assessments will be administered, the purpose of the assessment and how the assessment results will be used. Educators are to motivate students to do their best on assessments. Educators are to read and be familiar with assessment administration directions in advance and communicate the rules to students accurately and clearly.
- ii. Climate. Educators are to have sufficient assessment materials available (e.g., No. 2 pencils, if needed). The classroom is to be arranged to allow comfortable seating. Distractions are to be eliminated. Educators in nearby classrooms are to be informed that the assessment is to be administered so noises from neighboring classrooms are kept at a minimum. Activities or arrangements are to be made for students who finish early so such students do not cause a distraction to other students still taking the assessment.

- iii. Security. Educators are to monitor students while administering assessments to ensure students are complying with standards of academic integrity. Students who violate standards of academic integrity are to be reported to the administration.
- d. Full Participation. Educators are to make efforts to have all eligible students take the assessments. The educator should develop a list of students who will be exempted from assessment and the reason for the exemption and submit the list for review and approval by the Principal.
- e. Assistance During Assessments.
 - i. Standardized Assessments. Educators are not to provide assistance to students while a standardized assessment is being administered except as provided for in a student's 504 Plan or IEP. This includes giving "hints," giving extra time, reading the tests to students or defining or pronouncing words for students, allowing students access to instructional material related to the content of the assessment (e.g., displaying a map during a social studies assessment) or allowing students access to mechanical aids (e.g., calculators).
 - ii. Coursework Assessments. For coursework assessments, students may be allowed access to instructional materials or mechanical aids only when all students being given the assessment are given the aids and use of the aids does not hinder the students from learning the content of the lesson.
- f. Student Answers. Assessments are to reflect the students' work as submitted by the students. During the assessments, educators are to monitor students to make sure directions are being followed (e.g., students are using a No. 2 pencil on all "bubble" sheet assessments and completely erase mistaken answers and extra marks on "bubble" sheet assessments). Educators are not to change answers on a student's assessment sheet or otherwise participate in the submission of false or misleading assessment results.

All employees are to adhere to the Nebraska Student-Centered Assessment System (NSCAS) Security Procedures and report breaches in security to Superintendent or the Superintendent's assessment designee for report to the Nebraska Department of Education. Professionalism, common sense, and practical procedures provide the framework for testing ethics.

Violations of the rules and expectations set forth in this policy will be considered to be a breach of the District's standard of ethics and may result in disciplinary consequences. Educators are to report suspected violations of the expectation to the administration. The administration is to investigate and appropriately respond to violations of the expectations.

Legal Reference: NDE Rule 10.05; NDE Rule 27.004.02H and 004.03D

Date of Adoption: August 12, 2019

Reviewed: January 13, 2020; January 9, 2023

InstructionAssessments—Academic Content Standards

The Board of Education adopts the academic content standards of the State Board of Education (“State Board”). The adoption of the academic content standards includes the:

- Language Arts standards that were adopted by the State Board in September, 2021;
- Mathematics standards that were approved by the State Board in September, 2022;
- Science standards that were adopted by the State Board in September 2017; and
- Social Studies standards that were adopted by the State Board in December, 2019.

Unless other action is taken, the Board of Education adopts the standards of the State Board as such standards are subsequently adopted or amended by the State Board.

The administration shall be responsible for implementing assessments on the state standards in accordance with the procedures established by the State Board and the Department of Education, including conducting assessments in the same subject areas and the same grade levels as established in the state standards, and the reporting of scores and sub-scores.

This policy does not supersede the existing standards adopted by the Board of Education except as set forth herein.

Legal Reference: Neb. Rev. Stat. §§ 79-760 to 79-760.05

Date of Adoption: August 13, 2018

Reviewed: January 13, 2020; March 9, 2020, July 12, 2021; January 9, 2023

InstructionReading Instruction and Improvement

The District shall develop its curriculum to facilitate reading instruction and intervention services to address student reading needs, including, but not limited to, dyslexia. In doing so, the District will ensure that all teachers for kindergarten through grade three should be effective reading teachers as evidenced by (a) evaluations based on classroom observations and student improvement on reading assessments or (b) specialized training in reading improvement. Each student and his or her parents or guardians will be informed of the student's reading progress. It is the District's intent that each student in the District be able to read at or above grade level by third grade.

For school year 2019-20 and each school year thereafter, the District shall administer an approved reading assessment three times during the school year to all students in kindergarten through grade three, except for any student receiving specialized instruction for limited English proficiency who has been receiving such instruction for less than two years, any student receiving special education services for whom such assessment would conflict with the individualized education plan, and any student receiving services under a plan pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 or Title II of the Americans with Disabilities Act, for whom such assessment would conflict with such section 504 or Title II plan. The first administration of such assessment for each such school year shall occur within the first thirty days of the school year.

Any student in kindergarten, grade one, grade two, or grade three shall be identified as having a reading deficiency if such student performs below the threshold level determined pursuant to the Reading Intervention Act. A student who is identified as having a reading deficiency pursuant to the Reading Intervention Act shall remain identified as having a reading deficiency until the student performs at or above the threshold level on an approved reading assessment. Nothing in the Nebraska Reading Improvement Act shall prohibit the District from identifying any other student as having a reading deficiency.

The District will provide a supplemental reading intervention program for the purpose of ensuring that students can read at or above grade level at the end of third grade. The District may work collaboratively with a reading specialist at the State Department of Education, with educational service units, with learning communities, or through interlocal agreements to develop and provide such supplemental reading intervention programs. Each supplemental reading intervention program shall:

- (a) Be provided to any student identified as having a reading deficiency;
- (b) Be implemented during regular school hours in addition to regularly scheduled reading instruction unless otherwise agreed to by a parent or guardian; and
- (c) Make available a summer reading program each summer for any student who has been enrolled in grade one or higher and is identified as continuing to have a reading deficiency at the conclusion of the school year preceding such summer reading program. Such summer reading

program may be held in conjunction with existing summer programs in the school district or in a community reading program not affiliated with the school district or may be offered online.

The supplemental reading intervention program may also include:

- (a) Reading intervention techniques that are based on scientific research and best practices;
- (b) Diagnostic assessments to frequently monitor student progress throughout the school year and adjust instruction accordingly;
- (c) Intensive intervention using strategies to match the weaknesses identified in the diagnostic assessments;
- (i) Development in phonemic awareness, phonics, fluency, vocabulary, and reading comprehension;
- (ii) Explicit and systematic instruction with detailed explanations, extensive opportunities for guided practice, and opportunities for error corrections and feedback; or
- (iii) Daily targeted individual or small-group reading intervention based on student needs as determined by diagnostic assessment data subject to planned extracurricular school activities;
- (d) Strategies and resources to assist with reading skills at home, including parent-training workshops and suggestions for parent-guided home reading; or
- (e) Access to before-school or after-school supplemental reading intervention with a teacher or tutor who has specialized training in reading intervention.

The school of any student who is identified as having a reading deficiency shall notify such student's parents or guardians either in writing or by electronic communication no later than fifteen working days after the identification of the reading deficiency that the student has been identified as having a reading deficiency and that an individual reading improvement plan will be established and shared with the parents or guardians.

Any student who is identified as having a reading deficiency shall receive an individual reading improvement plan no later than thirty days after the identification of such reading deficiency. The reading improvement plan may be created by the teacher, the principal, other pertinent school personnel, and the parents or guardians of the student and shall describe the reading intervention services the student will receive through the supplemental reading intervention program pursuant to this Policy. Each such student shall receive reading intervention services through the supplemental reading intervention program pursuant to this Policy until the student is no longer identified as having a reading deficiency.

Legal Reference: Nebraska Reading Intervention Act

Date of Adoption: August 13, 2018

Reviewed: January 13, 2020; January 9, 2023

StudentsCollection of Information Relating to Dyslexia

The District will collect and maintain the following information relating to dyslexia during each school year:

- (1) Testing for a specific learning disability in the area of reading, including tests that identify characteristics of dyslexia and the results of such tests;
- (2) The number of students identified as having a reading issue, including dyslexia, pursuant to the assessment administered under the Nebraska Reading Improvement Act and Policy 6213;
- (3) The number of students identified in Paragraph (2) that have shown growth on the measure used to identify the reading issue; and
- (4) All other data required by law and/or the District's special education obligations.

By July 1st of each year, the District will provide the Nebraska State Department of Education with information collected about dyslexia, as requested by the Department.

Any student or parent/guardian with questions or concerns about dyslexia are encouraged to contact the District's Director of Special Education.

Legal Reference: LB 298 (2023)

Date of Adoption: 07/10/2023

Instruction

Experimental/Innovative Program

The professional staff of the school system is encouraged to seek improvement of the educational program of the schools.

Experimental programs and "pilot studies" must have the approval of the Superintendent.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionCurriculum Guides

Curriculum guides shall be prepared in harmony with the legal requirement of the state and the purposes of the program of instruction adopted by the board.

The Superintendent shall have general coordinating authority over the formation of all courses of study and curriculum guides.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionHomework

Homework is a learning activity related to the experience within the school. Its purposes are to supplement and to enrich work done in the classrooms; to provide for individual interests; and to promote competency in skills; to use resource materials; to integrate learning and to teach the proper budgeting of time. Homework should be assigned at the discretion of the classroom teacher.

Date of Adoption: December 14, 2009 and January 11, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionPurpose of Homework

No hard and fast rules concerning homework can be made. Some generally accepted principles should govern the teacher in the assignment of homework.

1. There should be flexibility and differences in the assignment to individual students. These should stem from real needs and the consideration of the total education background of the individual student.
2. Homework should serve a definite purpose, to provide drill or practice on a principle or skill already taught; to provide real-life application of the matter in hand; to develop appreciation for or knowledge of community resources; or to develop the personal culture of the student.
3. Homework should be used as a technique for learning, not as "busy work."
4. Homework should not be assigned as punishment.
5. Homework should not be used to replace or reduce supervised study, which should take place during school hours. This type of study usually achieves better results than homework.
6. The teacher is encouraged to foster positive communication with parents/guardians so they may understand the purpose of homework and improve their role in learning through homework.
7. There should be a cooperative effort on the part of teachers to coordinate homework assignments so students are not overburdened with excessive quantities of homework.
8. Each teacher should teach students what to study and how to study.

Date of Adoption: February 13, 2017

Reviewed: January 13, 2020; January 9, 2023

InstructionGuidance

The classroom teacher is a key figure in the guidance of youth in both the elementary and secondary schools. The counselor and teachers, by pooling their knowledge and resources, accept the students where they are and help them go as far as their potentialities permit. The students are helped to know and develop their abilities and to recognize and accept their limitations, and in this way to better understand themselves.

The guidance program includes five (5) basic services:

1. Inventory Service. Emphasis is placed upon a system of accurate and complete student records that accentuate the uniqueness of the individual students.
2. Informational Service. Information and services in the areas of occupational, educational and vocational guidance is made available to teachers, students and parents.
3. Counseling Service. For an effective program, all students are encouraged to know when to seek individual counseling.
4. Placement Service. This service assists students in the selection of appropriate occupations, educational institutions and work experiences.
5. Follow-up Service. A continuing follow-up of former students through surveys should be pursued in order to evaluate and improve the effectiveness of the school program.

Date of Adoption: February 13, 2017

Reviewed: January 13, 2020; January 9, 2023

InstructionField Trips

All student activities shall be established as an integral part of the broad instructional program of the school, and, as such, shall contribute to the overall effectiveness of the educational program.

It shall be the responsibility of the superintendent of schools and the administrative staff to guide and control the functions of the student activity program.

Field trips are permissible and authorized by the board of education. All field trips must have the approval of the principal and be reported to the superintendent of schools or his or her designee prior to the activity. Each field trip will come within the policies of the school district and of the administrative rules and regulations established here.

1. All field trips and school activities must be approved the building principal prior to publicity or development of plans for the trip.
2. Teachers must complete a field trip request at least three weeks in advance of planned trip and they must communicate to building principal and/or other teachers and concerned program leaders a list of who will be absent one week prior to the field trip.
3. It is the responsibility of the building principals and the teachers involved to see that the safety and conduct of pupils follow the same policies, rules and procedures as for regular school activities. During the trip, the teacher is responsible for the activities, safety and behavior of students just as if the activity were conducted at school.
4. Notification of parents is required for all field trips which take students off the school premises.
5. All trips will be generally limited to normal school hours and will begin and end at the school site.
6. Appropriate instruction shall precede and follow each field trip.
7. The principal shall approve or disapprove the request and notify the teacher of the determination. If approval is given, the principal shall forward the request for the school bus to the appropriate personnel and notify the office of the superintendent of school five (5) days in advance of the date requested.
8. Certified personnel on a bus shall see that all bus rules and regulations are enforced. The bus driver shall assist in this process. Parent supervisors should be informed of the bus rules and regulations by the certified teacher/sponsor.
9. The utilization of any mode of transportation other than approved public carrier or school owned/leased vehicles shall require written parental permission.

Long Distance and Over Night Travel

At least two weeks prior to departure the following items shall be presented to the Superintendent of Schools by the building principal. No sponsor will travel with any student group unless final approval has been granted by the Superintendent. Items to be submitted will include:

- A) An itinerary for the trip
- B) Summary of costs and funding source(s)
- C) Identification of mode of transportation

- D) List of students traveling including emergency contact information for students
- E) List of sponsors including emergency contact information for sponsors
- F) Plan for supervision
- G) Eligibility standard for participation

The following conditions must be met prior to departure.

- A) All necessary arrangements shall have been made and confirmed.
- B) All necessary funds shall be raised.
- C) Only public transportation will be used. Travel in private vehicles must be approved by the Superintendent.
- D) Adequate student to sponsor ratio will be provided. This varies based on the event and age of the student(s). Generally speaking, it is recommended not to exceed the ratio of one sponsor for every twenty (20) students but final determination is made by building principal based on specific situation.
- E) At least one school employee will sponsor and the school employee will be designated as the primary sponsor.
- F) A careful plan of supervision will be made and the primary sponsor will review that plan with the other sponsors.
- G) A minimal disruption of instructional time will take place.

District Funding for National Competition

Participants who have qualified for competing at national competitions by virtue of their performance at state and/or regional level competition will receive up to, but not to exceed \$650 toward nationals. The expenses that qualify for District funding include cost of registration, lodging, and travel (land and air). The District will fund the cost of sponsor travel and expenses in accordance with other policies pertaining to the same.

Date of Adoption: June 11, 2018

Reviewed: January 13, 2020; January 9, 2023

InstructionField Trips

Field trips shall be considered as instruction and planned as such with definite objectives determined in advance. All field trips must have approval of the principal and be reported to the superintendent of schools or his or her designee prior to the activity. Each field trip will come within the policies of the school district and of the *administrative rules and guidelines established by the superintendent*. The superintendent shall inform the board of all extended field trips.

District funding for competitive or participatory activities for students qualifying for national competition will be addressed in an equitable manner with participants receiving 'up to but not to exceed' a predetermined amount of money per participant established by the Superintendent on an annual basis. District funds can only be applied to registration, lodging and transportation (land/air).

Teachers or other certified personnel shall accompany pupils on all field trips and shall assume responsibility for their proper conduct.

When a field trip is made to a place of business or industry, the teacher shall insist that an employee of the host company serve as facilitator.

Appropriate education experience and proper supervision shall be supplied for any pupils whose parents do not wish them to participate in a field trip.

Date of Adoption: June 11, 2018

Reviewed: January 13, 2020; January 9, 2023

InstructionActivities

A vital component of a comprehensive education program is a properly supervised activities program. Such activities, properly supervised and kept in proper perspective, shall be maintained in the school program in order to give students opportunities for experiences not possible in classroom activities. Care and consideration should be given to the amount of time these activities take students away from school during school hours or away from studies on "school nights."

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionActivity Funds Management

School activity funds may be expended only for purposes which may benefit the student body of the school. All rules, regulations, and procedures for the conduct, operation and maintenance of extra-curricular accounts, and for the safe-guarding, accounting and auditing of all monies received and derived therefrom are to contribute to that objective.

The accounting system for managing student activity funds shall be designed to encourage the largest possible educational return to students without sacrificing the safety of funds or exposing students to undue responsibility or unnecessary routine.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionActivitiesSchool Colors

The official colors of Arlington Public Schools shall be maroon and white. An additional color or colors may be used for trim, but the predominant colors shall remain maroon and white.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

Concussions: Return to Learn Protocol

Students who sustain a concussion and return to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

The school administration of Arlington Public Schools adopts the NDE Guidance entitled “Bridging the Gap from Concussion to the Classroom,” (2nd Edition)¹ and accompanying Appendix,² as its return to learn protocol, with the recognition that each student who has sustained a concussion will require an individualized response.

Any student, parent or guardian who suspects that the student sustained a concussion must immediately inform the student’s coach or building administrator. If a student is suspected of having a concussion, the student may not be permitted to participate or practice in any school-sponsored activity.

The District encourages full cooperation and support from both students and parents in each student’s return to learn protocol.

Return to Learn Protocol

Date of Adoption: August 24, 2020

Date of Review: January 9, 2023

¹ <https://cdn.education.ne.gov/wp-content/uploads/2019/08/Return-to-Learn-Bridging-the-Gap-7.31.2019.pdf>

² <http://www.education.ne.gov/sped/birsst/Concussion%20Appendix%20final%20February%202014.pdf>.

InstructionActivitiesConcussions1. Training.

The Superintendent or designee shall make available training approved by the chief medical officer of the State on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches of school athletic teams.

2. Education.

The Superintendent or designee shall require that concussion and brain injury information be provided on an annual basis to students and the students' parents or guardians prior to such students initiating practice or competition. The information provided to students and the students' parents or guardians shall include, but need not be limited to:

- a. the signs and symptoms of a concussion;
- b. the risks posed by sustaining a concussion; and
- c. the actions a student should take in response to sustaining a concussion, including the notification of his or her coaches.

3. Response to Concussions.

- a. Removal. A student who participates on a school athletic team shall be removed from a practice or game when he or she is reasonably suspected of having sustained a concussion or brain injury in such practice or game after observation by a coach or a licensed health care professional who is professionally affiliated with or contracted by the school.
- b. Return-to-Play. A student who has been removed from a practice or game as a result of being reasonably suspected of having sustained a concussion or brain injury shall not be permitted to participate in any school supervised team athletic activities involving physical exertion, including, but not limited to, practices or games, until the student: (i) has been evaluated by a licensed health care professional, (ii) has received written and signed clearance to resume participation in athletic activities from the licensed health care professional, and (iii) has submitted the written and signed clearance to resume participation in athletic activities to the school accompanied by written permission to resume participation from the student's parent or guardian.

The coach or administration may require that the student's return to full activities be on a stepwise progression back to full participation, or otherwise establish conditions for return to participation that are more restrictive than those defined by the licensed health care professional if the coach or an administrator reasonably deems such to be appropriate.

The signature of an individual who represents that he or she is a licensed health care professional on a written clearance to resume participation that is provided to the school shall be deemed to be conclusive and reliable evidence that the individual who signed the clearance is a licensed health care professional. The school is not required to determine or verify the individual's qualifications.

- c. Parent Notification. If a student is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an athletic activity per the preceding paragraph, the parent or guardian of the student shall be notified by the Superintendent or designee of the date and approximate time of the injury suffered by the student, the signs and symptoms of a concussion or brain injury that were observed, and any actions taken to treat the student.
- d. Return to Learn. The Superintendent or designee shall develop a return to learn protocol for students who have sustained a concussion. The return to learn protocol shall recognize that students who have sustained a concussion and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

4. Responsibility of Coaches.

Coaches shall comply with this policy and apply their safety and injury prevention training. A coach who fails to do is subject to disciplinary action, including but not limited to termination of employment.

5. Students and Parents.

It is recognized that coaches cannot be aware of every incident in which a student has symptoms of a possible concussion or brain injury. As such, students and their parents have a responsibility to honestly report symptoms of a possible concussion or brain injury to the student's coaches on a timely basis.

Legal Reference: Neb. Rev. Stat. §§ 71-9102 to 71-9106

Date of Adoption: February 9, 2015, February 13, 2017, January 13, 2020; January 9, 2023

InstructionInitiations, Hazing, Secret Clubs and Outside Organizations

Initiations. Initiations by classes, clubs or athletic teams are prohibited except with the approval of the administration. Any student who engages in or encourages initiations that have not been approved by the administration is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

The administration may only give consent to initiation activities that are consistent with student conduct expectations and that do not present a risk of physical or mental injury or belittlement.

Hazing. Hazing by classes, clubs, athletic teams or other student organizations are prohibited. Hazing means any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any school organization. Such prohibited hazing activity includes whipping, beating, branding, an act of sexual penetration, an exposure of the genitals of the body done with 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, sexual conduct, nudity, or any brutal treatment or the performance of any act which endangers the physical or mental health or safety of any person or the coercing of any such activity. Hazing is prohibited even though the person who has been the subject of the hazing consents to the activity. Any student who engages in or encourages hazing is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

Secret Organizations. It is unlawful for students to participate in or be members of any secret fraternity or secret organization that is in any degree a school organization. Any student who violates this restriction is subject to disciplinary action, up to and including denial of any or all school privileges and expulsion.

Outside Organizations. It is unlawful for any person, whether a student of the District or not, to enter upon the school grounds or any school building for the purpose of rushing or soliciting, while there, any student to join any fraternity, society, or association organized outside of the schools. Any person who violates this restriction is subject to criminal prosecution and removal and exclusion from school grounds.

Legal Reference: Neb. Rev. Stat. Sections 79-2,101 to 79-2,102
 Student Discipline Act, Neb. Rev. Stat. Sections 79-254 to
 79-296
 Neb. Rev. Stat. Sections 28-311.06 to 28-311.07

Date of Adoption: 07/10/2023

InstructionActivitiesReturn to Learn From Cancer

The Superintendent or designee shall make available training on how to recognize that students who have been treated for pediatric cancer and returned to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff.

A 504 team meeting will be held, as appropriate, to develop individual return to learn accommodations and modifications.

Legal Reference: Neb. Rev. Stat. §§ 79-2,148

Date of Adoption: August 8, 2016, February 13, 2017
Reviewed: January 13, 2020; January 9, 2023

InstructionArtificial IntelligenceIntroduction

[Name] Public Schools acknowledges that artificial intelligence continues to emerge as a resource that may assist students with future technology and different wants of learning. However, artificial intelligence also poses a challenge to delineate the responsible use of artificial intelligence with student plagiarism. As a result, the Board of Education adopts this Policy to specifically address how the District will address academic honesty and integrity regarding a student's use of artificial intelligence/

Permissible Uses of Artificial Intelligence in School Assignments

Students may use artificial intelligence or related platforms when any of the following occurs:

1. The student receives advance permission from the teacher for the given assignment or project; or
2. The teacher's classroom rules or expectations established artificial intelligence as a permissible resource for students to access.

Any student with questions about the use of artificial intelligence should contact their teacher in advance of using artificial intelligence to assist with any assignment. It is the responsibility of each student to understand the permissible use (if any) of artificial intelligence in a given class or a particular assignment. Students must be fully forthright and honest about their use of artificial intelligence to assist with any school assignment.

Impermissible Uses of Artificial Intelligence in School Assignments

Unless otherwise permitted by this Policy, students may not use artificial intelligence or related platforms to assist or complete any assignment, project, test, or other school-related task. The impermissible use of artificial intelligence may subject the student to discipline in accordance with the District's plagiarism policy and academic dishonesty rules.

Date of Adoption: 07/10/2023

Instruction

Dedications and Commencement

Traditions are a cherished part of the community life and Arlington Public Schools expresses an interest in maintaining those traditions which have a significance to the community.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013, February 13, 2017, January 13, 2020; January 9, 2023

InstructionSelection and Review of Instructional and Media MaterialsA) Assignment of Responsibility

The Board of Education reserves responsibility for the final acquisition of materials, but the responsibility for the selection of instructional materials is delegated to the Superintendent, with the assistance of the instructional and media staff, to establish procedures and regulations for the selection of instructional and media materials, reviewing their effectiveness, and dealing with complaints concerning instructional materials. The Superintendent may establish committees consisting of teachers and media staff to assist with these responsibilities.

B) Criteria for Instructional Materials

The selection of instructional materials shall be made in accordance with Board of Education policies, legal requirements, and reflect the following philosophy:

1. To provide materials that will stimulate growth in factual knowledge, practical skills, literary appreciation, aesthetic values, and ethical standards.
2. To provide a background of information which will enable students to make intelligent judgments in their daily life.
3. To provide materials that will enrich and support the curriculum, taking into consideration the varied interest, abilities, and maturity levels of the students served.
4. To provide materials on opposing sides on controversial issues so that young citizens may develop under guidance the practice of critical thinking and analysis.
5. To provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
6. To place principle above personal opinion and reason above prejudices in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the instructional materials.

C) Criteria for Media Materials

The selection of media materials shall be made in accordance with Board of Education policies, legal requirements, and with the Library Bill of Rights of the American Library Association, which Bill of Rights has been accepted by the American Association of School Librarians reflect the following philosophy:

To provide a comprehensive collection of instructional materials selected in compliance with basic, written selection principles, and to provide maximum accessibility to these materials.

To provide materials that will support the curriculum, taking into consideration the individual's needs, and the varied interest, ability, socio-economic backgrounds, and maturity levels of the students served.

To provide materials for teachers and students that will encourage growth in knowledge, and that will develop literary, cultural and aesthetic appreciation, and ethical standards.

To provide materials which reflect the ideas and beliefs of religious, social, political, historical, and ethnic groups and their contribution to the American World Heritage and Culture, thereby enabling students to develop an intellectual integrity in forming judgments.

To provide a written statement, approved by the local Boards of Education of the procedures for meeting the challenge of censorship of materials in school library media centers.

To provide qualified professional personnel to serve teachers and students.

D) Procedures for Reconsideration of Materials

Occasional objections to some materials may be voiced despite the care taken in selection and qualification of the personnel selecting materials. The following procedures apply equally to all complaints whether they be from students, parents, school personnel or district patrons.

1. Complaints should be presented to the Principal of the school where the material is used. In the event the person with the concern does not wish to make a formal complaint, the concern may be expressed to the Principal at the school at which the material was received. The Principal shall submit informal concerns to the Superintendent for the Superintendent's consideration.
2. Formal complaints about instructional materials must be presented in writing on a form approved by the board of education. In the absence of such a form, the complainant shall be required to submit a written complaint setting forth: complainant's identity, material challenged, detailed statement of reason(s) for challenging the material, action the complainant is requesting, and such other information as the Principal may reasonably request.
3. When a formal written complaint is completed and returned to the principal, the principal will discuss the issue and the procedures to be followed in resolving the issues with the person filing the complaint. The principal with whom the complaint was filed shall notify the other school administrators and also advise those faculty members who may use the instructional material, or the media staff in the case of media material, that a complaint has been filed. The school administrators shall

decide whether to appoint a building-level review committee or a district-level review committee to study the complaint. The principals will convene building-level review committees. These building-level committees shall consist of five or more committee members composed of staff and community patrons. The superintendent of schools or his designee will convene district-level review committees. These district-level committees shall consist of five or more members composed of staff and community patrons.

4. The review committees shall consider district philosophy, the professional judgment of teachers, reviews of the material by other competent authorities, compatibility with the school district's adopted curriculum, the teacher's stated goals, as well as the views of the complainant. The review committee's recommendation and all accompanying rationale shall be forwarded to the board of education for its review and final decision. The school board's decision may be to remove the material in question from district use, to modify the material for continued uses, or to reject the complaint and continue to use the material.
5. Any materials identified in a complaint may remain in use pending its review and its disposition by the board of education. Principals may, upon written request of parent(s), excuse students from using the material, or may direct teachers to use suitable substitutes, and in the case of challenged media material the Principal may place the material on a reserve shelf where it may be checked out by students only with written parent permission. However, the school shall reserve the right to require students to use material or to engage in activities which are a part of regular and/or required curricular activities.
6. Where the same or essentially the same materials have been the subject of a challenge which has been decided by the board, and another complaint is made against the material by either the same or a different person, the complaint shall be considered by the Superintendent, who may deny the complaint without following the review procedure. In considering the complaint, the Superintendent shall consider whether the complaint raises any substantially different issue than that previously decided by the board.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionTextbook Loans

The District will comply with the state law and Rule 4 of the Nebraska Department of Education pertaining to the distribution of textbooks to students of the District who are attending private schools. The financial liability of the District shall be limited to the amount of dollars appropriated by the state for the specific law.

If funds appropriated to this District are not sufficient to meet the request for textbooks under this policy, priority will be given to the textbooks requested that have the most recent copyright date. If the funding requires additional restrictions, priority will be given to the requests that were filed at the earliest date in the Superintendent's office. If still further restrictions are necessary, a drawing shall be conducted from the names of all students filing on the same date and requesting the same texts. The drawing shall continue until all state funds provided to the District for this purpose have been spent.

Legal Reference: §79-734
 NDE Rule 4

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013 and April 10, 2017 and February 10, 2020

InstructionParent Requests for Exclusion

Parents may request that their child be excused from the study of a given book, instructional unit or particular literary work. The Principal shall determine whether to grant such requests based on legal requirements relating to the request, the reason given for the request, the effect of the request on the student's educational development and the educational program, and the availability of alternative materials or instruction for the student. In the event the Principal does not grant the request, the parent may request a review be conducted by the Superintendent, based on the same criteria.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionRecognition of Religious Beliefs and Customs

It is accepted that no religious belief or non-belief should be promoted by the school district or its employees, and none should be disparaged. Instead, the school district should encourage all students and staff members to appreciate and be tolerant of each other's religious views. The school district should utilize its opportunity to foster understanding and mutual respect among students and parents, whether it involves race, culture, economic background or religious beliefs. In that spirit of tolerance, students and staff members should be excused from participating in practices which are contrary to their religious beliefs unless there are clear issues of overriding concern that would prevent it.

Arlington Public Schools recognizes one of its educational goals is to advance the student's knowledge and appreciation of the role our religious heritage has played in the social, cultural and historical development of civilization.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionAcknowledgment of Religious Holidays

The practice of the Arlington Public School District shall be as follows:

1. The several holidays through the year which have a religious and a secular basis may be observed or recognized in the public schools.
2. The historical and contemporary values and the origin of religious holidays may be explained in an unbiased and objective manner without sectarian indoctrination.
3. Music, art, literature and drama having religious themes or basis are permitted as part of the curriculum for school sponsored activities and programs if presented in a prudent and objective manner and as a traditional part of the cultural and religious heritage of the particular holiday.
4. The use of religious symbols such as a cross, menorah, crescent, Star of David, creche, symbols of Native American religions or other symbols that are a part of a religious holiday is permitted as a teaching aid or resource provided such symbols are displayed as an example of the cultural and religious heritage of the holiday and are temporary in nature. Among these holidays included are Christmas, Easter, Passover, Hanukkah, St. Valentine's Day, St. Patrick's Day, Thanksgiving and Halloween.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionReligion in the Curriculum

Religious institutions and orientations are central to human experience, past and present. An education excluding such a significant aspect would be incomplete. It is essential that the teaching about -- and not of -- religion be conducted in a factual objective and respectful manner. However, secular instruction of any kind is prohibited in this school.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionPurpose of Religion in the Curriculum

The practice of Arlington Public Schools shall be as follows:

1. The District supports the inclusion of religious literature, music, drama and the arts in the curriculum and in school activities provided it is intrinsic to the learning experience in the various fields of study and is presented objectively.
2. The emphasis on religious themes in the arts, literature and history should be only as extensive as necessary for a balanced and comprehensive study of these areas. Such studies should never foster any particular religious tenets or demean any religious beliefs.
3. Student initiated expressions to questions or assignments which reflect their beliefs or non-beliefs about a religious theme shall be accommodated. For example, students are free to express religious belief or non-belief in compositions, art forms, music, speech and debate.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionMulticultural Education

Arlington Public Schools incorporates multicultural education in all curriculum areas at all grades. Multicultural education includes, but is not limited to, studies relative to the culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, Asian Americans and European Americans with special emphasis on human relations and sensitivity toward all races.

Statement of Philosophy and Mission

The philosophy of the multicultural education program is that students will have improved ability to function as productive members of society when provided with: (a) an understanding of diverse cultures and races, the manner in which the existence of diverse cultures and races have affected the history of our Nation and the world, and of the contributions made by diverse cultures and races and (b) with the ability and skills to be sensitive toward and to study, work and live successively with persons of diverse cultures and races.

The mission of the multicultural education program is to prepare students to: (a) value and respect their own culture and race and cultures and races other than their own and (b) eliminate stereotypes and different treatment of others based on culture and race. The mission shall also include preparing students to eliminate stereotypes and discrimination or harassment of others based on ethnicity, religion, gender, socioeconomic status, age, or disability.

Implementation of Multicultural Education

The philosophy and mission of the multicultural education program is to be implemented as follows:

1. Multicultural education shall be included in goals established for educational programs.
2. Multicultural education shall be included in the district curriculum guides, frameworks, or standards.
3. The process for selecting appropriate instructional materials shall include assuring that the instructional materials at all grade levels include studies relative to the culture, history, and contributions of African Americans, Hispanic Americans, Native Americans, Asian Americans and European Americans with special emphasis on human relations and sensitivity toward all races.
4. Staff development shall be provided on the District's multicultural education policy. The staff development shall include professional development for administrators, teachers, and support staff which is congruent with the District and program goals.
5. Periodic assessment of the multicultural education program shall be conducted by the Superintendent. Teachers and other staff upon request shall have the responsibility to provide the administration with reports on: (a) the instructional

materials used and programs or methods implemented with their students which are supportive of the multicultural education program philosophy and mission, (b) programs or materials to be implemented in the future or which teachers or other staff feel should be implemented to further advance such philosophy and mission, and (c) with their professional assessment on the successes of or deficiencies in achieving the multicultural education program philosophy and mission. The Superintendent shall provide an annual status report on the assessment to the Board of Education.

Legal Reference: Nebraska State Board of Education Rule 10

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionEqual Opportunity: Instruction Program

The school district pledges itself to avoid discriminatory actions, and seeks to foster good human and educational relations which help to attain:

1. Equal rights and opportunities for students and employees in the school community.
2. Equal opportunity for all students to participate in the instructional program of the schools.
3. Continual study and development of curricula toward improving human relations and understanding and appreciating cultural differences.
4. Frequent training opportunities for improving staff responsiveness to educational and social needs.
5. Opportunities in educational programs which are broadly available to pupils which are not solely based upon sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, sexual orientation or gender identity, or other protected status.

Date of Adoption: August 24, 2020

InstructionControversial Issues

Controversial issues exist where there are sharp differences of opinion concerning an idea or a line of action. In order that students may develop intelligent attitudes and understandings concerning significant aspects of living, they should be afforded opportunities within the classroom to deal with such issues to the extent appropriate for their level of maturity and the educational mission of the District.

In considering such issues, it shall be the purpose of our schools to provide students the opportunity:

1. To study controversial issues concerning which the students, at their level of maturity, should have begun to form an opinion or to seek information about.
2. To have access to all relevant, educationally appropriate information, including the materials that circulate freely in the community.
3. To study under competent instruction in an atmosphere of freedom from bias and prejudice.
4. To form, and in an appropriate manner and in appropriate forum, to express the students' own judgments on controversial issues.
5. To recognize that reasonable compromise is often an important facet in decision making in our society.
6. To respect the opinions of others.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017

InstructionControversial Issues in the Classroom

The following administrative and teaching regulations are to be observed:

For Principals:

1. Remind teachers that we do not teach controversial issues, but rather opportunities for their study.

For Teachers:

1. Deal with controversial topics as impartially and objectively as possible. Do not intrude your own biases.
2. Handle all such topics in a manner suited to the range of knowledge, maturity, and competence of your students.
3. Have teaching materials dealing with all possible aspects of the topics readily available.
4. Don't manufacture an issue. Take up only those that are current and real.
5. Do not expect or require that the class reach an agreement.
6. Whenever you are in doubt about the advisability of taking up a given "hot" topic, consult with your Principal and or/Superintendent.
7. Remember that the policy of the board is designed to protect you as well as your students from unfair or inconsiderate criticism whenever your students are studying a controversial subject.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionParental/Community Involvement in Schools

Washington County School District No. 89-0024, Arlington Public Schools, after having conducted a public hearing concerning parental involvement and participation in the school district herewith declares that it shall be the policy of the District to provide access to parents to all textbooks, tests, curriculum materials, and any other instructional materials used by the school.

It shall further be the policy of the District in the event any parent has a complaint or objection to any such materials to make such provision for personal conferences with the parent and appropriate school personnel to discuss such concerns as the superintendent or his/her designee may deem appropriate. The superintendent or his/her designee shall prepare a complaint form which may be used by a parent to express objections to any such instructional material. Such complaint forms shall seek information including, but not limited to, the specific instructional material complained of, the reason for the complaint, and a proposed resolution of the complaint by the parent.

It shall further be the policy of the District to upon reasonable advance request by a parent to attend and monitor courses, assemblies, counseling sessions, and other instructional activities, to permit such parent to be in attendance at such activities unless such attendance would substantially interfere with a legitimate school interest.

It shall further be the policy of the district to encourage communications from the parents concerning when a parent believes it to be appropriate for his/her student to be excused from testing, classroom instruction, and other school experiences that the parent may find objectionable. The superintendent or his/her designee shall make a provision on the complaint form hereinabove referred to for receiving information from a parent concerning what specific testing, classroom instruction, or other school experience the parent finds objectionable, the basis for the parent's objection and a proposed solution for dealing with the objection that would be satisfactory to the parent.

It shall further be the policy of the District to provide full access to the records of the students to a parent or guardian all as set forth in Section 79-2,104, the Federal Education Right To Privacy Act, and other applicable law during regular business hours of the school at the school headquarters or wherever the student's records may regularly be maintained by the District.

It is the further policy of the District to notify a parent or parents of any student who may be subjected to a standard norm referenced or criterion referenced test or standard tests such as but not limited to the Iowa Test of Basic Skills or the California Achievement Test, to notify the parent when reasonable to do so, where a sample of such test might be observed and the date upon which such test will be administered. As to all testing by the District, experimental evaluation methodologies, experimental testing instruments and any testing instrument which would tend to inquire into the values, beliefs, or privacy rights of any student, or parent or guardian of such student shall be prohibited unless a parent requests in writing that such tests be administered to his/her resident student.

Prior to any school sponsored survey being administered to the students of the District, it shall be the duty of the superintendent or his/her designee to notify the parent or parents of each student involved in the survey of the nature of the survey, the date and time when such survey shall be administered, and the purpose for which and the uses of which survey exist from the school's perspective.

It shall be the policy of the District as a general matter to leave substantive decision making processes to the professional staff, administration and Board of Education, subject to an effort to receive information from parents as to any concerns, objections, or other information such parents would wish to provide to the school district concerning a parent's access, involvement, and participation in all activities of the school as it relates to the student of the District.

Date of Adoption: June 10, 2013

Date of Review: June 11, 2018; February 10, 2020; June 8, 2020, June 14, 2021; June 9, 2022

InstructionCombined District and School Title I Parent and Family Engagement Policy

(District Name) intends to follow the Title I Parent and Family Engagement Policy guidelines in accordance with federal law, *Section 1116(a -f) ESSA, (Every Student Succeeds Act) of 2015.*

In General

The written District parent and family engagement policy has been developed jointly with, updated periodically and distributed to parents and family members of participating children and the local community in an understandable and uniform format. This policy agreed on by such parents describes the means for carrying out the requirements as listed below.

- Parents and family members of all students are welcomed and encouraged to become involved with their child's school and education; this includes parents and family members that have limited English proficiency, limited literacy, are economically disadvantaged, have disabilities, racial or ethnic minority background or are migratory children. Information related to school and parent programs, meetings, school reports and other activities are sent to the parents of participating children in a format, and to the extent practicable, in a language the parents can understand.
- Parents are involved in the planning, review, evaluation and improvement of the Title I program, Parent and Family Engagement Policy and the School-Parent Compact at an annual parent meeting scheduled at a convenient time. This would include the planning and implementation of effective parent and family involvement activities.
- Conduct, with meaningful parent and family involvement, an annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy. Use the evaluation findings to design evidence-based strategies for more effective parental involvement, and to revise the Parent and Family Engagement Policy.
- Opportunities are provided for parents and family members to participate in decisions related to the education of their child/children. The school and local educational agency shall provide other reasonable support for parental involvement activities.
- Parents of participating children will be provided timely information about programs under this part, a description and explanation of the curriculum in use, the forms of academic assessment used to measure student progress and the achievement levels of the challenging State academic standards. The school will provide assistance, opportunities, and/or materials and training to help parents work with their children to improve their children's academic achievement in a format, and when feasible, in a language the parents and family members can understand.
- Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of contributions of parents, how to reach out to, communicate with and work with parents as equal partners.
- Coordinate and integrate parental involvement programs and activities with other Federal, State and local programs, including preschool programs that encourage and support parents in more fully participating in the education of their children.

InstructionFree and Reduced Price Meals

The Arlington Public Schools has agreed to participate in the National School Lunch Program (NSLP) and accepts responsibility for providing free and reduced price meals to eligible children in the schools under its jurisdiction. The school food authority assures the State Department of Education that the school system will uniformly implement the following policy to determine children's eligibility for free and reduced price meals in all National School Lunch Programs. In fulfilling its responsibilities the school food authority:

- A) Agrees to serve meals free to children from families whose income is at or below that established by the NSLP for free meals.
- B) Agrees to serve meals at a reduced price to children from families whose income is at or below that established by the NSLP for reduced meals listed.
- C) Agrees to provide these benefits to any child whose family income falls within the criteria established by the NSLP for free or reduced meals after deductions are made for the following special hardship conditions which could not reasonably be anticipated or controlled by the household:
 - 1. Unusually high medical expenses
 - 2. Shelter costs in excess of 30 percent of reported income
 - 3. Special education expenses due to the mental or physical condition of a child
 - 4. Disaster or casualty losses

In addition, agrees to provide these benefits to children from families who are experiencing strikes, layoffs and unemployment which cause the family income to fall within the criteria established by the NSLP for free or reduced meals.

- D) Agrees there will be no physical segregation of, nor any other discrimination against, any child because of his inability to pay the full price of the meal. The names of the children eligible to receive free and reduced price meals shall not be published, posted or announced in any manner and there shall be no overt identification of any such children by use of special tokens or tickets or any other means. Further assurance is given that children eligible for free or reduced price meals shall not be required to:
 - 1. Work for their meals
 - 2. Use a separate lunch room
 - 3. Go through a separate serving line
 - 4. Enter the lunchroom through a separate entrance
 - 5. Eat meals at a different time
 - 6. Eat a meal different from the one sold to children paying the full price
- E) Agrees in the operation of child nutrition programs, no child shall be discriminated against because of race, sex, color, or national origin.

- F) Agrees to establish and use a fair hearing procedure for parental appeals of the school's decisions on applications and for school officials' challenges to the correctness of information contained in an application or continued eligibility of any child for free or reduced price meals. During the appeal and hearing the child will continue to receive free or reduced priced meals. A record of all such appeals and challenges and their dispositions shall be retained for three (3) years. Prior to initiating the hearing procedures, the parent or local school official may request a conference to provide an opportunity for the parent and school official to discuss the situation, present information, and obtain an explanation of data submitted in the application and decisions rendered. Such a conference shall not in any way prejudice or diminish the right to a fair hearing. The hearing procedure shall provide the following:
1. A publicly-announced, simple method for making an oral or written request for a hearing
 2. An opportunity to be assisted or represented by an attorney or other person
 3. An opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal
 4. Reasonable promptness and convenience in scheduling a hearing and adequate notice as to the time and place of the hearing
 5. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference
 6. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses
 7. The hearing be conducted and the decision made by a hearing official who did not participate in the decision under appeal or in any previous conference
 8. The parties concerned and any designated representative thereof be notified in writing of the decision of the hearing official
- G) Agrees to designate the Superintendent or his/her designee to review applications and make determinations of eligibility. This official will use the criteria outlined in this policy to determine which individual children are eligible for free or reduced price meals.
- H) Agrees to develop and send to each child's parent or guardian a letter as outlined by State Department of Education including an application form for free or reduced price meals at the beginning of each school year. Applications may be filed at any time during the year. All children from a family will receive the same benefits.
- I) The following information will be available in the office of the Superintendent.
1. Eligibility criteria for free and reduced meals
 2. Parent letter and application
 3. Public release
 4. Collection procedure

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: February 11, 2013; March 13, 2017; February 10, 2020

InstructionSpecial Education

Arlington Public Schools adopts this special education policy with the intent that the policy maintains the District's compliance with all applicable laws affecting special education services and programs. The Superintendent or designees shall develop regulations or procedures to implement these policies. Employees and contractors of the District are expected to comply with these policies and all regulations, guidelines and procedures related to this policy in all respects.

The District will abide by all state and federal laws relating to special education. The District's special education policy and regulations, guidelines and procedures related to this policy are to be interpreted so as to be in compliance with such laws. In the event of changes in law, the school administration shall be authorized to implement modifications of practice to comply with such changes (whether the changes impose more or less stringent procedural or substantive requirements) until such time as amended policies are adopted by the Board of Education. References herein to 92 NAC 51 citations are made to Rule 51 as in effect on the date of the adoption of these policies. In the event of renumbering or other revisions to Rule 51, the policy shall be interpreted and implemented consistent with such renumbering or revisions.

1. Free Appropriate Public Education

A free appropriate public education shall be made available to all children with disabilities residing in the District, including children with disabilities who have been suspended or expelled, from date of verification through the school year in which the child is no longer eligible or the student reaches twenty-one (21) years of age, whichever occurs earlier. An Individualized Education Plan ("IEP") will be created for each such child that will enable the student to make progress appropriate in light of the student's unique circumstances.

Legal Reference: 92 NAC 51-004.01 through 004.03A and 007.07C2 through 007.07C6

2. Full Educational Opportunity Goal

The District shall take steps to ensure that its children with verified disabilities, through the age of twenty-one, have available to them the variety of educational programs and services available to children without disabilities in the areas served by the District, including art, music, industrial arts, family consumer science education, and vocational education.

Legal Reference: 92 NAC 51-004.11A

3. Child Find

All children from birth to age twenty-one (21) with disabilities residing in the District, including children with disabilities who are homeless or are wards of the state or attending nonpublic schools, regardless of the severity of their disabilities, who are in need of special education and related services, will be identified, located and evaluated. A practical method shall be developed and implemented by the administration to determine which children with disabilities are currently receiving needed special education and related services. The District will implement multiple methods to provide parents, guardians, and community members with information regarding how to refer a child for an evaluation and the identification process and will publish an annual notice of any significant activity that is designed to identify, locate, or evaluate children to

publicly notify parents, guardians, or appointed surrogates. The District's child find process will be consistent with Federal and Nebraska regulations. Legal Reference: 92 NAC 51-006.01 through 006.01A2

4. Pre-Referral Interventions

For a school age student, a general education student assistance team (SAT) or a comparable problem solving team shall be used prior to referral for multidisciplinary team evaluation. The SAT or comparable problem solving team shall utilize and document problem solving and intervention strategies to assist the teacher in the provision of general education. If the student assistance team or comparable problem solving team feels that all viable alternatives have been explored, a referral for multidisciplinary evaluation shall be completed. A referral shall include information from the SAT or comparable problem solving team, meeting the requirements of 92 NAC 51-006.01B and a listing of the members of the SAT or comparable problem solving team.

Legal Reference: 92 NAC 51-006.01B

5. Disability Verification and Eligibility

Eligibility for services will be determined by a multidisciplinary team based on the results of a comprehensive evaluation. The multidisciplinary team will identify whether a child is eligible for special education services based on the disability categories identified by Nebraska and Federal regulations. The multidisciplinary team will rule out the determinant factor is due to a lack of appropriate instruction in reading or math or due to lack of English proficiency. The team will prepare a written report documenting all evaluation findings in accordance with Federal and Nebraska requirements that will be provided to the parent, guardian, or appointed surrogate. When a child is not eligible for services, the multidisciplinary team will determine if general education interventions or strategies are needed.

Legal Reference: 92 NAC 51-006.03; 92 NAC 51-006.04B through 006.04N;

6. Individualized Education Program (IEP)

An individualized education program, or an individualized family service plan, is to be developed, reviewed, and revised for each child with a disability in accordance with 92 NAC 51-007 by teams that will include all roles identified within Federal and Nebraska rules. Any draft of an IEP that is developed will not be considered final until it is reviewed and revised based on the team, including the parent, guardian, or appointed surrogate, input, and consensus. The district will make reasonable efforts to obtain informed consent from the parent, guardian, or appointed surrogate for special education placement on the IEP form before services are initiated. Revocation of consent for services must be documented by the parent, guardian, or appointed surrogate in writing.

Legal Reference: 92 NAC 51-007

7. Least Restrictive Environment

To the maximum extent appropriate, children with disabilities, through the age of twenty-one, including children in public or private institutions or other care facilities, are to be educated with children who are not disabled. Placement for a student with a disability will be based upon a completed IEP developed by a group of persons, including the parent, guardian, or appointed surrogate, knowledgeable about the child, the meaning of the evaluation data, and the placement options. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment will occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services

cannot be achieved satisfactorily (the “Least Restrictive Environment Rules”). The District will ensure that a continuum of alternative placements is available to meet the needs of children with disabilities, particularly those in disproportionate groups, for special education and related services.

Legal Reference: 92 NAC 51-008.01

8. Procedural Safeguards

Children with disabilities and their parents, guardians, or appointed surrogates shall be afforded the required procedural safeguards. Parents, guardians, and appointed surrogates will be given a copy of their procedural safeguards annually or upon initial referral or parental (parent, guardian, or appointed surrogate) request for evaluation; upon request by a parent, guardian, or appointed surrogate; upon receipt by the school district or approved cooperative of the first occurrence of the filing of a complaint under 92 NAC 51-009.11 and the first occurrence of filing a special education due process case under 92 NAC 55; and in accordance with the discipline procedures in 92 NAC 51-016.

Legal Reference: 92 NAC 51-009.01 through 009.07; 009.10 through 009.12; 009.14, 006.07

9. Disciplinary Removal of Children with Disabilities

School personnel may remove a child with a disability who violates a code of student conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension as long as those removals do not constitute a change of placement. The District defines a change of placement as it is defined under 92 NAC 51-016. The school district will ensure that school personnel appropriately consider unique circumstances on a case-by-case basis when determining whether a change in placement has occurred. Within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the school district, the parent, and relevant members of the student’s IEP shall conduct a manifestation determination pursuant to 92 NAC 51-016. If the conduct which gave rise to the violation of the school code is determined to be a manifestation of the student’s disability, any change of placement for the student will only be made by a student’s IEP team. For disciplinary changes in placement that would exceed ten (10) consecutive school days, if the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability, school personnel may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures that would be applied to children without disabilities.

Legal Reference: 92 NAC 51-016

10. Evaluation, Identification, and Reevaluation Procedures

Children with disabilities shall be evaluated, identified, and reevaluated by a team of multidisciplinary qualified professionals in accordance with 92 NAC 51-006. The MDT of a child suspected of having a specific learning disability shall include the additional requirements in accordance with 92 NAC 51-006.04K. The District will make reasonable efforts to obtain written permission for evaluation in accordance with Federal and Nebraska rules. Revocation for consent for evaluation must be documented by the parent, guardian, or appointed surrogate in writing.

The documented results of the evaluation will be provided to parent, guardian, or appointed surrogate and included in student files. All evaluation components will be at district expense. The

District will utilize a variety of assessment instruments to ensure district teams have access to appropriate measures to complete evaluations. The district will follow any publisher guidelines for assessments and will not use outdated or culturally inappropriate tools.

The District will respond to a request for an Independent Educational Evaluation without unnecessary delay. The parent, guardian, or appointed surrogate will be given written notice of the District's decision to either move forward with the Independent Educational Evaluation or to initiate a hearing to determine the appropriateness of the evaluation. If the District agrees to move forward with the evaluation, locations of any evaluator shall be within a reasonable distance of the District. A reasonable distance means within 100 miles of the school building the child attends and within Nebraska. In the event this geographic area restriction would prevent a parent, guardian, or appointed surrogate from obtaining an Independent Educational Evaluation, the location of the evaluator may be outside the specified geographic area but must be within Nebraska. The District will provide the parent, guardian, or appointed surrogate with a list of qualified agencies/evaluators within the geographic area. The evaluators are to have their rates approved by the Nebraska Department of Education to be authorized to conduct the evaluation.

Legal Reference: 92 NAC 51-006

11. Confidentiality of Personally Identifiable Information

A system of safeguards will be implemented to protect the confidentiality of student records and information in accordance with law.

Legal Reference: 92 NAC 51-003.16, 003.20, 009.03 through 009.03M3

12. Transition of Children from Part C to Preschool Programs

Children participating in early intervention programs under Part C of the IDEA (early intervention services) will be appropriately evaluated, identified, and have services under Part B of the IDEA by age 3 in a manner consistent with 92 NAC 52-008. Children receiving early intervention services under Part C of the IDEA may continue to receive Part C services, upon parental consent, until the August 31st following the child's third birthday. The District will participate in transition planning conferences arranged by the designated lead agency.

Legal Reference: 92 NAC 52-008

13. Children in Nonpublic Schools

To the extent consistent with the number and location of children with disabilities in the District who are enrolled by their parents, guardians, or appointed surrogates in nonpublic elementary and secondary schools in the District, provision will be made for the participation of those children in the programs assisted or carried out under Part B of the IDEA (services for school-aged children) by providing them with special education and related services.

Legal Reference: 92 NAC 51-012.08 and 015

14. Personnel Standards and Personnel Development

Personnel providing special education or related services to children with disabilities shall be appropriately and adequately prepared and trained in accordance with IDEA requirements and the District will take measurable steps to recruit, hire, train and retain personnel meeting the requirements of IDEA to provide such services.

Legal Reference: 92 NAC 51-010

15. Accessibility of IEP and Responsibility to Implement

A child's IEP shall be accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for the IEP's implementation. Each of the aforementioned providers shall be informed of his or her specific responsibilities related to implementing the child's IEP, and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP. All providers who are responsible for the implementation of a child's IEP are expected to implement the child's IEP according to its terms.

16. Participation in and Reporting of State and District Wide Assessments

All children with disabilities shall be included in all general state and district wide assessment programs, including assessments described under section 612(a)(16)(A) of the IDEA with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs. The District will make available to the Nebraska Department of Education the information necessary to carry out its duties relating to the reporting of children with disabilities participation in assessments.

Legal Reference: 92 NAC 51-004.05

17. Suspension and Expulsion Rates

The District will examine data, including data disaggregated by race/ethnicity, gender, LEP status, and disability category, to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities.

Legal Reference: 92 NAC 51-004.06E

18. Access to Instructional Materials

As part of any printed instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of printed instructional materials, the District will enter into a written contract with the publisher of the printed instructional materials to:

- A. Require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Material Access Center, electronic files containing the contents of the printed instructional materials using the National Instructional Materials Accessibility Standard, or
- B. Purchase instructional materials from the publisher that are produced in, or may be rendered in specialized formats.

Legal Reference: 92 NAC 51-004.15

19. Over-Identification and Disproportionality

Procedures shall be in place to ensure that testing and evaluation materials and procedures utilized for the evaluation and placement of children with disabilities will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it is clearly not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child. All District special education provisions will be equitably available to all children regardless of race, ethnicity, language, location, transience, income level, and access to medical care.

Legal Reference: 92 NAC 51-006.02C

20. Prohibition on Mandatory Medication

Children shall not be required to obtain a prescription for a controlled substance as a condition of attending school, receiving an evaluation to determine whether a child has a disability or the nature and extent of special education and related services the child needs, or receiving special education services.

Legal Reference: 92 NAC 51-004.11D; 21 U.S.C. §812(c)

21. Transportation

Transportation will be provided for children with disabilities who are eligible for transportation and residents of the school district as required by law to access academic, related services, and nonacademic services and activities as determined by the child's IEP. Except when a parent is transporting only his or her child, the District shall require that the driver and vehicle meet the standards required by 92 NAC 91 and 92.

Legal Reference: 92 NAC 51-014.01 through 014.02

22. Surrogates

A surrogate will be appointed, and other action taken to ensure the rights of children with a disability as required by law. The surrogate may represent the child in all matters related to the identification, evaluation, and educational placement of a child and the provision of a free appropriate public education to the child.

Legal Reference: 92 NAC 51-009.10

23. Early Intervention Services – Consent

When a parent refuses to provide consent under 92 NAC 52, a meeting will be held or offered to explain to the parents how their failure to consent affects the ability of their child to receive services under 92 NAC 52.

Legal Reference: 92 NAC 52

Legal Reference: 34 CFR Parts 300, 303 and 304
Neb. Rev. Stat. Sec. 79-1110 to 79-1167
92 NAC 51, 52 and 55

Date of Adoption: 07/10/2023

Free Appropriate Public Education**PROCEDURES****004 Responsibility for Special Education Programs**

- 004.01** All providers of special education services shall be under the general supervision of the Nebraska Department of Education for the purpose of meeting the standards of this Chapter. School districts and approved cooperatives shall ensure that all children with verified disabilities, from birth through the school year in which the student reaches age twenty-one, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs. School districts and approved cooperatives' responsibility to ensure the availability of FAPE includes ensuring the availability of FAPE for resident students in detention facilities, correctional facilities, jails and prisons.
- 004.02** The school district shall ensure that FAPE is available to any individual child with a disability who needs special education and related services, even though the child has not failed or been retained in a course or grade and is advancing from grade to grade.
- 004.02A** The determination that a child described in 92 NAC 51-004.02 is eligible under this Chapter must be made on an individual basis by the multidisciplinary evaluation team.
- 004.03** Exceptions to the Requirement to Provide a Free Appropriate Public Education
- 004.03A** Children with disabilities who have graduated from high school with a regular high school diploma are not eligible to receive a FAPE.
- 004.03A1** The exception in 92 NAC 51-004.03A does not apply to students who have graduated but have not been awarded a regular high school diploma.
- 004.03A2** Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with 92 NAC 51-009.05.
- 004.04** Participation in or attendance at programs by children with verified disabilities from date of diagnosis to age five shall be voluntary as specified by the parent.

Person(s) Responsible: Board of Education, Superintendent, Special Education Director, Principal, Teachers.

Timeline: Ongoing.

Materials: District policies and procedures, special education forms, Parent Rights Pamphlets, Parent training information.

Methods: Through the implementation of the District's special education policies and procedures, the District provides a free appropriate public education to all children with disabilities including children who have been suspended or expelled from school. It is anticipated that all students with disabilities will receive a regular high school diploma upon completion of their educational program. In those limited cases where it is determined that a student will receive other than a regular diploma the IEP Team, including the parents, will meet to discuss the student's educational programming until age 21.

Full Educational Opportunity Goal**PROCEDURES**

004.01 All providers of special education services shall be under the general supervision of the Department of Education for the purpose of meeting the standards of this Chapter. School districts shall ensure that all children with verified disabilities, from birth through the school year in which the student reaches age twenty-one, including children who have been suspended or expelled from school, have available to them a free appropriate public education (FAPE) which includes special education and related services to meet their unique needs. School districts' responsibility to ensure the availability of FAPE includes ensuring the availability of FAPE for resident students in detention facilities, correctional facilities, jails and prisons.

Person(s) Responsible: Board of Education, Superintendent, Principal, Director of Special Education, Teachers.

Timeline: Ongoing.

Materials: Special education procedures and forms. Training and staff development for certified and noncertified staff in the methods of implementation and "best practices" for working with students with disabilities.

Methods: Procedures and forms are implemented on an individual child basis. Staff development activities will be determined by staff needs, and provided on a yearly schedule.

Childfind

PROCEDURES

006	<u>Identification of Children with Disabilities, Multidisciplinary Teams and Reporting of Diagnostic Data</u>
006.01	<u>Child Find</u>
006.01A	All children with disabilities residing in the state of Nebraska, including children with disabilities who are homeless children or wards of the State and children with disabilities attending nonpublic schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and evaluated and a practical method shall be developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. For infants and toddlers, districts shall demonstrate targeted efforts to meet the needs of children from historically underserved populations, particularly minority, low-income, inner-city and rural populations, and children with disabilities who are wards of the state.
006.01A1	The child find requirements apply to highly mobile children including migrant children and to children under the age of 3 who are involved in a substantiated case of child abuse or neglect; who are identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure.
006.01A2	The child find requirements also apply to a child who is suspected of being a child with a disability under 92 NAC 51-003.10 and in need of special education, even though the child is advancing from grade to grade.

Person(s) Responsible: Superintendent, Director of Special Education, School District Administrators.

Timeline: Print publications will occur annually, in or about August of each year, with ongoing activities occurring throughout the school year.

Materials: Print publications will occur in local newspaper and student handbook. Ongoing activities will occur, such as distribution of pamphlets to doctors' offices, articles in school newspapers, information on school district TV channel (if such exists) and school website, etc.

Methods: Efforts to locate and evaluate resident children and students with disabilities who will benefit from special education and related services will be conducted on an ongoing basis in the following ways:

1. Health and general education screening will be conducted by the District as required by Nebraska state statutes and Nebraska Departments of Education and Health and Human Services regulations.
2. Child find plans will be developed and records maintained to document all such activities of the District and to evaluate their effectiveness. Such records will include a copy of all public announcements. Persons making referrals will be asked where they acquired the information that led them to the School District.
3. The District will accept referrals for evaluation directly from parents, other agencies or school personnel for children below age five who may benefit from the provision of special education services. The District will conduct periodic screening activities to locate children with disabilities.
4. The District will accept referrals for children under the age of 3 who are involved in a substantiated case of child abuse or neglect, who are identified as affected by illegal substance, or withdrawal symptoms resulting from prenatal drug exposure.

Identification, Evaluation and Verification**PROCEDURES****006.01C** Student Assistance Team (SAT) or Comparable Problem Solving Team

006.01C1 For a school age student, a general education student assistance team or a comparable problem solving team shall be used prior to referral for multidisciplinary team evaluation.

006.01C2 The SAT or comparable problem solving team shall utilize and document problem solving and intervention strategies to assist the teacher in the provision of general education.

006.01C3 If the student assistance team or comparable problem solving team feels that all viable alternatives have been explored, a referral for multidisciplinary evaluation shall be completed. A referral shall include information from the SAT or comparable problem solving team, meeting the requirements of 92 NAC 51-006.01C and a listing of the members of the SAT or comparable problem solving team.

Student Assistance Team

Person(s) Responsible: Director of Special Education, Principals, SAT Chairperson, SAT members.

Timeline: Strategies designed, implemented, and evaluated for the equivalent of approximately one school quarter. The period of time individual students are in the SAT process will vary depending on individual student needs, availability of data, number of strategies implemented and the success of the strategies.

Materials: Student Assistance Team Referral, Student Assistance Team Report, Referral for Initial Evaluation, Notice and Consent for Initial Evaluation.

Methods:

1. The SAT shall coordinate and review the information from all staff members working with the referred student and the student's parent(s) and guardian(s);
2. A building level SAT chairperson will be designated and shall be responsible for all communication with parents and school personnel regarding the operation of the team and information generated. The SAT chairperson shall ensure that all information is properly documented.
3. When appropriate, the SAT will plan, implement and assess the effectiveness of alternative intervention strategies developed to assist the teacher in the provision of general education including:
 - a. Reviewing relevant background information;
 - b. Observing/presenting educational problems/behavior;
 - c. Conferring with teacher(s), parent(s), guardian(s);
 - d. Planning alternative intervention strategies;
 - e. Assisting teachers in implementing interventions;
 - f. Monitoring and evaluating the effectiveness of the intervention;
 - g. Providing written documentation of the above activities; and
 - h. Making recommendations regarding referral distribution which may include referral for a MDT assessment, continuation of classroom interventions and/or utilization of school or community resources.
4. If the SAT determines that appropriate options available in general education have been exhausted and there is a possible need of special education services, the student shall be referred to the multidisciplinary team for evaluation;
5. The SAT report shall be completed within a reasonable time of accepting the referral;
6. Referral information and written documentation of all SAT activities shall be incorporated into the student's records; and

7. All referrals for a MDT evaluation shall be submitted on the appropriate District referral forms and must include information from the SAT including strategies/interventions attempted and a listing of team members.

006.02 General Evaluation Requirements

006.02A The screening of a child by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

006.02B Consistent with the consent requirements in 92 NAC 51-009.08A a parent of a child, the Nebraska Department of Education, another State agency or a local school district or approved cooperative or a nonpublic school may initiate a request for an initial evaluation to determine if the child is a child with a disability.

006.02B1 Except for infants and toddlers, the resident school district or approved cooperative shall conduct a full and individual initial evaluation for each child being considered for special education and related services before the initial provision of special education and related services to a child with a disability. The initial evaluation shall determine whether a child is a child with a disability, and the educational needs of the child. For infants and toddlers, early intervention services in accordance with 92 NAC 51-007.13, may begin prior to completion of a full and individual initial evaluation.

006.02B1a In implementing the requirements of 92 NAC 51-006.02A the school district or approved cooperative shall ensure that:

006.02B1a(i) The evaluation is conducted in accordance with the procedures described in Section 006 of this Chapter.

006.02B1a(ii) The results of the evaluation are used by the child's IEP team in meeting the requirements of Section 007 of this Chapter.

006.02C Verification criteria and procedures:

006.02C1 School districts and approved cooperatives must ensure assessments and other evaluation materials used to assess a child under this Chapter:

006.02C1a Are selected and administered so as not to be discriminatory on a racial or cultural basis; and

006.02C1b Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;

006.02C1c For infants and toddlers, tests and other evaluation materials and procedures are administered in the native language of the parent or other mode of communication, unless it is clearly not feasible to do so.

006.02C2 Are used for purposes for which the assessments or measures are valid and reliable.

006.02C3 School districts and approved cooperatives must ensure assessments of children with disabilities who transfer from one school or approved cooperative to another school or approved cooperative in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

006.02C4 School districts and approved cooperatives must ensure materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

006.02C5 School districts and approved cooperatives must ensure a variety of assessment tools and strategies are used to gather relevant functional, developmental and academic information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining:

006.02C5a Whether the child is a child with a disability under 92 NAC 51-003.10; and

006.02C5b The content of the child's IEP.

006.02C6 School districts and approved cooperatives must ensure any standardized tests that are given to a child:

- 006.02C6a Have been validated for the specific purpose for which they are used; and
006.02C6b Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.

006.02C6b9(i) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of the test administration) must be included in the evaluation report.

006.02C7 School districts and approved cooperatives must ensure tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

006.02C8 School districts and approved cooperatives must ensure tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

006.02C9 School districts and approved cooperatives must ensure no single measure or assessment is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

006.02C10 School districts and approved cooperatives must ensure the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

006.02C11 School districts and approved cooperatives must ensure in evaluating each child with a disability under Section 006, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

006.02C12 The school district or approved cooperative must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

006.02C13 The school district or approved cooperative must use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

006.02C14 In interpreting evaluation data for the purpose of determining if a child is a child with a disability and the educational needs of the child, each school district or approved cooperative shall:

006.02C14a Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and

006.02C14b Ensure that information obtained from all of these sources is documented and carefully considered.

006.02C15 School districts and approved cooperatives must ensure evaluation and assessment for infants and toddlers are:

006.02C15a Conducted in accordance with Section 006 of this Chapter to determine eligibility for services including determining the status of the child in each of the developmental domains; and

006.02C16 After a child has been verified the district must conduct an assessment of the unique needs of the child in terms of each of the developmental areas to identify services appropriate to meet the needs of the child.

006.03 Multidisciplinary Evaluation Team (MDT) Requirements

006.03A The multidisciplinary evaluation team (including the child's parents) shall be responsible for the analysis, assessment and documentation of educational and developmental abilities and needs of each child referred for the purpose of individual evaluation. Using the documentation collected and the verification criteria found in Section 006 of this Chapter and the definition found in 92 NAC 51-006.04, the MDT shall make all verification decisions. Documented information shall be collected to facilitate the development of a statement of present level of development and educational performance on the IFSP or IEP.

006.03B For students attending nonpublic schools, an administrator of the nonpublic school or a designated representative of the nonpublic school shall be a member of the MDT.

006.03E4 A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent at no cost.

006.03F Multidisciplinary Evaluation Team Written Report for a Child with a Suspected Specific Learning Disability

006.03F1 The MDT shall prepare a written report of the results of the evaluation.

006.03F2 The report shall include a statement of:

006.03F2a Whether the child has a specific learning disability based on the criteria and definition contained in 92 NAC 51-006.04K.

006.03F2b The child's educational needs;

006.03F2c The basis for making the determination including an assurance that the determination was made in accordance with 92 NAC 51-006.02D 006.02C14;

006.03F2d The relevant behavior if any, noted during the observation of the child; and the relationship of that behavior to the child's academic functioning;

006.03F2e The educationally relevant medical findings, if any;

006.03F2f Whether the child does not achieve adequately for the child's age or to meet state-approved grade level standards consistent with 92 NAC 51-006.04K3a and the child does not make sufficient progress to meet age or state approved grade level standards consistent with 92 NAC 51-006.04K3b; or whether the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state approved grade level standards or intellectual development consistent with 92 NAC 51-006.04K3b(i);

006.03F2g The determination of the team concerning the effects of a visual, hearing, or motor disability; mental handicap, behavior disorder; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and

006.03F2h If the child has participated in a process that assesses the child's response to scientific, research-based intervention, then the instructional strategies used and the student-centered data collected; and the documentation that the child's parents were notified about:

006.03F2h(1) The school district's or approved cooperative's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;

006.03F2h(2) Strategies for increasing the child's rate of learning; and

006.03F2h(3) The parent's right to request an evaluation.

006.03F2i A listing of the team members.

006.03F3 Each team member shall certify in writing whether the report reflects his or her conclusion. If the report does not reflect his or her conclusions, the team member shall submit a separate statement presenting his or her conclusion.

006.03F4 A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent at no cost.

006.03G For a school age child who after initial MDT evaluation does not qualify for special education services or for a child with a verified disability who upon reevaluation no longer qualifies for special education services, a problem solving team shall document a plan to assist the teacher(s) in the provision of regular education.

006.04 Eligibility for Special Education

006.04A School districts or approved cooperatives shall provide special education services only to children with verified disabilities. Verifications to be considered are:

006.04B Autism

006.04C Behavioral Disorder (referred to in the 2004 Amendments to the IDEA as "Emotional Disturbance")

006.04D Deaf-Blindness

006.04E Developmental Delay

006.04F Hearing Impairment

006.04G Mental Handicap

<u>006.04H</u>	Multiple Impairments
<u>006.04I</u>	Orthopedic Impairments
<u>006.04J</u>	Other Health Impairment
<u>006.04K</u>	Specific Learning Disability
<u>006.04L</u>	Speech-Language Impairment
<u>006.04M</u>	Traumatic Brain Injury
<u>006.04N</u>	Visual Impairment including Blindness

Evaluation

Person(s) Responsible: Director of Special Education, MDT Coordinator, MDT members.

Timeline:

1. Notice and Consent for Evaluation will be completed in a reasonable period of time from the date of referral;
2. MDT Initial Evaluation will be completed within 45 school days of receiving Parental Consent;
3. The MDT Report will be completed within thirty calendar days (legal holidays excluded) of completion of the evaluation; and
4. Consent for Reevaluation will be obtained a sufficient time period prior to the MDT three year expiration date to permit the three year reevaluation to be completed prior to the deadline.
5. The District may utilize the September 2008 "Verification Guidelines for Children with Disabilities", a Technical Assistance Document provided by the Nebraska Department of Education to provide assistance to the MDT as they assess each child who is referred for an evaluation to determine if the child is a child with a disability and in need of special education services.

Materials: Notice and Consent for Initial Evaluation or Reevaluation, Parent Rights Pamphlets, Complaint Procedures and Rule 55 (for Initial Evaluation), MDT Written Report Form, Verification Guidelines.

Methods: The District will identify children in the following disability categories per 92 NAC 51.

- Autism
- Behavioral Disorder
- Deaf-Blindness
- Developmental Delay
- Hearing Impairment
- Mental Handicap
- Multiple Impairments
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment including Blindness

006.05 Reevaluations

006.05A A school district or approved cooperative shall ensure that a reevaluation of each child with a disability is conducted in accordance with the verification procedures in Section 006 of this Chapter:

- 006.05A1** if the school district or approved cooperative determines that the educational or related services needs, including improved academic achievement and functional performance, or the child warrant a reevaluation; or
- 006.05A2** if the child's parents or teacher requests a reevaluation.

006.05B A reevaluation conducted under subsection 006.05 of this Chapter:

- 006.05B1** may occur not more than once a year, unless the parent and the school district agree otherwise; and
- 006.05B2** must occur at least once every three years, unless the parent and the school district agree that a reevaluation is unnecessary.

006.06 Review of Existing Evaluation Data

006.06A As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP team and other qualified professionals as appropriate, shall:

006.06A1 review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based local or State assessments and classroom-based observations, and observations by teachers and related services providers; and

006.06A2 on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine:

006.06A2a whether the child is a child with a disability, as described in 92 NAC 51-003.10, and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and such educational needs;

006.06A2b the present levels of academic achievement and related developmental needs of the child;

006.06A2c whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

006.06A2d whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum.

006.06B The school district or approved cooperative shall administer such assessments and other evaluation measures as may be needed to produce the data identified by the IEP team under 92 NAC 51-006.06A2.

006.06C The IEP team and other qualified professionals may conduct its review without a meeting.

006.06D If the IEP team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs the school district or approved cooperative:

006.06D1 shall notify the child's parents of:

006.06D1a that determination and the reasons for the determination; and

006.06D1b the right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

006.06D2 The school district or approved cooperative shall not be required to conduct such an assessment unless requested to by the child's parents.

006.06E A school district or approved cooperative shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability.

006.06E1 The evaluation described in 92 NAC 51-006.06E is not required before the termination of a student's eligibility under this Chapter due to graduation from secondary school with a regular high school diploma, or to exceeding the age eligibility for a free appropriate public education under Neb. Rev. Stat. 79-1126. For a child whose eligibility terminates under these circumstances, a school district or approved cooperative shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

Re-evaluation

Person(s) Responsible: IEP members and other qualified professionals.

Timeline: This process should begin well before the three year re-evaluation date and be timed so that the review of existing evaluation data can be accomplished during the IEP meeting.

Materials: Parent Notice and Consent for Re-evaluation form, Parent Rights pamphlet, existing evaluation data, "Notice That No Additional Information Is Needed to Determine Continued Eligibility for Special Education" form.

Methods:

1. IEP Team meets to review information available and decides on the nature of the re-evaluation. Parents are a part of the IEP Team, and therefore are part of the meeting.
2. If the IEP Team determines that no additional information is required to determine continued eligibility for special education, the IEP Team documents the decision on the "Notice That No Additional Information is Needed to Determine Continued Eligibility for Special Education Services Form". Parents should receive a copy of the form at the meeting or within thirty calendar days following the meeting. Parents may request that a comprehensive reevaluation be conducted even if the members of the IEP Team disagree.
3. If the IEP Team decides that additional information is needed to determine continued eligibility in special education, a Referral for Individual Evaluation Form is completed at the IEP meeting. The parents will receive a Parents Rights Pamphlet and a request for Consent to Re-evaluate a sufficient time prior to the MDT three year expiration date to permit the three year reevaluation to be completed prior to the deadline. In most circumstances, the Consent to Re-evaluate shall be obtained at least forty five calendar days prior to the reevaluation date. After the reevaluation is conducted, parents will be contacted to attend the MDT meeting to determine continued eligibility for special education and related services. After the reevaluation the MDT report is written by participating team members. Parents will receive a copy of the written report within thirty calendar days of the MDT meeting (legal holidays excluded).
4. If reevaluation results in removing a disability verification, a MDT report is completed indicating that the child no longer qualifies. When the removal of a disability verification results in a dismissal from a special education program, the MDT report shall indicate the same. A copy of the report shall be placed in the student's record and parents shall be afforded all rights under Rule 51 to assist the student in transitioning back to general education.
5. Student Assistant Team (SAT) references should be completed to assist the student in transitioning back to general education.

006.07 Independent Educational Evaluation

- 006.07A** A parent of a child with a disability has the right to obtain an independent educational evaluation of the child at public expense if the parent disagrees with the evaluation obtained by the school district or approved cooperative, subject to the provisions of 92 NAC 51- 006.07.
- 006.07B** Each school district or approved cooperative shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the school district's criteria applicable for independent educational evaluations.
- 006.07C** A parent is entitled to only one independent educational evaluation at public expense each time the school district or approved cooperative conducts an evaluation with which the parent disagrees.
- 006.07C1** Public expense means that the school district or approved cooperative either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.
- 006.07D** If a parent requests an independent educational evaluation at public expense, the school district or approved cooperative must, without unnecessary delay, either:
- 006.07D1** Initiate a hearing under 92 NAC 55 to show that its evaluation is appropriate; or
- 006.07D2** Ensure that an independent educational evaluation is provided at public expense, unless the school district or approved cooperative demonstrates at a hearing under 92 NAC 55 that the evaluation obtained by the parent did not meet school district or approved cooperative criteria.
- 006.07E** If the school district or approved cooperative initiates a hearing and the final decision is that the school districts or approved cooperative's evaluation is appropriate the parent still has the right to an independent educational evaluation, but not at public expense.
- 006.07F** If a parent requests an independent educational evaluation, the school district or approved cooperative may ask for the parent's reason why he or she objects to the public evaluation. However, the school district or approved agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

<u>006.07G</u>	If the parent obtains an independent educational evaluation at public expense or shares with the school district or approved cooperative an evaluation obtained at private expense, the results of the evaluation:
<u>006.07G1</u>	Must be considered by the school district or approved cooperative, if it meets school district or approved cooperative criteria, in any decision made with respect to the provision of a free appropriate public education to the child; and
<u>006.07G2</u>	May be presented by any party as evidence at a hearing under 92 NAC 55 regarding that child.
<u>006.07H</u>	If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.
<u>006.07I</u>	If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the school district or approved cooperative uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.
<u>006.07J</u>	Except for the criteria described in 92 NAC 51-006.07I, a school district or approved cooperative may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

Independent Education Evaluation

Person(s) Responsible: Special Education Director, Special Education Teachers, Superintendent, Principal.

Timeline: The District will respond to a request for an Independent Educational Evaluation without unnecessary delay. In most circumstances, the response will be made within ten business days (legal holidays excluded). Where the District approves a request for an Independent Educational Evaluation, the District will provide parents with the list of the District's criteria for selecting an evaluator and a list of independent evaluators (or website or other source where such information can be found) within ten business days (legal holidays excluded) of the response.

Materials: District criteria for selecting evaluator, list of independent evaluators, notice of approving request for an Independent Educational Evaluation or notice that district is not approving and filing for a hearing under 92 NAC 55.

Methods: The parent will be requested to document the request through a written statement to the Director of Special Education.

The written request should contain:

1. Parental objections to the results of the District's educational evaluation;
2. Reference to the specific type(s) of evaluation requested; and
3. Consent of the parent(s)/guardian to release the personally identifiable confidential results of the evaluation to the School District.

If the decision is that an independent educational evaluation is appropriate, the parent(s)/guardian will receive written authorization from the Director of Special Education or designee within 10 business days (legal holidays excluded) of the written request. The parent's failure to provide a written request does not eliminate their right to an Independent Educational Evaluation.

If the District refuses to provide an Independent Educational Evaluation, the District will provide the parents with a notice of their decision. The District must file a hearing under 92 NAC 55 to prove the appropriateness of their evaluation.

The qualifications of examiners will be in accordance with 92 NAC 51. Locations of any evaluator shall be within a reasonable distance of the school district. The District will provide the parent(s) with a list of qualified agencies/evaluators within the geographic area. The evaluators will be encouraged to have their rates approved by the Nebraska Department of Education to be authorized to conduct the evaluation(s).

The District will establish maximum allowable charges for each educational assessment. Maximum allowable charges for the assessment allows the parent(s) to select from among qualified and approved professionals which will eliminate unreasonable and/or excessive fees for services. The District will provide for the parent(s) the opportunity to demonstrate that unusual circumstances justify the need for an independent evaluation which is not designated by this procedure.

If the parent(s) obtains an independent evaluation without notifying the District, the District will not assume the financial responsibility for the evaluation if the District's evaluation is determined to be appropriate by the hearing officer appointed under 92 NAC 55.

Individualized Education Program

PROCEDURES

007 Individual Education Program (IEP) and Individualized Family Service Plan (IFSP)

- 007.01** An IEP shall be developed, reviewed, revised, and implemented for each child who receives special education and related services. In order to fulfill the requirements of 92 NAC 51-007.01 for infants and toddlers, school districts or approved cooperatives shall meet the requirements of 92 NAC 51-007.13. FAPE is provided to infants and toddlers with a disability in accordance with an IFSP; rather than an IEP. The requirements for contents of the IFSP apply rather than the requirements for the contents of an IEP. All other substantive rights and protections established under special education laws apply to infants and toddlers with disabilities receiving FAPE in accordance with an IFSP.
- 007.02** School districts or approved cooperatives must provide special education and related services to a child with a disability in accordance with the child's IEP and make a good faith effort to assist the child to achieve the goals and objectives or benchmarks listed in the IEP.
 - 007.02A** At the beginning of each school year, each school district shall have an IEP in effect for each child with a verified disability within its jurisdiction.
 - 007.02A1** In the case of a child with a disability age three through five, the IEP team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in 92 NAC 51-007.13B4b (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with an IFSP who are at least three years of age), and that is developed in accordance with the IEP procedures. The IFSP may serve as the IEP of the child, if using the IFSP, as the IEP is agreed to by the school district or approved cooperative and the child's parents.
 - 007.02A2** In implementing the requirements of this section, the school district or approved cooperative must provide to the child's parents a detailed explanation of the differences between an IFSP and IEP and if the parents choose an IFSP, obtain written informed consent from the parents.
 - 007.02B** Each school district or approved cooperative shall ensure that an IEP is in effect before special education and related services are provided to a child with a verified disability under this Chapter and is implemented as soon as possible following the IEP meetings.
 - 007.02C** The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and
 - 007.02D** Each teacher and provider described in 92 NAC 51-007.02C must be informed of his or her

specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

007.03 IEP Team Participants

007.03A The school district or approved cooperative shall ensure and document that each IEP team includes the following:

007.03A1 The parents of a child with a disability or documentation of 92 NAC 51-007.06D;

007.03A2 Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);

007.03A2a The regular education teacher of the child, as a member of the IEP team, shall, to the extent appropriate, participate in the development, review and revision of the IEP of the child, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with 92 NAC 51-007.07A5.

007.03A3 Not less than one special education teacher, or where appropriate, not less than one special education provider of the child;

007.03A4 A representative of the school district or approved cooperative who:

007.03A4a Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;

007.03A4b Is knowledgeable about the general education curriculum; and

007.03A4c Is knowledgeable about the availability of resources of the school district or approved cooperative;

007.03A4c(i) A school district or approved cooperative may designate another member of the IEP team to also serve as the school district or approved cooperative representative, if the criteria in 92 NAC 51-007.03A4 are satisfied.

007.03A5 An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in 92 NAC 51-007.03A2 through 007.03A6;

007.03A6 At the discretion of the parent or the school district or approved cooperative, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;

007.03A6a The determination of the knowledge or special expertise of any individual described in 92 NAC 51-007.03A6 shall be made by the party (parents or school district or approved cooperative) who invited the individual to be a member of the IEP.

007.03A7 Whenever appropriate, the child with a disability;

007.03A8 For a child attending a nonpublic school, a representative of the nonpublic schools the child attends. If the representative cannot attend, other Methods shall be used to ensure participation by the nonpublic school, including individual or conference telephone calls;

007.03A9 For children receiving services from an approved service agency, a representative of the service agency. If the representative is not in attendance, other Methods shall be used to ensure participation by the approved service agency, including written communication, or individual or conference telephone calls;

007.03A10 If the purpose of the meeting is to consider postsecondary goals for the child and the transition services needed to assist the child in reaching those goals:

007.03A10a The school district must invite the child;

007.03A10a(i) If the child does not attend the IEP meeting, the school district or approved cooperative shall take other steps to ensure that the child's preferences and interests are considered.

007.03A10b To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, the school district or approved cooperative must invite a representative of any participating agency that is likely to be responsible for providing or paying for the transition services.

007.03A11 For a child verified in the category of hearing impaired, an educator endorsed to teach a

child with hearing impairments.

007.03A12 For a child verified in the category of visual impairment, an educator endorsed to teach a child with visual impairments.

007.04 IEP Team Attendance

007.04A A member of the IEP Team described in 92 NAC 51-007.03A2 through 007.03A5 shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the school district agree, in writing, that the attendance of such member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

007.04B A member of the IEP Team in 92 NAC 51-007.04A may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

007.04B1 the parent, in writing, and the school district or approved cooperative consent to the excusal; and

007.04B2 the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

007.05 In the case of a child who was previously served as an infant or toddler under Part C of the Individuals with Disabilities Education Act, an invitation to the initial IEP meeting shall, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

007.06 Parent Participation

007.06A The school district or approved cooperative shall take steps to ensure that one or both of the parents of the child with a disability are present at the IEP conference or are afforded the opportunity to participate, including:

007.06A1 Notifying parents of the IEP conference early enough to ensure that they will have an opportunity to attend; and

007.06A2 Scheduling the meeting at a mutually agreed on time and place.

007.06B The notification under 92 NAC 51-007.06A1 must indicate the purpose, time and location of the meeting and who will be in attendance and inform the parents of the provisions of 92 NAC 51-007.03A6, 007.03A6a and 007.05.

007.06B1 For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must:

007.06B1a Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child in accordance with 92 NAC 51-007.07A9; and

007.06B1b Indicate that the school district will invite the child to the meeting; and

007.06B1c Identify any other agency that will be invited to send a representative.

007.06C If neither parent can attend the IEP meeting, the school district or approved cooperative shall use other Methods to ensure parent participation, including individual or conference telephone calls consistent with 92 NAC 51-007.09H (related to alternate means of meeting participation).

007.06D A meeting may be conducted without a parent in attendance if the school district or approved cooperative is unable to convince the parents they should attend. In this case, the district must keep a record of its attempts to arrange a mutually agreed on time and place such as:

007.06D1 Detailed records of telephone calls made or attempted and the results of the calls;

007.06D2 Copies of correspondence sent to the parents and any responses received; and

007.06D3 Detailed records of visits made to the parent's home or place of employment and the results of those visits.

007.06E The school district or approved cooperative shall take whatever action is necessary to ensure that the parent understands the proceedings of an IEP conference, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

IEP Meeting

Person(s) Responsible: Director of Special Education, IEP Case Manager, Special Education Staff.

Timeline: A reasonable time prior to the IEP meeting, the District will provide notice of the IEP meeting. The notification of IEP meeting should be made early enough to assure attendance by all participants.

Materials: "IEP Meeting Notification" form, documentation of phone contacts or e-mails.

Methods: Parents will be notified of IEP meeting by one of the following methods:

1. Written notification will be sent by U.S. mail.
2. Notification will be made by telephone contact, documented on the phone log.
3. Notification provided via e-mail with a copy placed in the student file.

School District IEP Team members will be notified by the IEP Case Manager. Other IEP Team members will be sent a written notification by U.S. mail, e-mail, or by phone, documented on the phone log a reasonable time prior to the IEP meeting.

007.07 IEP Development007.07A The IEP shall include:

007.07A1 A statement of the child's present levels of academic achievement and functional performance, including:

007.07A1a How the child's disability affects the child's involvement in and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or

007.07A1b For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

007.07A2 A statement of measurable annual goals, including academic and functional goals, designed to:

007.07A2a Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; or for preschool children, as appropriate, to participate in appropriate activities, and

007.07A2b Meet each of the child's other educational needs that result from the child's disability;

007.07A3 For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

007.07A4 A description of how the child's progress toward meeting the annual goals described in 92 NAC 51-007.07A2 will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

007.07A5 A statement of the special education and related services and supplementary aids and services based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child:

007.07A5a To advance appropriately toward attaining the annual goals;

007.07A5b To be involved in and progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and

007.07A5c To be educated and participate with other children with disabilities and nondisabled children in the activities described in 92 NAC 51-007.07A5;

007.07A6 An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in 92 NAC 51-007.07A5;

007.07A7 A statement of any individual appropriate accommodations that are necessary to measure

the academic achievement and functional performance of the child on state and district-wide assessments; and if the IEP team determines that the child must take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

007.07A7a The child cannot participate in the regular assessment; and

007.07A7b The particular alternate assessment selected is appropriate for the child; and

007.07A8 The projected date for the beginning of the services and modifications described in 92 NAC 51-007.07A5 and the anticipated frequency, location, and duration of those services and modifications;

007.07A9 Beginning not later than the first IEP to be in effect when the child turns 16, or younger if deemed appropriate by the IEP team, and updated annually thereafter:

007.07A9a Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

007.07A9b The transition services (including courses of study) needed to assist the child in reaching those goals; and

007.07A9c If a participating agency, other than the school district or approved cooperative fails to provide the transition services described in the IEP, the school district or approved cooperative shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

007.07A9c(i) Nothing in this Chapter relieves any participating agency, including the State Division of Vocational Rehabilitation, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility of that agency.

007.07A10 Nothing in this section shall be construed to require that additional information be included in a child's IEP beyond what is explicitly required in subsection 007.07A, or to require the IEP team to include information under one component of a child's IEP that is already contained in another component of such IEP.

007.07B In developing, reviewing or revising each child's IEP:

007.07B1 The IEP team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child.

007.07B2 The IEP team shall consider the results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child.

007.07B3 In the case of a child whose behavior impedes his or her learning or that of others, the IEP team shall consider the use of positive behavioral interventions, and supports and other strategies to address that behavior.

007.07B4 In the case of a child with limited English proficiency, the IEP team shall consider the language needs of the child as those needs relate to the child's IEP.

007.07B5 In the case of a child who is blind or visually impaired, the IEP team shall provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.

007.07B6 The IEP team shall consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, shall consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

007.07B7 The IEP team shall consider whether the child needs assistive technology devices and services.

007.07C Services

007.07C1 Routine checking of hearing aids and external components of surgically implanted medical devices.

007.07C1a Each school district and approved cooperative must ensure that hearing aids worn

in school by children with hearing impairments, including deafness, are functioning properly.

007.07C1b Subject to 92 NAC 51-007.07C1b(i) each school district and approved cooperative must ensure that the external components of surgically implanted medical devices are functioning properly.

007.07C1b(i) For a child with a surgically implanted medical device who is receiving special education and related services under this chapter, a school district and approved cooperative is not responsible for the post-surgical maintenance, programming, or replacement of the medical device that has been surgically implanted (or of an external component of the surgically implanted medical device.)

007.07C2 Physical education services, specially designed if necessary, must be made available to every child with a verified disability receiving a free, appropriate public education, unless the school district or approved cooperative enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades.

007.07C2a Each child with a verified disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless:

007.07C2a(i) The child is enrolled full time in a separate facility; or

007.07C2a(ii) The child needs specially designed physical education as prescribed in the child's individualized education program.

007.07C2b If specially designed physical education is prescribed in a child's individualized education program, the school district or approved cooperative responsible for the education of that child shall provide the services directly, or make arrangements for it to be provided through other public or nonpublic programs.

007.07C2c The school district responsible for the education of a child with a verified disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services.

007.07C3 Each school district shall ensure assistive technology devices or assistive technology services, or both, as defined in 92 NAC 51-003.04 and 003.05 are made available to any child with a disability if required, as part of the child's:

007.07C3a Special education under 92 NAC 51-003.66;

007.07C3b Related services under 92 NAC 51-003.54; or

007.07C3c Supplementary aids and services under 92 NAC 51-003.65 and 008.01A.

007.07C3d On a case by case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive a free appropriate public education.

007.07C4 The school district or approved cooperative shall take steps including the provision of supplementary aids and services determined appropriate and necessary by the child's IEP Team to provide nonacademic and extracurricular services and activities in the manner necessary to afford each school age child with a verified disability an equal opportunity for participation in those services and activities.

007.07C4a Nonacademic and extra-curricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities and employment to students, including both employment by the school district or approved cooperative and assistance in making outside employment available.

007.07C5 Extended School Year Services (ESYS)

007.07C5a Each school district or approved cooperative shall ensure that extended school year services are available as necessary to provide a free appropriate public education consistent with 92 NAC 51-007.07C5b.

007.07C5b Extended School Year (ESY) services must be provided only if a child's IEP team determines, on an individual basis, in accordance with Section 007, that the services are necessary for the provision of a free appropriate public education.

007.07C5c In implementing the requirements of this section, a school district or approved

cooperative may not limit extended school year services to particular categories of disability; or unilaterally limit the type, amount, or duration of those services.

- 007.07C6 The need for related services of an instructional nature shall be documented on the IEP or IFSP present level of performance, goals, and objectives, and shall be based on documented diagnostic evidence. Determination of the need for a related service for a child with a verified disability does not require the additional verification of a secondary disability.

007.08 Programs for Children who Transfer School Districts or Approved Cooperatives

- 007.08A Transfer within the same state – If a child with a disability (who had an IEP that was in effect in a previous school district or approved cooperative in Nebraska) transfers to a new school district or approved cooperative in Nebraska, and enrolls in a new school within the same school year, the new school district or approved cooperative (in consultation with the parents) must provide FAPE to the child (including services comparable to those described in the child's IEP from the previous school district or approved cooperative), until the new school district or approved cooperative either:

007.08A1 Adopts the child's IEP from the previous school district or approved cooperative; or

007.08A2 Develops, adopts, and implements a new IEP that meets the applicable requirements of 92 NAC 51-007.

- 007.08B Transfer from outside the state – If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a school district or approved cooperative in Nebraska, and enrolls in a new school within the same school year, the new school district or approved cooperative (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous school district), until the new school district:

007.08B1 Conducts an evaluation pursuant to Section 006 of this Chapter (determined to be necessary by the new school district or approved cooperative; and

007.08B2 Develops, adopts, and implements a new IEP, if appropriate that meets the requirements of 92 NAC 51-007.

007.08C Transmittal of records –

007.08C1 To facilitate the transition for a child who transfers schools the new school in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled, pursuant to Section 99.31(a)(2) of Title 34, Code of Federal Regulations.

007.08C2 The previous school in which the child was enrolled shall take reasonable steps to promptly respond to such request from the new school.

007.08C3 Neb. Rev. Stat. 79-2,105 requires that a copy of a public or private school's files or records concerning a student shall be provided at no charge, upon request, to any public or private school to which the student transfers.

007.09 IEP Meeting

007.09A A meeting to develop an IEP for a child must be held within thirty (30) calendar days of a determination that the child needs special education and related services.

007.09B After the initial IEP meeting, IEPs must be in effect at the beginning of each school year.

007.09C The IEP team shall review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved.

007.09D The school district or approved cooperative shall provide a copy of the IEP to parents at no cost.

007.09E In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the school district or approved cooperative may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.

007.09E1 If changes are made to the child's IEP in accordance with 92 NAC 51-007.09E, the school district or approved cooperative must ensure that the child's IEP Team is informed of those changes.

007.09F Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting,

	or as provided in 92 NAC 92-007.09E of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated.
<u>007.09G</u>	To the extent possible, the school district or approved cooperative shall encourage the consolidation of re-evaluation meetings <u>for</u> the child and other IEP Team meetings for the child.
<u>007.09H</u>	When conducting IEP team meetings and placement meetings and carrying out administrative matters (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a school district or approved cooperative may agree to use alternative means of meeting participation, such as video conferences and conference calls.
<u>007.10</u>	The IEP team shall revise the IEP as appropriate to address:
<u>007.10A</u>	Any lack of expected progress toward the annual goals described in 92 NAC 51-007.07 and in the general education curriculum, if appropriate;
<u>007.10B</u>	The results of any reevaluation conducted under 92 NAC 51-006.05A;
<u>007.10C</u>	The information about the child provided to, or by, the parents, as described in 92 NAC 51-006.06A1;
<u>007.10D</u>	The child's anticipated needs; or
<u>007.10E</u>	Other matters.
<u>007.11</u>	Children with Disabilities in Adult Prisons
<u>007.11A</u>	The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:
<u>007.11A1</u>	The requirements of 92 NAC 51-007.07A7 (relating to participation of children with disabilities in general assessments); and
<u>007.11A2</u>	The requirements of 92 NAC 51-007.07A9 (relating to transition and planning and transition services) do not apply with respect to such children who will reach age 21 before they will be eligible to be released from prison, based on consideration of their sentence and eligibility of early release.
<u>007.11B</u>	Subject to 92 NAC 51-007.11B1, the IEP team of a child with a disability, who is convicted as an adult under State law and incarcerated in an adult prison, may modify the child's IEP or placement if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.
<u>007.11B1</u>	The requirements of 92 NAC 51-003.34 and 007.07 (relating to IEPs), and 92 NAC 51-008.01A (relating to LRE), do not apply with respect to the modifications described in 92 NAC 51-007.11B.

IEP Development**Person(s) Responsible:**

1. Director of Special Education is responsible for all IEP procedures and forms.
2. IEP Case Manager is responsible for facilitating the IEP meeting, recording decisions made by the IEP Team on the IEP form and maintaining notes of the IEP meeting.
3. IEP Team is responsible for the development of IEP.

Timeline: The IEP must be in effect at the beginning of each school year. The IEP meeting will be conducted within 30 calendar days of the MDT verification decision. A copy of the IEP will be provided to parents within thirty calendar days of the IEP meeting (legal holidays excluded).

Materials: IEP Form.

Methods: The District will follow the procedures described in 92 NAC 51-007 for the development of the IEPs and conducting of the IEP meetings.

Individualized Family Services Plan (IFSP)**PROCEDURES****007.12** Responsibility for Development of IFSP

007.12A In collaboration with the agency contracting for services coordination, an IFSP shall be developed and implemented for each infant or toddler who is determined to be eligible for early intervention services in accordance with Section 006. The plan must be developed in accordance with Section 007 and based on the multidisciplinary evaluation described in 92 NAC 51-006.04 and any other relevant information. The services coordinator, with the family, is responsible for arranging the team meeting, developing the IFSP team and facilitating the development of the IFSP consistent with Department of Health and Human Services' Early Intervention regulations.

007.12A1 In the event the family declines services coordination, the school district or approved cooperative, with the family, is responsible for the development of the IFSP consistent with the Department of Health and Human Services' Early Intervention regulations and 92 NAC 51-007.13.

007.12A2 If there is a dispute as to who has responsibility for developing or implementing an IFSP, the Departments of Education and Health and Human Services shall resolve the dispute or assign responsibility.

007.12B If a determination is made that an infant or toddler needs early intervention services, an Individualized Family Service Plan (IFSP) shall be developed for the child and the family. The IFSP shall be in writing and shall include:

007.12B1 A statement of the infant or toddler's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive development which is based on professionally acceptable objective criteria;

007.12B2 With the concurrence of the family, a statement of the family's resources, priorities, and concerns relating to enhancing the development of the infant or toddler with a disability;

007.12B3 A statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are unnecessary;

007.12B3a The degree to which progress toward achieving the outcomes is being made; and

007.12B3b Whether modifications or revisions of the outcomes or services are necessary.

007.12B4 A statement of the specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the child and the family including:

007.12B4a The frequency, intensity, and method of delivering the services;

007.12B4a(i) Frequency and intensity mean the number of days or sessions that a service will be provided, the length of time the service is provided during each session, and whether the service is provided on an individual or group basis; and

007.12B4a(ii) Method means how a service is provided.

007.12B4b The natural environments in which early intervention services will be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;

007.12B4c The location of the services; and

007.12B4c(i) Location means the actual place or places where a service will be provided.

007.12B4d The payment arrangements, if any.

007.12B5 To the extent appropriate, medical and other services the child needs, but that are not

required by this Chapter, and the funding sources to be used in paying for those services or the steps that will be taken to secure those services through public or private sources.

007.12B5a This requirement does not apply to routine medical services (e.g. immunizations and "well-baby" care), unless a child needs those services and the services are not otherwise available or being provided.

007.12B6 The projected date(s) for initiation of the service(s) which must begin as soon as possible after the IFSP meeting.

007.12B7 The anticipated duration of those services.

007.12B8 The name of the service coordinator from the profession must immediately relevant to the child's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part), who will be responsible for the implementation of the IFSP and coordination with other agencies and persons, including transition services.

007.12B8a The agency contracting for services coordination may assign the same service coordinator who was appointed at the time that the child was initially referred for evaluation to be responsible for implementing a child's and family's IFSP; or appointment a new service coordinator.

007.12B9 The steps to be taken to support the transition of the child to preschool services to the extent that those services are considered appropriate, or other services that may be available, if appropriate.

007.12B9a The steps include:

007.12B9a(i) Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;

007.12B9a(ii) Procedures to prepare the child for changes in the service delivery, including steps to help the child adjust to, and function in, a new setting; and

007.12B9a(iii) With parental consent, the transmission of information about the child to ensure continuity of services, including evaluation and copies of IFSPs that have been developed and implemented.

007.12B10 A statement of the necessary assistive technology devices and services needed by the infant or toddler.

007.13 IFSP Initial and Annual Conferences

007.13A For an infant or toddler who has been evaluated for the first time and determined to be eligible, a meeting to develop the initial IFSP must be conducted within 45 calendar days of the referral.

007.13B A meeting must be conducted on at least an annual basis to evaluate the IFSP for a child and the child's family, and, as appropriate, to revise its provisions. The results of any current evaluations and other information available form the ongoing assessment of the child and family, must be used in determining what services are needed and will be provided. Parents shall receive a copy of the IFSP within seven calendar days of the IFSP meeting.

007.13C IFSP meeting must be conducted:

007.13C1 In settings and at times that are convenient to families; and

007.13C2 In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

007.13D Meeting arrangements must be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.

007.13E The contents of the IFSP must be fully explained to the parents and informed written consent from the parents must be obtained prior to the provision of early intervention services described in the plan.

007.13E1 If the parents do not provide consent with respect to a particular early intervention service or withdraw consent after first providing it, that service may not be provided.

007.13E2 The early intervention services to which parental consent is obtained must be provided.

007.14 IFSP Periodic Reviews

- 007.14A A review of the IFSP for a child and the child's family must be conducted every six months, or more frequently if conditions warrant, or if the family requests such a review. The purpose of the periodic review is to determine:
- 007.14A1 The degree to which progress toward achieving the outcomes is being made; and
- 007.14A2 Whether modifications or revision of the outcomes or services is necessary.
- 007.14B The review may be carried out by a meeting or by another means that is acceptable to the parents and other participants.
- 007.14C The periodic review of the IFSP must provide for the participation of the persons required by 92 NAC 51-007.16A1, 007.16A2, 007.16A3 and 007.16A4. If conditions warrant, provisions must be made for the participation of other representatives identified in 92 NAC 51-007.16A5, 007.16A6 and 007.16A7.
- 007.15 IFSP Team Participants
- 007.15A The school district or approved cooperative shall document that each IFSP conference includes at least the following participants:
- 007.15A1 The parent or parents of the child;
- 007.15A2 Other family members, as requested by the parent, if feasible to do so;
- 007.15A3 An advocate or person outside of the family, if the parent requests that the person participate;
- 007.15A4 The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated to be responsible for implementation of the IFSP;
- 007.15A5 A representative of the school district or approved cooperation who has the authority to commit district resources;
- 007.15A6 As appropriate, persons who will be providing services to the child; and
- 007.15A7 A person or persons directly involved in conducting the evaluations.
- 007.15A7a If this person or persons is unable to attend a meeting, arrangements must be made for the person's involvement through other means, including:
- 007.15A7a(i) Participating in a telephone conference call;
- 007.15A7a(ii) Having a knowledgeable authorized representative attend the meeting; or
- 007.15A7a(iii) Making pertinent records available at the meeting.
- 007.17 Provision of Early Intervention Services Before the Evaluation and Assessment is Complete
- 007.17A Early intervention services for the purpose of completion of the evaluation and assessment for a child and the child's family may commence before the completion of the evaluation if the following conditions are met:
- 007.17A1 Parental consent is obtained;
- 007.17A2 An interim IFSP is developed that includes:
- 007.17A2a The name of the service coordinator who will be responsible for implementation of the interim IFSP and coordination with other agencies and persons; and
- 007.17A2b The early intervention services that have been determined to be needed immediately by the child and the child's family.
- 007.17A3 The evaluation and assessment are completed within the 45 day time period.
- 007.18 Year Round Continuous Services
- 007.18A Early Intervention Services may not be interrupted or modified or otherwise changed for reasons unrelated to the child's needs such as service provider availability or scheduling.

IFSP Meeting and Development

Person(s) Responsible:

1. Services Coordinator, Director of Special Education, family and those they invite.
2. Services Coordinator, with the family, arranges the team meeting, develops IFSP team and facilitates the development of the IFSP.
3. If family declines services coordination, District, with the family, is responsible for development of IFSP consistent with Department of Health and Human Services Early Intervention Regulations 480 NAC 10-100 and 92 NAC 51-007.13.

Timeline:

1. Initial IFSP must be conducted within 45 calendar days of referral to the Early Development Network.
2. Annual IFSPs.
3. Periodic reviews - must be conducted every six months, or more frequently if conditions warrant, or if family requests a review.

Materials: IFSP Statewide Form: The District may utilize the technical assistance documents found at www.nde.state.nc.us/edn/ in developing functional, participation-based IFSP/IEP outcomes and goals. The documents are:

- Preamble: Functional Participation-Based IFSP/IEP Outcomes/Goals
- Assessments: Functional Participation-Based IEP/IEP Outcomes/Goals
- Characteristics of Functional Participation-Based IFSP/IEP Outcomes/Goals
- Meetings: Functional Participation-Based IFSP/IEP Meetings

Methods: District will follow the procedures in 92 NAC 51-007.

Early Intervention Transition**PROCEDURES****007.16** Early Intervention Transition

007.16A The agency contracting for services coordination is responsible for convening, with the approval of the child's family, a conference including the family, school district or approved cooperative and other agencies as needed at least 90 days (and at the discretion of all such parties, up to nine months) before the child's third birthday or at least 90 days before completion of the early intervention program. The purpose of the meeting is to:

007.16A1 Ensure a smooth and effective transition to preschool programs assisted under Part B of the IDEA to the extent those services are appropriate, or other services that may be available, if appropriate;

007.16A2 Review the child's program options for the period from the child's third birthday through the remainder of the school year;

007.16A3 Describe how the family will be included in the transition plans; and

007.16A4 Establish a transition plan.

007.16B In the case of a child who has reached his or her third birthday, an IFSP that contains the material described in 92 NAC 51-007.13 and that is developed in accordance with 92 NAC 51-007.02, 007.03, 007.06, 007.07B, 007.09, 007.10 and 007.11 may serve as the IEP of the child if using that plan is agreed to by the school district or approved cooperative and the child's parents.

007.16B1 In implementing the requirements of 92 NAC 51-007.16B the school district or approved cooperative shall;

007.16B1a Provide the child's parents a detailed explanation of the differences between an IFSP and an IEP; and

007.16B1b If the parents choose an IFSP, obtain written informed consent from the parents.

Person(s) Responsible: The Services Coordinator in conjunction with the Early Childhood Teacher.

Timeline: The District will convene a meeting, including the family and District, at least 90 days and at the discretion of all parties, up to six months before the child's third birthday or at least 90 days before completion of the early intervention program.

Materials: IFSP Form and the IEP form.

Methods: The District will follow the procedures described in 92 NAC 51-007.16 when transitioning children from early intervention to preschool programs.

Participation in Assessments

PROCEDURES

004.05 Participation in Assessments

004.05A School districts shall include all public school students with disabilities in all general state and district-wide assessment programs, including assessments described under section 612(a)(16)(A) of the Individuals with Disabilities Education Act of 2004 (See Appendix A), with appropriate accommodations and alternate assessments where necessary and as indicated in their respective individualized education programs.

004.05B In the case of a district-wide assessment, the school district shall develop guidelines for the provision of appropriate accommodations.

004.05C In the case of a district-wide assessment, the school district shall develop and implement guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in regular assessments under 92 NAC 51-004.05A with accommodations as indicated in their respective individualized education programs. The guidelines shall provide for accommodations and alternate assessments that:

004.05C1 Are aligned with the Nebraska Department of Education's challenging academic content standards and challenging student academic achievement standards; and

004.05C2 If the Nebraska Department of Education has adopted alternate academic achievement standards permitted under Section 612(a)(16)(C)(ii)(II) of the Individuals with Disabilities Education Act of 2004 (See Appendix A), measure the achievement of children with disabilities against those standards.

004.05D School districts shall make available to the public, and report to the public with the same frequency and in the same detail as they report on the assessment of nondisabled children, the following:

004.05D1 The number of children with disabilities participating in regular assessments, and the number of those children who were provided accommodations in order to participate in these assessments.

004.05D2 The number of children with disabilities participating in alternate assessments described in 92 NAC 51-004.05C1.

004.05D3 The number of children with disabilities participating in alternate assessments described in 92 NAC 51-004.05C2.

004.05D4 The performance results of children with disabilities on regular assessments and on alternate assessments (if the number of children with disabilities participating is sufficient to yield statistically reliable information and reporting that information will not reveal personally identifiable information about an individual student), compared with the achievement of all children, including children with disabilities, on those assessments.

Person(s) Responsible: Superintendent, Special Education Director, Principal and IEP Team.

Timeline: Administration of student assessments will follow the timeline used for the assessment of all students in the District.

Materials: Student's IEP, District-wide Assessment forms.

Methods: All students will have the opportunity to attempt any or all portions of the District-wide assessments. Students with disabilities will participate in one of the following ways:

1. District-wide and state assessment with no accommodations; or
2. District-wide and state assessment with accommodations.
3. Use of an alternate assessment.

Alternate assessment will be determined by the IEP Team. Alternate assessments will be conducted to correspond with the timeline of state and district-wide assessment for each grade level.

The individual student's IEP Team will determine how the student will participate in district-wide assessment. If necessary, the IEP Team will list the appropriate accommodations necessary for the student to participate.

Reporting Procedures

Person(s) Responsible: Superintendent, Principal, Special Education Director.

Timeline: Reports will be completed and submitted to NDE on a timeline determined by NDE. Reports to the public will be made available on the same timeline as for reporting general education results.

Materials: Reporting format developed by NDE made annually. Reports to newspapers and school publications sent to parents.

Methods: Assessment information for all students will be reported in two ways. First, data on the student with disabilities will be aggregated with all other student data. Second, data for students with disabilities and students without disabilities will be reported separately.

Least Restrictive Environment

PROCEDURES

008 Placement of Children With Disabilities

008.01 Least Restrictive Environment (LRE) Requirements

008.01A The school district or approved cooperative shall establish policies and procedures to assure that, to the maximum extent appropriate, children with disabilities including children in public or nonpublic schools and approved service agencies are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

008.01B Before any action is taken with respect to the initial placement of a child with disabilities, the school district or approved cooperative shall be responsible for the provision of a comprehensive individual multidisciplinary evaluation of the child's development and educational needs. For infants and toddlers, early intervention services may begin prior to completion of a full and individual initial evaluation in accordance with 92 NAC 51-

007.17.

008.01C In determining the educational placement of a child with a disability, including a preschool child with a disability, school districts and approved cooperatives must ensure that:

008.01C1 The placement decision is made by a group of persons, including the parents and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

008.01C2 The placement decision is made in conformity with the least restrictive environment requirements in 92 NAC 51- 008.01 and based on the child's unique needs and not on the child's disability.

008.01D Each school district or approved cooperative must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

008.01D1 The continuum must;

008.01D1a Include instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions; and

008.01D1b Make provision for supplementary services (such as resource or itinerant instruction) to be provided in conjunction with regular class placement.

008.01E The school district or approved cooperative shall ensure that the educational placement of a child with a verified disability:

008.01E1 Is determined at least annually;

008.01E2 Is based on his or her individualized education program (IEP); and

008.01E3 Is as close as possible to the child's home.

008.01F The various array of placement options included under 92 NAC 51-008.01D must be available to the extent necessary to implement the individualized education program for each child with a verified disability.

008.01G Unless a child's IEP or IFSP requires some other arrangement, the child must be educated in the school which he or she would attend if not disabled.

008.01H In selecting the least restrictive environment, consideration must be given to any potential harmful effect on the child or on the quality of services which he or she needs.

008.01I A child with a disability must not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

008.02 Natural Environments

008.02A To the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments including home and community settings in which children without disabilities participate.

008.02B The provision of early intervention services for any infant or toddler may occur in a setting other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

Person(s) Responsible: Director of Special Education and IEP/IFSP Team.

Timeline: Students will begin receiving special education and related services as soon as possible following receipt of Parental Consent for Placement based upon the IEP/IFSP. Ordinarily, services will begin within five school days of such receipt. Where it is not reasonably possible to begin services within five schools days due to the circumstances (for example, the need to employ or contract for a provider of the service), the services will be provided as soon as possible under the circumstances.

Materials: IEP/IFSP Form, Parental Notice and Consent for Initial Placement form.

Methods: The IEP/IFSP Team will consider all placement options prior to the placement of a student.

The placements may range from regular classroom instruction for the entire school day with modifications to the regular instructional program to other settings dictated by student needs. The District may also develop additional placement alternatives within the overall school program that are tailored to

the needs of the individual student with disabilities. This placement may be developed by adapting or modifying existing placement alternatives based on the needs of the individual student with disabilities.

For infants and toddlers, service must be provided in natural environments except for those limited situations in which the child's needs dictate a different environment.

When making the placement decision the team shall:

1. Review and discuss past educational experiences;
2. Review current levels of educational performance;
3. Review current education needs as documented on the IEP/IFSP; and
4. Review and formulate a preliminary configuration of special education and related service options.
5. Review and compare the options identified in (4) above with the need for LRE. To achieve this, the IEP/IFSP Team will select the special education placement that allows for the implementation of the IEP/IFSP while educating the student to the maximum extent appropriate with non-disabled peers. The team shall prepare written justification for the appropriate placement selected and document in writing why other options were not selected.
6. When an infant or toddler is placed in an environment other than the child's natural environment, a plan and timeline for returning to the child's natural environment will be in place.

The District will provide written notice to parents and obtain written consent from parents prior to initial placement. If the District has made available an appropriate special education program in accordance with Rule 51 for a student with a disability, and the student's parents choose to unilaterally place the child in a different setting, the District is not required to pay for the child's education in the alternative setting.

Children in Nonpublic Schools

PROCEDURES

013 Contracted Programs

- 013.01 Special education programs and support services may be provided by contracting with another school district, approved cooperative, or with a Department of Education provisionally approved service provider. Responsibility for compliance with state and federal regulations for programs for children with disabilities remains with the school district.
- 013.02 The school district of residence or approved cooperative shall be responsible for the development and maintenance of the IEP, and the participation in all IEP meetings and shall assure that IEP meetings are arranged with the contracted program and the parents. Such arrangements may include meetings with the contracted program, the school district, the approved cooperative, and the parent. Meetings may occur within the district, at the contracted program site or another site if more appropriate. For infants and toddlers the school district of residence or approved cooperative shall be responsible for meeting the requirements of 92 NAC 51-007.12 through 92 NAC 51-007.18.

Contracted Programs

Person(s) Responsible: Director of Special Education, IEP Case Manager, Special Education Teacher.

Timeline: Ongoing.

Materials: Contract with the nonpublic school, District forms.

Methods: The District has adopted the state standards and will provide the contracted agency all current information. Once a contract has been arranged, a case manager from the District is designated who will arrange meetings with parents, District representative and the contracting agency. All necessary paperwork and proper procedures are completed through the direction of the case manager, the IEP Team, and the contracted school representative.

015 Children with Disabilities Attending Nonpublic Schools

015.01 Children Placed In or Referred To a Nonpublic School or Facility by the School District As a Means of Providing Special Education and Related Services

015.01A School districts or approved cooperatives shall ensure that a child with a disability who is placed in or referred to a nonpublic school or facility by a school district:

015.01A1 Is provided special education and related services in conformance with an IEP that meets the requirements of Section 007 at no cost to the parents;

015.01A2 Is provided an education that meets the standards that apply to education provided by the school district or approved cooperative including the requirements of this Chapter except 92 NAC 51-003.69; and

015.01A3 Has all of the rights of a child with a disability who is served by a school district or approved cooperative.

015.01B The school district or approved cooperative is responsible for initiating and conducting meetings for the purpose of developing, reviewing and revising an IEP for a child with a verified disability.

015.02 Children Placed In a Nonpublic School by Parents As a Means of Obtaining Special Education and Related Services; FAPE is At Issue

015.02A This Chapter does not require a school district or approved cooperative to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if that school district or approved cooperative made FAPE available to the child and the parents elected to place the child in a nonpublic school or facility as a means of obtaining special education and related services. However, the school district or approved cooperative shall include that child in the population whose needs are addressed consistent with 92 NAC 51-015.03.

015.02B Disagreements between a parent and a school district or approved cooperative regarding the availability of a program appropriate for the child, and the question of financial reimbursement, are subject to the due process procedures of 92 NAC 55.

015.02B1 If the parents of a child with a disability, who previously received special education and related services under the authority of the school district or approved cooperative, enroll the child in a nonpublic preschool, elementary or secondary school as a means of obtaining special education and related services without the consent of or referral by the school district or approved cooperative, a court or a hearing officer may require the school district or approved cooperative to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the school district or approved cooperative had not made a free appropriate public education available to the child in a timely manner prior to that enrollment and that the private placement is appropriate

015.02B1a A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the school district or approved cooperative.

015.02C The cost of reimbursement described in 92 NAC 51-015.02B1 may be reduced or denied if:

015.02C1 At the most recent IEP team meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the school district or approved cooperative to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a nonpublic school at public expense; or

015.02C2 At least 10 business days (including any holidays that occur on a business day), prior to the removal of the child from the public school or approved cooperative, the parents

did not give written notice to the school district of the information described in 92 NAC 51-015.02C1; or

015.02C3 If prior to the parents removal of the child from the public school, the school district or approved cooperative informed the parents, through the notice requirements described in 92 NAC 51-009.05, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

015.02C4 Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

015.02D Notwithstanding the notice requirement in 92 NAC 51-015.02C1 and 015.02C2, the cost of reimbursement:

015.02D1 Must not be reduced or denied for failure to provide the notice if:

015.02D1a The school district or approved cooperative prevented the parents from providing the notice;

015.02D1b The parents had not received notice, pursuant to 92 NAC 51-009.06 of the notice requirement in 92 NAC 51-015.02C1 and 015.02C2; or

015.02D1c Compliance with paragraph 92 NAC 51-015.02C1 and 015.02C2 would likely result in physical harm to the child; and

015.02D2 May, in the discretion of the court or a hearing officer, not be reduced or denied for failure to provide this notice if;

015.02D2a The parents are not literate or cannot write in English; or

015.02D2b Compliance with paragraph 92 NAC 51-015.02C1 and 015.02C2 of this section would likely result in serious emotional harm to the child.

Children Attending Non-public (as Means of Providing FAPE)

Person(s) Responsible: Director of Special Education, IEP Case Manager, Special Education Teacher.

Timeline: Ongoing.

Materials: Appropriate District forms.

Methods: Disagreement between parents and the School District whether or not the School District has a program available, or regarding the question of responsibility, are subject to the appeal procedures established in Rule 55.

015.03 Children Enrolled In a Nonpublic School by Parents If FAPE Is Not At Issue

015.03A Parentally-placed nonpublic school children with disabilities means children with disabilities enrolled by their parents in nonpublic, including religious schools or facilities that meet the definition of elementary or secondary school, other than children with disabilities covered in 92 NAC 51-015.01 and 015.02.

015.03A1 For purposes of providing equitable services utilizing IDEA funds described in 92 NAC 51-012.08:

015.03A1a Elementary school shall mean a school system accredited pursuant to 92 NAC 10, a nonpublic school approved pursuant to 92 NAC 14, or an interim-program school approved pursuant to 92 NAC 18 that offers instruction in any or all grades Kindergarten through eighth grade designated by the school as an elementary grades.

015.03A1b Secondary school shall mean a school system accredited pursuant to 92 NAC 10, a nonpublic school approved pursuant to 92 NAC 14 or an interim-program school approved pursuant to 92 NAC 18 that offers instruction in any or all grades seventh through twelfth designated by the school as a secondary grades.

015.03A2 For purposes of providing a Free Appropriate Public Education:

015.03A2a Elementary school shall mean a school system accredited pursuant to 92 NAC

10, a nonpublic school approved pursuant to 92 NAC 14 or an interim-program school approved pursuant to 92 NAC 18 that offers instruction in any or all grades Kindergarten through eighth grade designated by the school as an elementary grades and also includes children attending nonpublic schools that are exempt from approval or accreditation pursuant to 92 NAC 12 and 92 NAC 13.

015.03A2b Secondary school shall mean a school system accredited pursuant to 92 NAC 10, a nonpublic school approved pursuant to 92 NAC 14 or an interim-program school approved pursuant to 92 NAC 18 that offers instruction in any or all grades seventh through twelfth designated by the school as a secondary grade and also includes children attending nonpublic schools that are exempt from approval or accreditation pursuant to 92 NAC 12 and 92 NAC 13.

015.03B Childfind for Parentally-placed Nonpublic School Children with Disabilities

015.03B1 Each school district must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in nonpublic, including religious, elementary schools and secondary schools located in the school district or approved cooperative, in accordance with 92 NAC 51-015.03B2 through 015.03B5.

015.03B2 The childfind process must be designed to ensure:

015.03B2a The equitable participation of parentally-placed nonpublic school children; and

015.03B2b An accurate count of those children.

015.03B3 In carrying out the childfind requirements, the school district must undertake activities similar to the activities undertaken for public school children.

015.03B4 The cost of carrying out the childfind requirements in this subsection, including individual evaluations, may not be considered in determining if a school district or approved cooperative has met its obligations under 92 NAC 51-012.08.

015.03B5 The childfind process must be completed in a time period comparable to that for students attending public schools in the school district or approved cooperative consistent with 92 NAC 51-006.02.

015.03B6 Each school district, in which one or more nonpublic, including religious, elementary schools and secondary schools are located must, in carrying out the childfind requirements in this subsection, include parentally-placed nonpublic school children who reside in a State other than Nebraska.

015.03C Provision of Services for Parentally-placed Nonpublic School Children

015.03C1 To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in nonpublic including religious elementary schools and secondary schools located in the school district or approved cooperative, provision must be made for the participation of those children in the program assisted or carried out under Part B of the IDEA as amended in 2004 by providing them with special education and related services.

015.03C1a Parentally-placed nonpublic school children with disabilities are eligible for the provision of a free appropriate public education from the school district in which they reside. Services available under such circumstances are referred to as a Free Appropriate Public Education (FAPE).

015.03C1a(i) An IEP shall be developed and implemented in accordance with 92 NAC 51-007 for each resident nonpublic school child receiving FAPE.

015.03C1b Parentally-placed nonpublic school children with disabilities who are attending a nonpublic school located outside of their district of residence may receive special education and related services (referred to as equitable services) from the district in which the nonpublic school is located or a free appropriate public education (FAPE) from the district in which they reside, but not both. The decision on whether to receive equitable services or FAPE is at the discretion of the child's parent.

015.03C1b(i) In accordance with 92 NAC 51-015.03C1 and 92 NAC 51-015.03G through 015.03I, an equitable services plan must be developed and implemented for each nonresident nonpublic school child with a disability who has been designated by the school district or approved cooperative in which the nonpublic school or approved cooperative is

located to receive equitable services.

015.03C2 Each school district or approved cooperative must maintain in its records, and provide to the Nebraska Department of Education the following information related to parentally-placed nonpublic school children attending nonpublic schools located in the school district or approved cooperative:

015.03C2a The number of children evaluated;

015.03C2b The number of children determined to be children with disabilities; and

015.03C2c The number of children served.

015.03C3 Special education and related services (FAPE or equitable services) provided to parentally-placed nonpublic school children with disabilities, including materials and equipment, must be secular, neutral, and nonideological.

015.03D Consultation

015.03D1 To ensure timely and meaningful consultation, a school district or approved cooperative must consult with representatives of nonpublic schools located in the school district or approved cooperative and representatives of parents of parentally-placed nonpublic school children with disabilities attending such schools during the design and development of special education and related services (FAPE and equitable services) for the children regarding the following:

015.03D1a The childfind process, including:

015.03D1a(i) How parentally-placed nonpublic school children suspected of having a disability can participate equitably; and

015.03D1a(ii) How parents, teachers, and nonpublic school officials will be informed of the process.

015.03D1b The determination of the proportionate share of Federal funds available to serve parentally-placed nonpublic school children with disabilities available under 34 CFR 300.133(C), including the determination of how the proportionate share of those funds was calculated.

015.03D1c The consultation process among the school district or approved cooperative, nonpublic school officials, and representatives of parents of parentally-placed nonpublic school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the childfind process can meaningfully participate in special education and related services (FAPE or equitable services).

015.03D1d How, where, and by whom special education and related services (FAPE or equitable services) will be provided for parentally-placed nonpublic school children with disabilities, including a discussion of:

015.03D1d(i) The types of services, including direct services and alternate service delivery mechanisms; and

015.03D1d(ii) How special education and related services funded by the proportionate amount of federal funds will be apportioned if such funds are insufficient to serve all parentally-placed nonpublic school; and

015.03D1d(iii) How and when those decisions will be made.

015.03D1e How, if the school district or approved cooperative disagrees with the views of the nonpublic school officials on the provision of services or the types of services (whether provided directly or through a contract), the school district or approved cooperative will provide to the nonpublic school officials a written explanation of the reasons why the school district or approved cooperative chose not to provide services directly or through a contract.

015.03E Written Affirmation

015.03E1 When timely and meaningful consultation, as required by 92 NAC 51-015.03D has occurred, the school district or approved cooperative must obtain a written affirmation signed by the representatives of participating nonpublic schools.

015.03E2 If the representatives do not provide the affirmation within a reasonable period of time, the school district or approved cooperative must forward the documentation of the consultation process to the Nebraska Department of Education.

015.03F Compliance

015.03F1 A nonpublic school official has the right to submit a complaint to the Nebraska

Department of Education that the school district or approved cooperative:

015.03F1a Did not engage in consultation that was meaningful and timely; or

015.03F1b Did not give due consideration to the views of the nonpublic school official.

015.03F2 If the nonpublic school official wishes to submit a complaint, the official must provide to the Nebraska Department of Education the basis of the noncompliance by the school district or approved cooperative with the applicable school provisions in this Chapter; and

015.03F2a The school district or approved cooperative must forward the appropriate documentation to the Nebraska Department of Education. If the nonpublic school official is dissatisfied with the decision of the Nebraska Department of Education, the official may submit a complaint to the United States Secretary of Education by providing the information on noncompliance described in 92 NAC 51-015.03F2. The Nebraska Department of Education must forward the appropriate documentation to the United States Secretary of Education.

015.03G Equitable Services for Nonresident Nonpublic School Children Determined

015.03G1 No parentally-placed nonresident nonpublic school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

015.03G2 Decisions about the equitable services that will be provided to parentally-placed nonresident nonpublic school children with disabilities must be made in accordance with 92 NAC 015.03G3 and 015.03D1c.

015.03G2a The school district or approved cooperative must make the final decisions with respect to the equitable services to be provided to eligible parentally-placed nonresident nonpublic school children with disabilities.

015.03G3 If a nonresident nonpublic school child with a disability is enrolled in a religious or other nonpublic school by the child's parents and will receive equitable services from a school district or approved cooperative, the school district or approved cooperative must:

015.03G3a Initiate and conduct meetings to develop, review and revise an equitable services plan for the child, in accordance with 92 NAC 51-015.03H; and

015.03G3b Ensure that a representative of the religious or other nonpublic school attends each meeting. If the representative cannot attend, the school district or approved cooperative shall use other Methods to ensure participation by the religious or other nonpublic school, including individual or conference telephone calls.

015.03H Equitable Services Provided to Nonresident Nonpublic School Children with Disabilities

015.03H1 The equitable services provided to parentally-placed nonresident nonpublic school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools, except that nonpublic elementary school and secondary school teachers who are providing equitable services to parentally-placed nonresident nonpublic school children with disabilities do not have to meet the special education teacher requirements of Section 003.69.

015.03H2 Parentally-placed nonresident nonpublic school children with disabilities may receive a different amount of services than resident public and nonpublic school children with disabilities.

015.03H3 Each parentally-placed nonresident nonpublic school child with a disability who has been designated to receive equitable services under 902 NAC 51-015.03C1b must have an equitable services plan that describes the specific special education and related services that the school district or approved cooperative will provide to the child in light of the services that the school district or approved cooperative has determined, through the process described in 92 NAC 51-015.03C and 015.03G, it will make available to parentally-placed nonresident nonpublic school children with disabilities.

015.03H4 The equitable services plan must, to the extent appropriate:

015.03H4a Meet the requirements of 92 NAC 51-007.07A or for a child ages three through five, meet the requirements of 92 NAC 51-007.02A1 with respect to the services provided;

015.03H4b By developed, reviewed, and revised consistent with 92 NAC 51-007.

015.03H5 Equitable services must be provided:

015.03H5a By employees of a public school or approved cooperative; or

015.03H5b Through contract by the school district or approved cooperative with an individual, association, agency, organization, or other entity.

015.03I Location of Services and Transportation

015.03I1 Services (equitable or FAPE) to parentally-placed nonpublic school children with disabilities may be provided on the premises of nonpublic, including religious, schools, to the extent consistent with law.

015.03I1a A school district or approved cooperative may lease a classroom in a nonpublic school building. If properly drafted, the lease transforms the classroom into a public school classroom during the times covered by the lease. The board of education of a public school district may offer the special education programs enumerated in Neb. Rev. Stat. 79-1127 in a leased classroom in a nonpublic school building. It does not however, have an unqualified legal duty to do so.

015.03J Due Process and State Compliance

015.03J1 Except as provided in 92 NAC 51-015.03J2, the procedures in 92 NAC 51-009.06, 009.07, 009.10, 009.12, 009.13, 009.14 and 92 NAC 55 do not apply to complaints that a school district or approved cooperative has failed to meet the requirements of 92 NAC 51-015.03C1 through 015.03I and 92 NAC 51-014.01D and 012.08 including the provision of services indicated on the child's equitable services plan.

015.03J2 The procedures in 92 NAC 51-009.06, 009.07, 009.10, 009.12 through 009.14 and 92 NAC 55 apply to complaints that a school district or approved cooperative has failed to meet the childfind requirements in 92 NAC 015.03B1, including the requirements in 92 NAC 51-009.08 and 006.

015.03J3 Any due process complaint regarding the childfind requirements (as described in 92 NAC 51-015.03J2) must be served on the school district or approved cooperative in which the nonpublic school is located and filed with the Nebraska Department of Education.

015.03J4 Any complaint that the Nebraska Department of Education or school district or approved cooperative has failed to meet the requirements in 92 NAC 51.015.03C through 015.03E and 012.08 and 92 NAC 51-015.03G through 015.07 must be filed in accordance with the procedures described in 92 NAC 51-009.11.

015.03J5 A complaint filed by a nonpublic school district official under 92 NAC 51-015.03F1 must be filed within the Nebraska Department of Education in accordance with the procedures in 92 NAC 51-015.03F2.

Children Placed in Nonpublic School by Parents (FAPE is not an Issue)

Person(s) Responsible: Director of Special Education, IEP Case Manager, Special Education Teacher, Nonpublic School Representative.

Timeline: Ongoing.

Materials: Appropriate District forms.

Methods: A nonpublic school student may participate in the public school's special education programs provided the student has been verified by a MDT and the parent is a resident of the District. The IEP for nonpublic school students shall be developed according to the policies and procedures adopted by the District. Services (equitable or FAPE) to nonpublic school students with disabilities may be provided at the public school, the nonpublic school, or a neutral site.

Students who attend nonpublic schools, but receive special education at the public school or a neutral site other than the public school, will be transported by district vehicles. If District vehicle service is not

available, the School District will contract with a licensed common carrier for transportation services. If the parents select to transport eligible students, the District will reimburse parents at the rate approved by the Nebraska Department of Education for actual miles traveled from the nonpublic school to the school District site or a neutral site, following the most direct route. The District will not provide transportation to a nonpublic school enrolled child from child's home to the nonpublic school. Transportation eligibility will be determined by the student's IEP Team. The plan for transportation for the student shall be part of the IEP.

Childfind activities for all children with disabilities who are enrolled by their parents in nonpublic, including religious, elementary schools and secondary schools located in the School District. The process used by the District will include requirements of 015.03D1a through 015.03D1e of Rule 51.

District will consult with nonpublic schools located in the School District during the design and development of special education and related services (FAPE and equitable services).

Written affirmation of timely and meaningful consultation provided to nonpublic schools will be maintained according to 015.03E of Rule 51.

Special Education and related services (FAPE or equitable services) including materials and equipment, must be secular, neutral and nonideological.

Decisions about equitable services for Nonresident Nonpublic parentally-placed students will be made in accordance with 015.03G through 015.03H5b.

Disagreements between parents and the School District whether or not the School District has a program available, or regarding the question of responsibility, are subject to the appeal procedures established in Rule 55.

015.04 A school district or approved cooperative may not use special education funds for classes that are organized separately on the basis of school enrollment or religion of the children if:

015.04A The classes are at the same site; and

015.04B The classes include children enrolled in public schools and children enrolled in nonpublic schools

015.05 A school district or approved cooperative may not use special education funds to finance the existing level of instruction in a nonpublic school or to otherwise benefit the nonpublic school.

015.05A A school district or approved cooperative shall use the special education funds provided to meet the special education and related services (FAPE or equitable services) needs of parentally-placed nonpublic school children with disabilities but not for meeting:

015.05A1 The needs of a nonpublic school; or

015.05A2 The general needs of the children enrolled in a nonpublic school.

015.06 A school district or approved cooperative may use special education funds to make public school personnel available in other than public facilities.

015.06A To the extent necessary to provide services designed for parentally-placed nonpublic school to provide special education and related services (FAPE or equitable services) if:

015.06B If those services are not normally provided by the nonpublic school.

015.07 A school district or approved cooperative may use special education funds to pay for the services of an employee of a nonpublic school to provide special education and related services (FAPE or equitable services) if:

015.07A The employee performs the services outside of his or her regular hours of duty; and

015.07B The employee performs the services under public supervision and control.

015.08 A school district or approved cooperative may place equipment and supplies in a nonpublic school for the period of time needed for the provision of special education and related services.

<u>015.08A</u>	The school district or approved cooperative shall ensure that the equipment and supplies placed in a nonpublic school:
<u>015.08A1</u>	Are used only for the purpose of providing special education and related services; and
<u>015.08A2</u>	Can be removed from the nonpublic school without remodeling the nonpublic school facilities.
<u>015.08B</u>	The school district or approved cooperative shall remove equipment or supplies from a nonpublic school if:
<u>015.08B1</u>	The equipment and supplies are no longer needed for the purpose of providing special education and related services; or
<u>015.08B2</u>	Removal is necessary to avoid unauthorized use of the equipment and supplies for other than special education purposes
<u>015.08C</u>	No special education funds may be used for repairs, minor remodeling or the construction of nonpublic school facilities.
<u>015.09</u>	A school district or approved cooperative must control and administer the funds used to provide special education and related services under 92 NAC 51-015.03G through 92 NAC 51-015.03I, and hold title to and administer materials, equipment, and property purchased with those funds for those uses and purposes provided in this Chapter.

Use of Special Education Funds

Person(s) Responsible: Superintendent, Director of Special Education.

Timeline: Ongoing.

Materials: Lease form, list of equipment and supplies provided to nonpublic school.

Methods: The District will follow the procedure described in 92 NAC 51-015 when providing services to and using special education funds children attending nonpublic school.

Procedural Safeguards**PROCEDURES**

<u>009</u>	<u>Procedural Safeguards</u>
<u>009.01</u>	<u>Parent Participation in Meetings</u>
<u>009.01A</u>	The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child.
<u>009.01B</u>	Each school district or approved cooperative must provide notice consistent with 92 NAC 51.007.06A1 and 007.06B to ensure that parents of children with disabilities have the opportunity to participate in meetings described in 92 NAC 51-009.01A.
<u>009.01C</u>	A meeting does not include informal or unscheduled conversations involving school district or approved cooperative personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that school district's personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
<u>009.02</u>	<u>Parent Involvement in Placement Decisions</u>
<u>009.02A</u>	The school district or approved cooperative shall ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of their child.
<u>009.02B</u>	In implementing the requirements of 92 NAC 51-009.02A, the school district or approved cooperative shall use procedures consistent with the procedures described in 92 NAC 51-

007.06A, 007.06B and 009.01A.

009.02C If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the school district or approved cooperative shall use other Methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

009.02D A placement decision may be made by a team without the involvement of the parents if the school district or approved cooperative is unable to obtain the parents' participation in the decision. In this case, the school district or approved cooperative must have a record of its attempt to ensure their involvement including information that is consistent with the requirements of 92 NAC 007.06D.

009.03 Opportunity to Examine Records

009.03A The parents of a child with a disability must be afforded, in accordance with the procedures of 92 NAC 51-009.03, an opportunity to inspect and review all education records with respect to: the identification, evaluation, and educational placement of the child; and the provision of FAPE to the child.

009.03B Each participating agency shall permit parents to inspect and review any education records relating to their children which are collected, maintained or used by the participating agency. The participating agency shall comply with such a request without unnecessary delay and before any meeting regarding an individualized education program or hearing pursuant to 92 NAC 55 or resolution session and in no case more than 45 days after the request has been made.

009.03B1 As used in 92 NAC 51-009.03B, participating agency means any agency or institution that collects, maintains or uses personally identifiable information or from which, information is obtained under this Chapter.

009.03B2 The right to inspect and review education records includes:

009.03B2a The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records; and

009.03B2b The right to request that the participating agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

009.03B2c The right to have a representative of the parent inspect and review the records.

009.03B3 A participating agency may presume that the parent has authority to inspect and review records relating to his or her child unless the service agency has been advised that the parent does not have the authority under applicable Nebraska law governing such matters as guardianship, separation and divorce.

009.03C Record of Access

009.03C1 Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used (except access by parents and authorized employees of the participating service agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

009.03D Records On More Than One Child

009.03D1 If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

009.03E List of Types and Locations of Information

009.03E1 Each participating agency shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the participating agency.

009.03F Fees

009.03F1 A participating agency may charge a fee for copies of records which are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

009.03F2 A participating agency may not charge a fee to search for or to retrieve information.

009.03G Amendment of Records at Parent's Request

- 009.03G1 A parent who believes that information in education records collected, maintained, or used is inaccurate, or misleading, or violates the privacy or other rights of the child, may request the participating agency which maintains the information to amend the information.
- 009.03G2 The participating agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.
- 009.03G3 If the participating agency decides to refuse to amend the information in accordance with the request, it shall inform the parents of the refusal, and advise the parent of the right to a local administrative review to be conducted in accordance with 34 CFR 99.22.
- 009.03H Opportunity for a Local Administrative Review
- 009.03H1 The participating agency shall, on request, provide an opportunity for a local administrative review to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.
- 009.03I Result of Local Administrative Review
- 009.03I1 If, as a result of the local administrative review, the participating agency decides that the information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.
- 009.03I2 If, as a result of the local administrative review, the participating agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, the participating agency shall inform the parent of the right to place in the records the participating agency maintains on the child, a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the participating agency.
- 009.03I3 Any explanation placed in the records of the child must:
- 009.03I3a Be maintained by the participating agency as part of the records of the child as long as the record or contested portion is maintained by the participating agency; and
- 009.03I3b If the records of the child or the contested portion is disclosed by the participating agency to any party, the explanation must also be disclosed to the party.
- 009.03J Consent for Release of Records
- 009.03J1 Parental consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies in accordance with 92 NAC 51-009.03H1 unless the information is contained in education records and the disclosure is authorized without parental consent under 34 CFR Part 99.
- 009.03J2 Except as provided in 92 NAC 51-009.03J3 and 009.03J4, parental consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of this chapter.
- 009.03J3 Parental consent, or the consent of an eligible child who has reached the age of majority, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services in accordance with 92 NAC 51-007.03A10b.
- 009.03J4 If a child is enrolled, or is going to enroll in a nonpublic school that is not located in the school district of the parent's residence, parental consent must be obtained before any personally identifiable information about the child is released between officials in the school district where the nonpublic school is located and officials in the school district of the parent's residence.
- 009.03K Safeguards
- 009.03K1 Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- 009.03K2 One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.
- 009.03K3 All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures.

009.03K4 Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the participating agency who may have access to personally identifiable information.

009.03L Records Regarding Migratory Children with Disabilities

009.03L1 The school district or approved cooperative shall cooperate in the Federal Secretary of Education's efforts under section 613(a)(9) of the Individuals with Disabilities Education Act of 2004 (See Appendix A) to ensure the linkage of records pertaining to migratory children with a disability for the purpose of electronically exchanging among the States, health and education information regarding such children.

009.03M Retention and Destruction of Information and Records

009.03M1 The school district or approved cooperative shall retain special education records for five (5) years after the completion of the activities for which special education funds were used.

009.03M2 The school district or approved cooperative shall inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child.

009.03M3 The information which is no longer necessary to provide educational services to the child, must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

Parent Participation/Student Records/Confidentiality

Person(s) Responsible: Director of Special Education, Teaching Staff, Principal.

Timeline: Ongoing.

Materials: Individuals with Disabilities Education Act (IDEA), Family Educational Rights and Privacy Act (FERPA), School Handbook, List of staff with access to personally identifiable student information.

Methods: The District will maintain all personally identifiable student information in conformance with FERPA and 92 NAC 51. If a parent requests a hearing to challenge the content of a student record, the Superintendent will identify a hearing officer and arrange for a hearing. All staff will receive annual training regarding the confidentiality requirements contained in FERPA, 92 NAC 51 and the District's policies and procedures.

009.04 Procedural Timelines

009.04A For all children except for infants and toddlers, each of the procedural steps necessary to provide a free appropriate public education shall be carried out within the specified time periods.

009.04A1 Referral, notice to parents (See 92 NAC 51-009.05), and parental consent, shall be completed within a reasonable period of time. The initial multidisciplinary team evaluation shall be completed within 45 school days of receiving parental consent for the evaluation.

009.04A1a The 45 school day timeline shall not apply to a school district or approved cooperative if:

009.04A1a(i) A child enrolls in a school served by the school district or approved cooperative after the relevant timeline in 92 NAC 51-009.04A1 has begun and prior to a determination by the child's previous school district or approved cooperative as to whether the child is a child with a disability, but only if the subsequent school district or approved cooperative is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent school district or

	approved cooperative agree to a specific time when the evaluation will be completed; or
<u>009.04A1a(ii)</u>	The parent of a child repeatedly fails or refuses to produce the child for the evaluation.
<u>009.04A2</u>	Upon completion of a multidisciplinary team verification decision, school districts or approved cooperatives shall provide a reasonable notification and conduct an individualized education program conference within 30 calendar days
<u>009.04A3</u>	As soon as possible following development of the IEP, special education and related services must be made available to the child in accordance with the child's IEP.
<u>009.04B</u>	For infants and toddlers each of the procedural steps necessary to provide early intervention services shall be carried out within the specific time periods.
<u>009.04B1</u>	A referral must be made by the school district or approved cooperative to the agency responsible for providing services coordination in the Planning Region within two working days of the district becoming aware of an infant or toddler who may be eligible for services.
<u>009.04B2</u>	Notice to parents (See 92 NAC 51-009.05) and parental consent shall be completed within a reasonable period of time.
<u>009.04B3</u>	A multidisciplinary team evaluation must be completed within 45 calendar days from the date of referral. In the event of exceptional circumstances of the family that make it impossible to complete the evaluation within the 45 days, the school district or approved cooperative will document those circumstances, inform the parent of the time estimated by the district to complete the evaluation, and develop and implement an interim IFSP as necessary.
<u>009.04B4</u>	Upon completion of a multidisciplinary team verification decision, and within 45 days of the referral, school districts and approved cooperatives shall participate in an individualized family service plan (IFSP) conference.
<u>009.04B5</u>	Special education placement shall be completed within five school days of receipt of parental consent.

Timelines

Person(s) Responsible: Director of Special Education, Principal, IEP Case Manager, Special Education Teacher, for infants and toddlers, if the family chooses Services Coordination, the family's services coordinator.

Timeline: As specified in 92 NAC 51-009.

Materials: District forms.

Methods: The District will follow the procedures specified in 92 NAC 51-009.02 when determining appropriate timelines.

<u>009.05</u> Prior Written Notice	
<u>009.05A</u>	Prior written notice shall be given to the parents of a child with a disability a reasonable time before a school district or approved cooperative:
<u>009.05A1</u>	Proposes to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education; or
<u>009.05A2</u>	Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.
<u>009.05B</u>	Such prior written notice shall include:
<u>009.05B1</u>	A description of the action proposed or refused by the school district or approved cooperative;
<u>009.05B2</u>	An explanation of why the district or approved cooperative proposes or refuses to take

	the action;
<u>009.05B3</u>	A description of a other options the IEP Team considered and the reasons why those options were rejected;
<u>009.05B4</u>	A description of each evaluation procedure, assessment, record, or report the school district or approved cooperative uses as a basis for the proposal or refusal;
<u>009.05B5</u>	A description of any other factors which are relevant to the school district's or approved cooperative's proposal or refusal;
<u>009.05B6</u>	A statement that the parents of a child with a disability have protection under the procedural safeguards of this Chapter and, if this notice is not an initial referral for evaluation, the means by which a copy or description of the procedural safeguards can be obtained; and
<u>009.05B7</u>	Sources for parents to contact to obtain assistance in understanding the provisions of this part.
<u>009.05C</u>	The notice must be written in language understandable to the general public, and provided in the native language of the parents or other mode of communication used by the parents unless it is clearly not feasible to do so.
<u>009.05D</u>	If the native language or other mode of communication of the parents is not a written language, the school district or approved cooperative shall take steps to ensure:
<u>009.05D1</u>	That the notice is translated orally or by other means to the parents in his or her native language or other mode of communication;
<u>009.05D2</u>	That the parents understand the content of the notice; and
<u>009.05D3</u>	That there is written evidence that the requirements of this section have been met.

Prior Written Notice

Person(s) Responsible: Director of Special Education, Principal, IEP/IFSP Case Manager, Special Education Teacher, Early Development Network Services Coordinator.

Timeline: Notice will be provided a reasonable time before taking or refusing to take the proposed action. The length of the advance notice will vary depending on the circumstances; but will ordinarily be ten school days (or fourteen business days if outside the school year).

Materials: Written Notice Forms for Evaluation, Placement, Reevaluation, Termination.

Methods: The IEP/IFSP Case Manager is responsible for collecting information and drafting the Prior Written Notice to be sent to parents. Prior Written Notice will be sent prior to proposing or refusing any action with regard to special education.

<u>009.06</u>	Procedural Safeguards Notice
<u>009.06A</u>	A copy of the procedural safeguards available to the parents of a child with a disability shall be given by the school district or approved cooperative to the parents only one time a school year, except that a copy shall also be given to the parents:
<u>009.06A1</u>	Upon initial referral or parental request for evaluation;
<u>009.06A2</u>	Upon request by parent;
<u>009.06A3</u>	Upon receipt by the school district or approved cooperative of the first occurrence of the filing of a complaint under 92 NAC 51-009.11 and the first occurrence of filing a special education due process case under 92 NAC 55; and
<u>009.06A4</u>	In accordance with the discipline procedures in 92 NAC 51-016.
<u>009.06B</u>	The procedural safeguards notice shall include a full explanation of all of the procedural safeguards, relating to:
<u>009.06B1</u>	Independent educational evaluation;
<u>009.06B2</u>	Prior written notice;
<u>009.06B3</u>	Parental consent;

<u>009.06B4</u>	Access to educational records;
<u>009.06B5</u>	Opportunity to present and resolve disputes through the due process hearings and the state complaint procedures including;
<u>009.06B5a</u>	The time period in which to file a state complaint or petition for a due process hearing;
<u>009.06B5b</u>	The opportunity for the school district to resolve the dispute; and
<u>009.06B5c</u>	The difference between the due process system and the state complaint procedures; including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
<u>009.06B6</u>	The child's placement during pendency of due process proceedings;
<u>009.06B7</u>	Procedures for students subject to placement in an interim alternative educational setting;
<u>009.06B8</u>	Requirements for unilateral placement by parents of children in nonpublic schools at public expense;
<u>009.06B9</u>	The availability of mediation;
<u>009.06B10</u>	Due process hearings, including requirements for disclosure of evaluation results and recommendations;
<u>009.06B11</u>	Civil actions, including the time period in which to file such actions; and
<u>009.06B12</u>	Attorney's fees.
<u>009.06C</u>	The notice of the procedural safeguards provided to the parent must be written in language understandable to the general public and provided in the native language of the parent as required by 92 NAC 51-009.05C and 009.05D.
<u>009.06D</u>	The school district or approved cooperative may place a current copy of the procedural safeguards notice on its Internet website if such website exists.
<u>009.07</u>	A parent of a child with a disability may elect to receive notices required under this section by an electronic mail (e-mail) communication, if the school district makes such option available.

Procedural Safeguards

Person(s) Responsible: Special Education Director, IEP Case Manager, Early Development Network Services Coordinator.

Timeline: A copy of the procedural safeguards will be provided prior to initial referral for evaluation, upon parental request, or upon filing a due process appeal.

Materials: Parent Rights Pamphlet, which may be downloaded at <http://www.nde.state.ne.us/SPED/parent/parenthp.html>

Methods: A copy of the Parent Rights Pamphlet will be provided; or a copy of the procedural safeguards is on the District's website.

<u>009.08</u>	<u>Parental Consent</u>
<u>009.08A</u>	<u>Parental Consent for Initial Evaluations</u>
<u>009.08A1</u>	The school district or approved cooperative proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 92 NAC 51-003.10 must obtain informed consent, consistent with 92 NAC 51-003.11, from the parent of the child before conducting the evaluation.
<u>009.08A2</u>	Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
<u>009.08A3</u>	The school district or approved cooperative must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.
<u>009.08A4</u>	For initial evaluations only, if the child is a ward of the State and is not residing with the child's parent, the school district or approved cooperative is not required to obtain

informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:

009.08A4a Despite reasonable efforts to do so, the school district or approved cooperative cannot discover the whereabouts of the parent of the child;

009.08A4b The rights of the parents of the child have been terminated in accordance with the State law; or

009.08A4c The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

009.08A5 If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation under 92 NAC 51-009.08A1 or the parent fails to respond to a request to provide consent, the school district or approved cooperative may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in 92 NAC 51-009 (including the mediation procedures or the due process procedures), if appropriate.

009.08A5a The school district or approved cooperative does not violate its obligation under 92 NAC 51-006 to locate and identify the child as a child with a disability if it declines to pursue the evaluation.

009.08B Consent for Services

009.08B1 A school district or approved cooperative that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

009.08B2 The school district or approved cooperative must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

009.08B3 If the parent of a child fails to respond or refuses to consent to services under 92 NAC 51-009.08B1, the school district or approved cooperative may not use the procedures in 92 NAC 51-009 (including the mediation procedures or the due process procedure) in order to obtain agreement or a ruling that the services may be provided to the child.

009.08B4 If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the school district or approved cooperative:

009.08B4a Will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with special education and related services for which the school district or approved cooperative requests consent; and

009.08B4b Is not required to convene an IEP Team meeting or develop an IEP under 92 NAC 51-007 for the child for the special education and related services for which the school district or approved cooperative request such consent.

009.08C Consent for Reevaluations

009.08C1 Subject to 92 NAC 51-009.08C2, each school district or approved cooperative must obtain informed parental consent, in accordance with 92 NAC 51-009.08A1, prior to conducting any reevaluation of a child with a disability.

009.08C1a If the parent refuses to consent to the reevaluation, the school district or approved cooperative may, but is not required to, pursue the reevaluation by using the consent override procedures described in 92 NAC 51-009.08A5. The school district or approved cooperative does not violate its obligation to locate and identify the child as a child with a disability if it declines to pursue the evaluation or reevaluation.

009.08C2 The informed parental consent described in 92 NAC 51-009.08C1 need not be obtained if the school district can demonstrate that:

009.08C2a It made reasonable efforts to obtain such consent; and

009.08C2b The child's parent has failed to respond.

009.08D Other Consent Requirements

<u>009.08D1</u>	Parental consent is not required before:
<u>009.08D1a</u>	Reviewing existing data as part of an evaluation or a reevaluation; or
<u>009.08D1b</u>	Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.
<u>009.08D2</u>	A school district or approved cooperative may not use a parent's refusal to consent to one service or activity under 92 NAC 51-009.08A to deny the parent or child any other service, benefit, or activity of the school district or approved cooperative, except as required by the Rule.
<u>009.08D3</u>	If a parent of a child who is home schooled or placed in a nonpublic school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or the parent fails to respond to a request to provide consent, the school district or approved cooperative may not use the consent override procedures (described in 92 NAC 51-009.08A5 and 009.08C1); and
<u>009.08D3a</u>	The school district or approved cooperative is not required to consider the child as eligible for services under 92 NAC 51-015.
<u>009.08D4</u>	To meet the reasonable efforts requirement in 92 NAC 51-009.08A3, 009.08A4a, 009.08B2, and 009.08C2a, the school district or approved cooperative must document its attempts to obtain parental consent using the procedures in 92 NAC 51-007.06.
<u>009.08D5</u>	For infants and toddlers, if consent is not given, the school district or approved cooperative shall make reasonable efforts to ensure that the parents:
<u>009.08D5a</u>	Are fully aware of the nature of the evaluation or the services that will be available; and
<u>009.08D5b</u>	Understand that the child will not be able to receive the evaluation or services unless consent is given.
<u>009.09</u>	The parents of an infant or toddler may determine that they, their child, or other family members will accept or decline any early intervention service, and may decline such a service after first accepting it, without jeopardizing other early intervention services.

Consent/Parent Revocation of Consent

Person(s) Responsible: IEP Case Manager, Special Education Director; for infants and toddlers Early Development Network Services Coordinator.

Timeline: Written parental consent will be obtained prior to conducting an evaluation, reevaluation, or placement of a child in special education.

Written revocation of consent for special education and related services will be obtained from parent if parent requests their child no longer receive services.

Materials: Parent Consent forms.

Methods: The School District will provide parents with a notice explaining the action to be taken and a request for written parent consent. If the parent does not give consent, the District may pursue mediation and for an initial evaluation, or file for a due process hearing.

If the parent does not consent to services, the School District will not use complaint, mediation, or due process to obtain agreement or a ruling that services be provide to the child.

If the parent does not consent to provision of services, the District is not required to convene an IEP Team meeting or develop an IEP.

If the parent revokes consent for special education and related services, the District will provide parents with written notice regarding the changes in educational placement and services. The notice will include information on sources for the parents to contact that can assist the parents in understanding the requirements of Part B of IDEA. Services will be provided to the child until the School District receives written notice from the parent stating that the parent revokes consent for services.

009.10 Appointment of Surrogates

009.10A Each school district or approved cooperative shall ensure that the rights of a child with a disability are protected if:

009.10A1 No parent can be identified;

009.10A2 The school district or approved cooperative, after reasonable efforts, cannot locate a parent;

009.10A3 The child is an unaccompanied homeless youth; or

009.10A4 The child is a ward of the State or court.

009.10A4a In the case of a child who is a ward of the State, such surrogate may alternatively be appointed by the judge overseeing the child's care provided that the surrogate meets the requirements in 92 NAC 51-009.10D3.

009.10B The duty of the school district or approved cooperative under 92 NAC 51-009.10A includes the assignment of an individual to act as a surrogate for the parents. This must include a method;

009.10B1 For determining whether a child needs a surrogate parent and,

009.10B2 For assigning a surrogate parent to the child.

009.10C The school district or approved cooperative may select a surrogate parent in any way permitted under State law and the district or approved cooperative shall make reasonable efforts to ensure the assignment of a surrogate not more than 30 calendar days after there is a determination that the child needs a surrogate.

009.10D In order to qualify, a surrogate must be a person who:

009.10D1 Has no personal or professional interest that conflicts with the interest of the child he or she represents;

009.10D2 Has knowledge and skills that ensure adequate representation of the child; and

009.10D3 Is not an employee of any public agency which is involved in the education or care of the child. A person who otherwise qualifies to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

009.10D3a For infants and toddlers, a person assigned as a surrogate parent may not be an employee of any State agency; or a person, or an employee of a person, providing early intervention services to the child or to a family member of the child. A person who otherwise qualifies to be a surrogate parent under this Subsection is not an employee solely because he or she is paid by a public agency to serve as a surrogate parent.

009.10D3b In the case of a child who is an unaccompanied homeless youth, appropriate staff of emergency shelters, transitional shelters, independent living programs, and street outreach programs may be appointed as temporary surrogate parents without regard to 92 NAC 51-009.10D3, until a surrogate parent can be appointed that meets all the requirements of 92 NAC 51-009.10D.

009.10E The surrogate may represent the child in all matters relating to:

009.10E1 The identification, evaluation, and educational placement of a child; and

009.10E2 The provision of a free appropriate public education to the child.

009.10E3 For infants and toddlers, a surrogate parent may represent a child in all matters related to:

009.10E3a The evaluation and assessment of the child;

009.10E3b Development and implementation of the child's IFSP including annual evaluations and periodic review;

009.10E3c The ongoing provision of early intervention services to the child; and

009.10E3d Any other rights established under this Chapter.

009.10F The services of the surrogate parent shall be terminated when:

<u>009.10F1</u>	The child is no longer eligible for a surrogate parent under 92 NAC 51-009.08A;
<u>009.10F2</u>	A conflict of interest develops between the interest of the child and the interest of the surrogate parent; or
<u>009.10F3</u>	The surrogate parent fails to fulfill his or her duties as a surrogate parent.
<u>009.10G</u>	Issues arising from the selection, appointment, or removal of a surrogate parent shall be resolved through hearings established under 92 NAC 55.
<u>009.10H</u>	The surrogate parent and the school district or approved cooperative which appointed the surrogate parent shall not be liable in civil actions for damages for acts of the surrogate parent unless such acts constitute willful and wanton misconduct.

Surrogate Parents

Person(s) Responsible: Director of Special Education, Principal, IEP Case Manager, Surrogate Parent(s) (NOTE: Personnel from the Department of Health and Human Services may not serve as a surrogate parent(s) under the Special Education Act.) In the case of a State ward, the judge overseeing the child's case may appoint the surrogate parent.

Timeline: Within 30 days of identification of need to appoint a surrogate/surrogate parent. Appointments shall last one (1) year. The appointment may be renewed.

Materials: Request to Director of Special Education for the appointment of a Surrogate, Surrogate Training, Agreements and Training Materials, Rule 51 and 55, Policies and Procedures, other materials as required.

Methods: If the District identifies students who may be in need of a surrogate parent, the District will:

1. Attempt to identify and locate the parent;
2. Investigate the legal status of those student(s); and
3. If after a reasonable effort, the parents cannot be located, the School District shall ensure that the rights of students with disabilities are protected by appointing a surrogate.
4. Surrogates will be provided sufficient training to assure they are knowledgeable as to the legal rights and educational needs of the student they are to represent. Training will be conducted as needed.
5. Surrogates will be appointed by the director of special education following documentation that no conflict of interest exists and completion of appropriate training or assurance that the surrogate is knowledgeable in order to represent the student.
6. Surrogates will be monitored on a regular basis to ensure effective performance. Should a surrogate be unable or unwilling to discharge his or her duties, a new surrogate will be appointed by the director.
7. The surrogate parent shall continue to represent the student until one of the following occurs:
 - a. The student is determined to no longer be eligible for, or in need of, special education or related services except when termination from such programs is being contested;
 - b. The parent, who was previously unknown, or whose whereabouts were previously unknown or a guardian or person acting as the student's parents becomes known; and/or,
 - c. It is determined that the appointed surrogate parent no longer adequately represents the student.
 - d. The surrogate parent's term has expired.

009.11 State Complaint Procedures

- | | |
|----------------|---|
| <u>009.11A</u> | An organization or individual may file a signed written complaint under the procedures described in 92 NAC 51-009.11B |
| <u>009.11B</u> | The complaint must include: |

- 009.11B1 A statement that the school district or approved cooperative has violated a requirement of 92 NAC 51;
- 009.11B2 The facts on which the statement is based;
- 009.11B3 The signature and contact information for the complainant; and
- 009.11B4 If alleging violations with respect to a specific child –
 - 009.11B4a The name and address of the residence of the child;
 - 009.11B4b The name of the school the child is attending;
 - 009.11B4c In the case of a homeless child or youth within the meaning of section 725(2C) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 1143a(2)), available contact information for the child, and the name of the school the child is attending;
 - 009.11B4d A description of the nature of the problem of the child, including facts relating to the problem; and
 - 009.11B4e A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed.
- 009.11B5 The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with 92 NAC 51-009.11.
- 009.11B6 The party filing the complaint must forward a copy of the complaint to the school district or approved cooperative serving the child at the same time the party files the complaint with Nebraska Department of Education, Special Populations Office.
- 009.11C If a complaint meeting the requirements of 92 NAC 51-009.11B is received, the following procedures will be carried out:
 - 009.11C1 Within fourteen (14) calendar days of receipt of the written, signed complaint, an assigned Special Education Office official shall notify in writing each complainant and the school district or approved cooperative against which the violation has been alleged, that the complaint has been received. This written notification shall include a copy of the complaint and the substance of the alleged violation. The school district or approved cooperative shall have fourteen (14) calendar days to submit a written response.
 - 009.11C2 Special Education Office officials will provide the school district or approved cooperative with the opportunity to respond to the complaint, including, at a minimum:
 - 009.11C2a At the discretion of the school district or approved cooperative, a proposal to resolve the complaint; and
 - 009.11C2b An opportunity for a parent who has filed a complaint and the school district or approved cooperative to voluntarily engage in mediation consistent with 92 NAC 51-009.12.
 - 009.11C3 Special Education Office officials will investigate each complaint received from an individual or organization (including an individual or organization from another state) to determine whether there has been a failure to comply with these rules and may require further written or oral submission of information by all parties and may conduct an independent on-site investigation if necessary. The complainant will have the opportunity to submit additional information either orally or in writing, about the allegation.
 - 009.11C4 Within sixty (60) calendar days of receipt of a signed written complaint, the Department of Education Special Education Office will review all relevant information and provide written notification of findings of facts and conclusions and the basis for such findings to all parties involved.
 - 009.11C5 An extension of the time limit in 92 NAC 51-009.11C4 will be permitted only if:
 - 009.11C5a Exceptional circumstances exist with respect to a particular complaint; or
 - 009.11C5b The parent and the school district or approved cooperative involved agree to extend the time to engage in mediation or to engage in other alternative means of dispute resolution.
 - 009.11C6 If it is determined there has been a failure to comply, there will be included in the

notification of findings the specific steps which must be taken by the school district or approved cooperative to bring the school district or approved cooperative into compliance, including technical assistance, negotiations and corrective actions necessary to achieve compliance. The notification shall also set forth a reasonable period of time to voluntarily comply.

009.11C7 If the school district or approved cooperative does not demonstrate compliance within the period of time set forth in the notice of findings, the matter will be subject to the procedures outlined in 92 NAC 51-004.09.

009.11C8 If a written complaint is received that is also the subject of a due process hearing under 92 NAC 55, or contains multiple issues of which one or more are part of that hearing, the Special Education Office officials shall set aside any part of the state complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the state complaint that is not a part of the due process action must be resolved using the time limit and procedures described in 92 NAC 51-009.11.

009.11C9 If an issue is raised in a complaint filed under this 92 NAC 51-009.11 that has previously been decided in a due process hearing involving the same parties:

009.11C9(a) The hearing decision is binding; and

009.11C9(b) The Nebraska Department of Education must inform the complainant to that effect.

009.11C10 A complaint alleging a school district's or approved cooperative's failure to implement a due process decision must be resolved by the Nebraska Department of Education.

Complaint Procedures

Person(s) Responsible: Director of Special Education, Superintendent.

Timeline: The District will observe all timelines in 92 NAC 51-009.11.

Materials: Copy of letter of complaint, support documentation, district policies and procedures and letter of response to NDE.

Methods: The Director of Special Education or designee will serve as the liaison between the School District and the NDE complaint investigator throughout the complaint process. The Special Education Director will facilitate site and file reviews. The Special Education Director will be responsible for the implementation of any corrective action plan designed to bring the District into compliance.

009.12 Mediation

009.12A School districts or approved cooperative shall implement the procedures established in Section 009 to allow parties to resolve disputes involving any matter described in 92 NAC 51-009.05A1 and 009.05A2 including matters arising prior to the filing of a due process hearing petition through a mediation process which, at a minimum, shall be available whenever a hearing is requested under 92 NAC 55.

009.12A1 The procedures for seeking mediation initiated by either the parent(s) or school district or approved cooperative include:

009.12A1a Contacting the Nebraska Office of Dispute Resolution who will

009.12A1b Arrange a meeting, invite both parties and conduct the mediation in an attempt to resolve the dispute.

009.12B The procedures shall ensure that the mediation process:

009.12B1 Is voluntary on the part of the parties;

009.12B2 Is not used to deny or delay a parent's right to a due process hearing under 92 NAC 55, or to deny any other rights afforded under this Chapter; and

- 009.12B3 Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.
- 009.12C The school district or approved cooperative may implement the procedures in Section 009 to offer parents and schools or approved cooperatives that choose not to use the mediation process an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with:
- 009.12C1 A parent training and information center or community parent resource center in this State established under Section 671 or 672 of the IDEA, or
- 009.12C2 An appropriate alternative dispute resolution entity to encourage the use, and explain the benefits of the mediation process to the parents.
- 009.12D The Nebraska Department of Education shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services for use by school districts, and approved cooperatives and parents.
- 009.12E The Nebraska Department of Education shall bear the cost of the mediation process, including the costs of meetings described 92 NAC 51-009.12C.
- 009.12F Each session in a mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.
- 009.12G In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution and that:
- 009.12G1 States that all discussions that occurred during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding;
- 009.12G2 Is signed by both the parent and a representative of the agency who has the authority to bind such agency; and
- 009.12G3 Is enforceable in any State court of competent jurisdiction or in a district court of the United States.
- 009.12H Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings of any federal court or state court of a state receiving assistance under Part B of the IDEA as amended in 2004.
- 009.12I An individual who serves as a mediator under this Chapter:
- 009.12I1 May not be an employee of:
- 009.12I1a The Nebraska Department of Education or of the school district or approved cooperative that is involved in the education or care of the child; or
- 009.12I1b An agency that is providing direct services to a child who is the subject of the mediation process; and
- 009.12I1c Must not have a personal or professional interest that conflicts with the person's objectivity.
- 009.12I2 A person who otherwise qualifies as a mediator is not an employee of a school district or approved cooperative or the Nebraska Department of Education solely because he or she is paid by the agency to serve as a mediator.

Mediation

Person(s) Responsible: Special Education Director, Superintendent, Staff.

Timeline: Ongoing.

Materials: Parent Rights Pamphlet, Mediation Brochure Information. These materials are available at: <http://www.nde.state.ne.us/SPED/mediation/index.html>.

Methods: Either the parent or the School District may initiate mediation to resolve special education disputes by making contact with the Nebraska Office of Dispute Resolution (402) 471-2766. The Office

of Dispute Resolution will arrange for all meetings related to the mediation process. Mediation is voluntary on the parts of the parent and the School District.

009.13 Resolution Process

009.13A Resolution Meeting

009.13A1 Within 15 days of receiving notice of the parent's due process complaint, and prior to the initiation of a due process hearing under 92 NAC 55, the school district or approved cooperative must convene a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint that:

009.13A1a Includes a representative of the school district or approved cooperative who has decision-making authority on behalf of that school district or approved cooperative; and

009.13A1b May not include an attorney to the school district or approved cooperative unless the parent is accompanied by an attorney.

009.13A2 The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the school district or approved cooperative has the opportunity to resolve the dispute that is the basis for the due process complaint.

009.13A3 The meeting described in 92 NAC 51-009.13A1 and 009.13A2 need not be held if:

009.13A3a The parent and the school district or approved cooperative agree in writing to waive the meeting; or

009.13A3b The parent and the school district or approved cooperative agree to use the mediation process described in 92 NAC 51.009.12.

009.13A4 The parent and the school district or approved cooperative determine the relevant members of the IEP Team to attend the meetings.

009.13B Resolution Period

009.13B1 If the school district approved cooperative has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.

009.13B2 Except as provided in this section, the timeline for issuing a final decision begins at the expiration of this 30-day period.

009.13B3 Except where the parties have jointly agreed to waive the resolution process or to use mediation, notwithstanding 92 NAC 51.009.13B1 and 009.13B2, the failure of the parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

009.13B4 If the school district or approved cooperative is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in 92 NAC 51-007.06D), the school district or approved cooperative may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint.

009.13B5 If the school district or approved cooperative fails to hold the resolution meeting specified in 92 NAC 51.009.13A within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline.

009.13C Adjustments to the 30-day Resolution Period

009.13C1 The 45-day timeline for the due process hearing starts the day after one of the following events:

009.13C1a Both parties agree in writing to waive the resolution meeting;

009.13C1b After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible.

009.13C1c If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or the school district or approved cooperative withdraws from the mediation process.

009.13D Written Settlement Agreement

009.13D1 If a resolution to the dispute is reached at the meeting described in 92 NAC 51-

009.13A1 and 009.13A2, the parties must execute a legally binding agreement that is:	
<u>009.13D1a</u>	Signed by both the parent and a representative of the school district or approved cooperative who has the authority to bind the school district or approved cooperative; and
<u>009.13D1b</u>	Enforceable in any State court of competent jurisdiction or in a district court of the United States.
<u>009.13E</u>	<u>Agreement Review Period</u>
<u>009.13E1</u>	If the parties execute an agreement pursuant to 92 NAC 51-009.13D, a party may void the agreement within 3 business days of the agreement's execution.
<u>009.14</u>	<u>Special Education Due Process Hearings</u>
<u>009.14A</u>	Whenever a due process complaint has been received under 92 NAC 55 or Section 016 of this Chapter, the parents or the school district or approved cooperative shall have an opportunity for an impartial due process hearing consistent with the procedures in 92 NAC 55 and Section 009.13 of this Chapter.
<u>009.14B</u>	A parent or a school district or approved cooperative may initiate a hearing on any of the matters described in 92 NAC 51.009.05A relating to the identification, evaluation or educational placement of the child with a disability, or the provision of FAPE to the child by filing a petition pursuant to 92 NAC 55.
<u>009.14C</u>	When a hearing is initiated under 92 NAC 55, the school district or approved cooperative shall inform the parents of the availability of mediation described in 92 NAC 51-009.12.
<u>009.14D</u>	The school district or approved cooperative shall inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or if the parent or the school district or approved cooperative initiates a hearing under 92 NAC 55.
<u>009.14E</u>	Any party to a due process hearing has the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities.

Resolution Process and Due Process Hearings

Person(s) Responsible: Director of Special Education, Superintendent, School District Attorney;
Resolution Process: Special Education and Superintendent.

Timeline: Follow timelines specified in 92 NAC 55 for due process; Resolution Process Timelines in Rule 51.

Materials: 92 NAC 55, all documentation regarding dispute and District's action.

Methods: A due process hearing is initiated by filing a petition with the Nebraska Department of Education. The content of the petition and the procedures to be followed are specified in 92 NAC 55.

Before a due process hearing, the District must convene a meeting with the parents and relevant IEP/IFSP team members pursuant to 92 NAC 51-009.14.

A resolution meeting will not be held if the parent and school district agree in writing to waive the meeting, or if they agree to use the mediation process.

Transportation**PROCEDURES****014 Special Education Transportation**

014.01 The board of education shall furnish one of the following types of services to children with disabilities who are residents of the school district:

014.01A Provide transportation for any child with a disability who is forced to leave the school district temporarily because of lack of educational services; and

014.01B Provide transportation within the school district for any child with a disability who is enrolled in a special education program of the district when either:

014.01B1 The child is required to attend a facility other than what would be the normal school of attendance of the child to receive appropriate special education services; or

014.01B2 The nature of the child's disability is such that special education transportation is required.

014.01C The board of education shall provide transportation for all children with disabilities birth to age five including children birth to age five who are wards of the court.

014.01D Transportation for Parentally-Placed Non-Public School Children

014.01D1 If necessary for the child to benefit from or participate in the services provided under this Chapter, a parentally-placed nonpublic school child with a disability must be provided transportation:

014.01D1a from the child's school or the child's home to a site other than the nonpublic school; and

014.01D1b from the service site to the nonpublic school, or to the child's home, depending on the timing of the services.

014.01D2 School districts or approved cooperatives are not required to provide transportation from the child's home to the nonpublic school.

014.01D3 The cost of transportation may be included in calculating whether the school district or approved cooperative has met the requirement of 92 NAC 51-012.08.

014.02 Responsibility for Transportation

014.02A The board of education shall be responsible to provide for the transportation expenses of children with disabilities who are residents of the school district under Neb. Rev. Stat. 79-1129 by:

014.02A1 Paying a parent for transporting his or her child for actual miles traveled and claimed; or

014.02A2 Operating vehicles for the purpose of transporting children with disabilities; or

014.02A3 Contracting for transportation services for children with disabilities; or

014.02A4 Purchasing services from a common carrier; or

014.02A5 Arranging for such other transportation as is proper and necessary to transport children with disabilities.

014.02B The board of education shall select an efficient and effective means of transportation for the child with a disability at a reasonable cost.

014.02C The board of education shall not provide for the transportation expenses of children with a disability who are residents of the school districts under Neb. Rev. Stat. 79-1129 if such children are able to use regular transportation services provided by the district unless:

014.02C1 Alteration of the routes of such regular transportation is required to transport children with a disability; or

014.02C2 Alteration is required of the equipment or vehicles used in such regular transportation in order to accommodate children with a disability.

014.02D The board of education shall provide for expenses equal to the statutory amount for each mile or fraction thereof traveled between the place of residence and the program of attendance when a parent transports his or her child(ren) with a disability. (Refer to Neb. Rev. Stat. 79-1129 and 81-1176.)

014.02E Except when a parent is transporting only his or her child, the board of education shall require that the driver and vehicle meet the standards required by 92 NAC 91 and 92.

014.02F For students with disabilities participating in the Option Enrollment Program under Neb. Rev. Stat. 79-232 to 79-246, the transportation services included on the student's IEP shall be provided by the District from which the student optioned. The Department shall reimburse the District from which the student optioned for the cost of transportation in accordance with Section 014.

014.03 Allowable Expenses

014.03A The school district or approved cooperative shall provide for the transportation expenses of children with a disability transported by the parents of such children, upon receipt of claims submitted to the board of education by such parents. Such claims shall be documented and subject to audit. The claims shall:

014.03A1 State the names of the children transported, the dates they were transported, the mileage incurred in such transportation; and

014.03A2 Contain a statement that the claim is a true and correct report of mileage; and

014.03A3 Include the signature of the parent.

014.03B The school district or approved cooperative shall not be relieved of the obligation to provide transportation for an eligible child with a disability because of the inability or unwillingness of the child's parents to provide transportation. No eligible child with a disability may be denied or have limitations placed on the child's receipt of special education services required by an IEP or IFSP as a result of the inability or unwillingness of parents to provide transportation.

014.03C The school district or approved cooperative shall provide for the expenses or the equivalent costs for transportation from the child's legal residence (the residence of the parent(s)) or Department of Education approved residential placement, to the child's program.

014.03D A school district or approved cooperative may apply to the Department of Health and Human Services for reimbursement of transportation costs for the school age student who was made a ward of the state or court prior to his or her arrival in that school district.

014.03D When the school district or approved cooperative provides for transportation expenses under Neb. Rev. Stat. 79-1129 for children with a disability who are residents of the school district by utilizing vehicles operated by the school district, it shall include those transportation expenses below which are directly related to the vehicles used to transport special education children:

014.03E1 Salaries and fixed charges of drives and necessary aides;

014.03E2 Vehicle operational supplies;

014.03E3 Vehicle repairs and maintenance;

014.03E4 Vehicle least costs;

014.03E5 Vehicle insurance related to the transportation of children with a disability;

014.03E6 Documented administrative expenses of those engaged or employed for the purpose of supervising the transportation of children with a disability, their assistants, and clerical personnel but not including expenses for those engaged in general school or special education administration;

014.03E7 Such depreciation as is allowed in 92 NAC 51-014.04 of these rules;

014.03E8 Those expenses attributable to an alteration of routes;

014.03E9 Those expenses attributable to alterations in equipment of vehicles, which must be depreciated; and

014.03E10 Facility expenses relating to the maintenance of vehicles used for transporting children with a disability. Transportation facility expense for purposes other than maintenance are not allowable reimbursable items. Maintenance includes such activities as repair, cleaning, greasing, fueling and inspecting vehicles for safety. If a facility is used for purposes other than maintenance of vehicles used to transport children with a disability, expenses must be listed separately so that only those costs attributed to the maintenance of special education vehicles are included.

014.03F If income is derived from transportation services provided under Neb. Rev. Stat. 79-1129 such income shall be used to offset expenses listed above to the extent of such income.

014.03G The Department of Education shall allow a per mile cost for operating vehicles by using the categories of allowable expenses in 92 NAC 51-014.03 divided by the actual mileage the vehicle was driven for each fiscal year or the mileage rate provided in Neb. Rev. Stat. 81-

1176. This procedure may be used in lieu of 92 NAC 51-014.03E.

- 014.03H The costs used must be adequately documented by the school district for review by the Department of Education.
- 014.03I Detailed mileage logs must be maintained by the school district or approved cooperative and be available for review by the Department of Education.
- 014.03J Undocumented expenses or mileage will not be allowed.

Transportation

Person(s) Responsible: Director of Special Education, IEP Case Manager, Transportation Supervisor.

Timeline: Ongoing.

Materials: IEP/IFSP Form, route schedules, Parent Procedures-Reimbursement Claim Forms, Rules for Safe Transportation of Students.

Methods: The student will be transported by District vehicle, or if District vehicle service is not available, the School District will contract with a licensed common carrier for transportation services. If the parent provides transportation as included on the student's IEP/IFSP, the District will reimburse parents at the rate approved by the Nebraska Department of Education for actual miles traveled from place of residence to school of attendance and return by the most direct route. Transportation eligibility will be determined by the student's IEP Team. The plan for transportation for the student shall be part of the IEP/IFSP.

Personnel Standards

PROCEDURES

- 010 Qualifications of Special Education Personnel for Program Approval and Reimbursement
- 010.01 School districts and approved cooperatives shall ensure that all personnel necessary to carry out this Chapter are appropriately and adequately prepared and trained including that those personnel have the content knowledge and skills to serve children with disabilities, subject to the requirements of Section 2122 of the Elementary and Secondary Education Act of 1965.
 - 010.01A Instructional personnel shall hold valid Nebraska Department of Education certification, be endorsed in the assigned area. Instructional personnel may serve children with visual impairments and children with hearing impairments in a multicategorical program if the instructional personnel have attended training approved by the Department of Education or have received consultation from an individual endorsed in the area of visual hearing impairments. This section does not apply to individuals providing inservice.
 - 010.01B Each person employed as a special education teacher who teaches elementary school, middle school, or secondary school shall be a teacher meeting IDEA 2004 criteria as defined in 92 NAC 51-003.69.
 - 010.01C School districts or approved cooperatives shall take measurable steps to recruit, hire, train and retain teachers meeting IDEA 2004 criteria to provide special education and related services.
 - 010.01D Approvable endorsements for program approval and reimbursement shall include those in 92 NAC 51.010D1 through 51.01D20.
 - 010.02 For purposes of 92 NAC 51-010.01D5, 010.01D14 and 010.01D20 "special education endorsement" shall include any approvable endorsement under 92 NAC 51-010.01D except 010.01D8, 010.01D16 and excluding the specific endorsements of guidance and counseling, educational audiologist, vocational special needs, cooperative education diversified occupations and special services certificate for school transition specialist.

010.03 Related Services Personnel and Paraprofessionals

010.03A Related services personnel and paraprofessionals shall hold any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the professional discipline in which those personnel are providing special education or related services.

010.03B Related services personnel who deliver services in their discipline or profession shall not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

010.03C Paraprofessionals shall be appropriately trained and supervised by qualified special education personnel to be used to assist in the provision of special education and related services under this Chapter.

010.03D A paraprofessional shall not teach, as defined in Neb. Rev. Stat. 79-101.12.

010.04 Personnel providing special education services who do not hold Department of Education certification and endorsement, shall be licensed by the appropriate State of Nebraska Board of Examiners.

010.05 Personnel employed by approved service agencies shall be certified by the Department of Education or shall hold the credential or training required by the licensing standard under which the service providers operate.

010.06 Educational Interpreters

010.06A In order to be a qualified educational sign language interpreter for the purpose of 92 NAC 51-010.06, an individual must attain and maintain one or more of the following competency levels as measured by the following assessments:

010.06A1 Educational Interpreter Performance Assessment (EIPA), Competency level 3.5 or above

010.06A2 Registry of Interpreters of the Deaf Certifications (RID)

010.06A3 National Association of the Deaf (NAD) Competency level 4.0 or above

010.06A4 National Interpreter Certification (NIC)

010.06A5 American Consortium of Certified Interpreters (ACCI) exam Competency level 4.0

010.06A6 Quality Assurance Screening Test (QAST) Competency level 4.0

010.06B Subject to the exceptions in 92 NAC 51-010.06C, 010.06D and 010.06F, school districts and approved cooperatives shall ensure that all sign language interpreters employed by such districts or approved cooperatives to provide special education services are qualified educational sign language interpreters who meet the competency requirements in 92 NAC 51-010.06A.

010.06C If the school district or approved cooperative is unable to find a qualified educational sign language interpreter who meets the requirements of 92 NAC 51-010.06A, the school district or approved cooperative may employ for up to one year an interpreter who has received a "Skills at or above the required level" or a "Hire with Caution" on the EIPA pre-hire screening.

010.06D If a school district or approved cooperative is unable to find a qualified educational sign language interpreter who meets the requirements of 92 NAC 51-010.06A, the school district or approved cooperative may employ for up to two school years, an interpreter who demonstrates the minimum competency level of 2.5 on the EIPA, NAD or QAST. The school district or approved cooperative must require that the interpreter participate in a professional development plan designed to improve his or her skills and enable him or her to become a qualified educational sign language interpreter within two school years. The plan shall be approved by the school district or approved cooperative. The school district or approved cooperative must require that the interpreter attain one more of the competency levels in 92 NAC 51-010.06A within two school years of employment.

010.06E If an interpreter does not achieve the required competency levels within the time periods as specified in 92 NAC 51-010.06D, the district or approved cooperative must reopen the position and seek a qualified educational sign language interpreter.

010.06F A school district or approved cooperative may re-employ an interpreter previously employed pursuant to the provisions of 92 NAC 51-010.06D for additional two year periods only if the district or approved cooperative requests and receives from the Commissioner or his or her designee a waiver of the employment-period in those Subsections. The request

for a waiver of employment-period limits shall contain documentation of efforts to find a qualified educational sign language interpreter, documentation of the interpreter's progress on the professional development plan and an assurance that the previously employed interpreter is the best applicant for the position. Following receipt of the request for waiver, documentation and assurance, the Commissioner or his or her designee shall grant or deny the waiver based on the adequacy of the documentation and assurances. If the waiver is granted, the school district or approved cooperative may re-employ the interpreter for an additional one year period subject to the applicable requirements for gaining competency in 92 NAC 51-0106D. Waivers must be requested annually.

010.06G School districts or approved cooperatives shall require that all sign language interpreters employed by the districts or approved cooperatives to deliver special education services submit evidence to the district or approved cooperative of having obtained 20 clock hours of educationally related professional development every two years.

010.06H If a sign language interpreter cannot provide the evidence required in 92 NAC 51-010.06G of the continuing education and work experience, the school district or approved cooperative shall require that the sign language interpreter be retested and achieve the applicable competency level specified in 92 NAC 51-010.06A, 010.06C or 010.06D.

010.07 Notwithstanding any other individual right of action that a parent or student may maintain under nothing in this part, this section or part shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a school district or approved cooperative employee to meet IDEA 2004 criteria or to prevent a parent from filing a complaint about staff qualification pursuant to Section 009 of this Rule.

Personnel Standards/Highly Qualified (IDEA 2004)

Person(s) Responsible: The Superintendent, Principal, or Designee will advertise, interview, hire and retain appropriate professional staff.

Timeline: As soon as a position requiring special education and/or related services endorsement is approved by the Board of Education, advertisements in local and regional papers, college publications and other avenues will be completed and documented.

Materials: Ads listing the positions and requirements, applicant files requiring completed application form, transcripts, credentials, required state background checks.

Methods: After a position is posted and advertised, candidates for interviews are selected by the Superintendent, Principal or Designee. Candidates are selected on the basis of having a completed applicant file, appropriate qualifications and credentials for the position.

Excerpts from the Individuals with Disabilities Act of 2004 (IDEA 2004)

602(10)HIGHLY QUALIFIED. –

- (A) In GENERAL – For any special education teacher, has the meaning given the term “highly qualified” in Section 9101 of the Elementary and Secondary Education Act of 1965, except that such term also
 - (i) includes the requirements described in Subparagraph (B); and
 - (ii) includes the option for teachers to meet the requirements of Section 9101 of such Act by meeting the requirements of Subparagraph (C) and (D).
- (B) REQUIREMENTS FOR SPECIAL EDUCATION TEACHERS – When used with respect to any public elementary school or secondary school special education teacher teaching in the State, such term means that –

- (i) the teacher has obtained full State certification as a special education teacher (including certification obtained through alternative routes to certification), or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher; except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law;
 - (ii) the teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
 - (iii) the teacher holds at least a bachelor's degree.
- (C) SPECIAL EDUCATION TEACHERS TEACHING TO ALTERNATE ACHIEVEMENT STANDARDS. – When used with respect to a special education teacher who teaches core academic subjects exclusively to children who are assessed against alternate achievement standards established under the regulations promulgated under Section 1111(b)(1) of the Elementary and Secondary Education Act of 1965, such term means the teacher, whether new or not new to the profession, may either—
 - (iii) meet the applicable requirements of Section 9101 of such Act for any elementary, middle, or secondary school teacher who is new or not new to the profession; or
 - (iv) meet the requirements of Subparagraph (B) or (C) of Section 9101(23) of such Act as applied to an elementary school teacher, or, in the case of instruction above the elementary level, has subject matter knowledge appropriate to the level of instruction being provided, as determined by the State, needed to effectively teach to those standards.
- (D) SPECIAL EDUCATION TEACHERS TEACHING MULTIPLE SUBJECTS – When used with respect to a special education teacher who teaches two or more core academic subjects exclusively to children with disabilities, such term means that the teacher may either –
 - (i) meet the applicable requirements of Section 9101 of the Elementary and Secondary Education Act of 1965 for any elementary, middle, or secondary school teacher who is new or not new to the profession;
 - (ii) in the case of a teacher who is not new to the profession, demonstrate competence in all the core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher who is not new to the profession under Section 9101(23)(c)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects; or
 - (iii) in the case of a new special education teacher who teaches multiple subjects and who is highly qualified in multiple subjects and who is highly qualified in mathematics, language arts, or science, demonstrate competence in the other core academic subjects in which the teacher teaches in the same manner as is required for an elementary, middle, or secondary school teacher under Section 9101(23)(c)(ii) of such Act, which may include a single, high objective uniform State standard of evaluation covering multiple subjects, not later than two years after the date of employment.
- (E) RULE OF CONSTRUCTION – Notwithstanding any other individual right of action that a parent or student may maintain under this part, nothing in this section or part shall be construed to create a right of action on behalf of an individual student or class of students for the failure of a school district or approved cooperative employee to be highly qualified.

- (F) **DEFINITION FOR PURPOSES OF THE ESEA** – A teacher who is highly qualified under this paragraph shall be considered highly qualified for purposes of the Elementary and Secondary Education Act of 1965.

Performance Goals and Indicators

PROCEDURES

The school district will use performance indicators established by the State:

1. to assess progress of children with disabilities in Nebraska in achieving goals;
2. that ensure free appropriate public education (FAPE) designed to meet their unique needs and prepare them for employment and adult living;
3. that ensure that the rights of children with disabilities and their parents are protected; and
4. that ensure educators and parents have the necessary tools to improve educational results for children with disabilities and to ensure the effectiveness of efforts to educate children with disabilities.

The District ensures that the goals are consistent, to the maximum extent appropriate, with other goals and standards for children established by the state.

The State assesses progress toward achieving those goals that address the performance of children with disabilities on assessment, and on drop-out rates and graduation rates. The District will report to the Nebraska Department of Education on the progress of children with disabilities toward these goals, and on assessment, drop-out rates and graduation rates.

Person(s) Responsible: Superintendent, Principal, or Designee.

Timeline: Annually as requested by NDE.

Materials: Performance Goals and Indicators, Measurement Data.

Methods: The District will follow the procedures outlined above in carrying out the provisions of Performance Goals and Indicators.

Suspension and Expulsion Reporting

PROCEDURES

004.06A10 The incidence and duration of disciplinary actions by race, ethnicity, limited English proficiency status, gender, and disability category, of children with disabilities, including suspensions of one day or more.

004.06A11 The number and percentage of children with disabilities who are removed to alternative educational settings or expelled as compared to children without disabilities who are removed to alternative educational settings or expelled.

Person(s) Responsible: Superintendent, Principal, or Designee.

Timeline: Annually as requested by NDE.

Materials: NDE Suspension and Expulsion Rate Forms.

Methods: The District shall submit electronically via the NDE website to the state the number of suspensions and expulsions of children with disabilities. If significant discrepancies are occurring, the District will review and revise its policies, procedures and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures, and practices comply with IDEA.

The District will maintain the data regarding suspensions and expulsions of children with disabilities as required by the state report. Data will include number of children listed by disability and race/ethnicity, subject to unilateral removal by school personnel following a drug or weapon offense, number of children subject to removal based on a hearing officer determination regarding likely injury, number of children subject to suspension/expulsion greater than 10 days or multiple short-term suspensions adding up to greater than 10 days.

InstructionFirearm Policy

It shall be the policy of the Arlington Public School District to undertake all reasonable efforts to prohibit the unlawful possession, the knowingly and intentionally selling, attempting to sell, providing, loaning, delivering, or in any other way transferring the possession of a firearm to a juvenile, and to prevent the unlawful possession of a firearm, including concealed firearms, in a school, on school grounds, in a school owned vehicle, or at a school sponsored activity or athletic event. This policy shall not apply to the issuance of firearms to or possession by members of the Armed Services of the United States, active or reserve, National Guard of the State, or reserve officers training corp, peace officers, off duty cops, or other duly authorized law enforcement officers when on duty or training or when contracted by a school to provide school security or school event contract services. Further, nothing in this policy shall be construed to require school action when a firearm is lawfully possessed by a person receiving instruction, or instruction under the immediate supervision of an adult instructor, or as to firearms contained within a private vehicle operated by a non-student adult when the firearm is not loaded, is encased, and is either in a locked firearm rack that is on a motor vehicle or is in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of a firearm exposed.

Any unlawful use or possession of a firearm, including concealed firearms, as described in this policy and as described by statute shall as soon as is reasonably possible be reported to an appropriate peace officer. Nothing in this policy shall be construed to prevent the district from carrying out regular disciplinary procedures as have been adopted by the Board of Education or as otherwise authorized by law.

Legal Reference: Neb. Rev. Stat. Sec. 28-1204.04

Date of Adoption: 07/10/2023

InstructionComputerInternet Safety and Acceptable Use PolicyA. Internet Safety Policy

It is the policy of Arlington Public Schools to comply with the Children's Internet Protection Act (CIPA) and Children's Online Privacy Protection Act (COPPA). With respect to the District's computer network, the District shall: (a) prevent user access to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) provide for the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) prevent unauthorized access, including so-called "hacking," and other unlawful activities online; (d) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; (e) obtain verifiable parental consent before allowing third parties to collect personal information online from students; and (f) implement measures designed to restrict minors' access to materials (visual or non-visual) that are harmful to minors.

1. Definitions. Key terms are as defined in CIPA. "Inappropriate material" for purposes of this policy includes material that is obscene, child pornography, or harmful to minors. The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that: (1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (2) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (3) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
2. Access to Inappropriate Material. To the extent practical, technology protection measures (or "Internet filters") shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information. Specifically, as required by the CIPA, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.
3. Inappropriate Network Usage. To the extent practical, steps shall be taken to promote the safety and security of users of the District's online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. Specifically, as required by CIPA, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

4. Supervision and Monitoring. It shall be the responsibility of all members of the District staff to supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and CIPA. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Superintendent and the Superintendent's designees.
5. Social Networking. Students shall be educated about appropriate online behavior, including interacting with others on social networking websites and in chat rooms, and cyberbullying awareness and response. The plan shall be for all students to be provided education on these subjects. The Superintendent or the Superintendent's designee shall be responsible for identifying educational materials, lessons, and/or programs suitable for the age and maturity level of the students and for ensuring the delivery of such materials, lessons, and/or programs to students.
6. Parental Consent. The District shall obtain verifiable parental consent prior to students providing or otherwise disclosing personal information online.
7. Adoption. This Internet Safety Policy was adopted by the Board at a public meeting, following normal public notice.
8. The District shall comply with the Nebraska Student Online Personal Protection Act and will endeavor to take all reasonable and necessary steps to protect the online privacy of all students.

B. Computer Acceptable Use Policy

This computer acceptable use policy is supplemental to the District's Internet Safety Policy.

1. Technology Subject to this Policy. This Computer Acceptable Use Policy applies to all technology resources of the District or made available by the District. Technology resources include, without limitation, computers and related technology equipment, all forms of e-mail and electronic communications, and the internet.
2. Access and User Agreements. Use of the District technology resources is a privilege and not a right. The Superintendent or designee shall develop appropriate user agreements and shall require that employees, students (and their parents or guardians), and others to sign such user agreements as a condition of access to the technology resources, as the Superintendent determines appropriate. Parents and guardians of students in programs operated by the District shall inform the Superintendent or designee in writing if they do not want their child to have access.

The Superintendent and designees are authorized and directed to establish and implement such other regulations, forms, procedures, guidelines, and standards to implement this Policy.

The technology resources are not a public forum. The District reserves the right to restrict any communications and to remove communications that have been posted.

3. Acceptable Uses. The technology resources are to be used for the limited purpose of advancing the District's mission. The technology resources are to be used, in general, for educational purposes, meaning activities that are integral, immediate, and proximate to the education of students as defined in the E-rate program regulations.
4. Unacceptable Uses.

The following are unacceptable uses of the technology resources:

- a. **Personal Gain:** Technology resources shall not be used, and no person shall authorize its use, for personal financial gain other than in accordance with prescribed constitutional, statutory, and regulatory procedures, other than compensation provided by law.
- b. **Personal Matters:** Technology resources shall not be used, and no person shall authorize its use, for personal matters unless the User has entered into a lease agreement or other similar agreement with the School District that makes such use permissible under law.

Occasional use that the Superintendent or designee determines to ultimately facilitate the mission of the District is not prohibited by this provision. Examples of occasional use that may be determined to ultimately facilitate the mission of the District: sending an e-mail to a minor child or spouse; sending an e-mail related to a community group in which an employee is a member where the membership in the community group facilitates the District's mission.

This occasional use exception does not permit use by employees contrary to the expectations of their position. For example, employees may not play games or surf the net for purposes not directly related to their job during duty time; nor may students do so during instructional time.

The occasional use exception also does not permit use of the technology resources for private business, such as searching for or ordering items on the internet for non-school use; or sending an e-mail related to one's own private consulting business.

- c. **Campaigning:** Technology resources shall not be used, and no person shall authorize its use, for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.
- d. **Technology-Related Limitations:** Technology resources shall not be used in any manner which impairs its effective operations or the rights of other technology users. Without limitation:
 1. Users shall not use another person's name, log-on, password, or files for any reason, or allow another to use their password (except for authorized staff members).

2. Users shall not erase, remake, or make unusable another person's computer, information, files, programs or disks.
 3. Users shall not access resources not specifically granted to the user or engage in electronic trespassing.
 4. Users shall not engage in "hacking" to gain unauthorized access to the operating system software or unauthorized access to the system of other users.
 5. Users shall not copy, change, or transfer any software without permission from the network administrators.
 6. Users shall not write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is often called a bug, virus, worm, Trojan horse, or similar name.
 7. Users shall not engage in any form of vandalism of the technology resources.
 8. Users shall follow the generally accepted rules of network etiquette. The Superintendent or designees may further define such rules.
- e. Other Policies and Laws: Technology resources shall not be used for any purpose contrary to any District policy, any school rules to which a student user is subject, or any applicable law. Without limitation, this means that technology resources may not be used:
1. to access any material contrary to the Internet Safety Policy; or to create or generate any such material.
 2. to engage in unlawful harassment or discrimination, such as sending e-mails that contain sexual jokes or images.
 3. to engage in violations of employee ethical standards and employee standards of performance, such as sending e-mails that are threatening or offensive or which contain abusive language; use of end messages on e-mails that may imply that the District is supportive of a particular religion or religious belief system, a political candidate or issue, or a controversial issue; or sending e-mails that divulge protected confidential student information to unauthorized persons.
 4. to engage in or promote violations of student conduct rules.
 5. to engage in illegal activity, such as gambling.
 6. in a manner contrary to copyright laws.
 7. in a manner contrary to software licenses.
5. Disclaimer. The technology resources are supplied on an "as is, as available" basis. The District does not imply or expressly warrant that any information accessed will be valuable or fit for a particular purpose or that the system will operate error free. The District is not responsible for the integrity of information accessed, or software downloaded from the Internet.

6. Filter. A technology protection measure is in place that blocks and/or filters access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, the District may also use other technology protection measures or procedures as deemed appropriate.

Notwithstanding technology protection measures, some inappropriate material may be accessible by the Internet, including material that is illegal, defamatory, inaccurate, or potentially offensive to some people. Users accept the risk of access to such material and responsibility for promptly exiting any such material.

The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes: (a) who has successfully completed District training on proper disabling circumstances and procedures, (b) with permission of the immediate supervisor of the staff member requesting said disabling, or (c) with the permission of the Superintendent. An authorized staff member may override the technology protection measure that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes provided the minor is monitored directly by an authorized staff member.

7. Monitoring. Use of the technology resources, including but not limited to internet sites visited and e-mail transmitted or received, is subject to monitoring by the administration and network administrators at any time to maintain the system and insure that users are using the system responsibly, without notice to the users. Users have no privacy rights or expectations of privacy with regard to use of the District's computers or Internet system. All technology equipment shall be used under the supervision of the Superintendent and the Superintendent's designees.
8. Sanctions. Violation of the policies and procedures concerning the use of the District technology resources may result in suspension or cancellation of the privilege to use the technology resources and disciplinary action, up to and including expulsion of students and termination of employees. Use that is unethical may be reported to the Commissioner of Education. Use that is unlawful may be reported to the law enforcement authorities. Users shall be responsible for damages caused and injuries sustained by improper or non-permitted use.

Legal Reference: Children's Internet Protection Act, 47 USC § 254
Children's Online Privacy Protection Act, 15 U.S.C. § 6501
FCC Order adopted August 10, 2011
47 USC § 254(h)(1)(b); 47 CFR 54.500(b) and 68 FR 36932 (2003) (E-rate restrictions)
Neb. Rev. Stat. § 49-14,101.01 (Political Accountability and Disclosure Act)
LB 512 (2017).

Date of Adoption: July 10, 2017; May 11, 2020

Arlington Public Schools
Addition to Employee Code of Conduct
Appendix "I"

ACCEPTABLE USE OF COMPUTERS AND NETWORKS

ADMINISTRATORS, FACULTY AND STAFF AGREEMENT

In order to make sure that all members of Arlington Public Schools community understand and agree to these rules of conduct for use of the e-mail and Internet systems of the school district, the Arlington Public School District asks that you, as an administrator, faculty member, or staff member user, sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by the Arlington Public Schools, and I understand and will abide by those district guidelines and conditions for the use of the facilities of Arlington Public Schools and access to the Internet. I further understand that any violation of the district guidelines is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges will be revoked. School disciplinary action and/or appropriate legal action will be taken.

I agree not to hold the Arlington Public Schools, any of its employees, or any institution providing network access to Arlington Public Schools responsible for the performance of the system or the content of any material accessed through it.

Employee's Name _____

Employee's Signature _____ Date: _____

This form will be retained on file by authorized
faculty designee for duration of applicable
computer/network/Internet use.

Arlington Public Schools
Addition to Student Code of Conduct
Appendix "2"

ACCEPTABLE USE OF COMPUTERS AND NETWORKS

STUDENT'S AGREEMENT

In order to make sure that all members of Arlington Public Schools community understand and agree to these rules of conduct, Arlington Public Schools asks that you as a student user sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by the Arlington Public Schools, and I understand and will abide by those district guidelines and conditions for the use of the facilities of Arlington Public Schools and access to the Internet. I further understand that any violation of the district guidelines is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges will be revoked. School disciplinary action and/or appropriate legal action will be taken.

I agree not to hold the Arlington Public Schools, any of its employees, or any institution providing network access to Arlington Public Schools responsible for the performance of the system or the content of any material accessed through it.

Student's Name _____

Student's Signature _____ Date: _____

This form will be retained on file by authorized
faculty designee for duration of applicable
computer/network/Internet use.

Arlington Public Schools
Addition to Student Code of Conduct
Appendix "3"

ACCEPTABLE USE OF COMPUTERS AND NETWORKS

PARENT'S AGREEMENT

In order to make sure that all members of Arlington Public Schools community understand and agree to these rules of conduct, we ask that you as a parent/guardian sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by Arlington Public Schools. As parent or guardian of the student named below, I grant permission for my son or daughter to access networked computer services such as electronic mail (e-mail) and the Internet. I understand that this free access is designed for educational purposes. I also understand that individuals may be held liable for violations of those Terms and Conditions. However, I also recognize that it is impossible to restrict access to all controversial materials and I will not hold Arlington Public Schools responsible for materials acquired or sent via the network.

I agree not to hold the Arlington Public Schools, any of its employees, or any institution providing network access to Arlington Public Schools responsible for the performance of the system or the content of any material accessed through it.

Student's Name _____

Parent's Signature _____ Date: _____

This form will be retained on file by authorized
faculty designee for duration of applicable
computer/network/Internet use.

InstructionChronic Infectious Disease Practice and Procedure**A. Infectious Diseases**

1. This policy applies to any disease not known to be spread by casual, incidental contact. Such diseases include but are not limited to AIDS and Hepatitis B.
2. The safety and health of the students and staff of Arlington Public Schools is of ultimate concern. The determination of whether an infected student or employee of the Arlington Public School System should be permitted to attend classes, participate in school activities or remain on the job will be made on a case-by-case basis.
3. In making this determination the following factors will be taken into consideration:
 - a. The behavior, neurological development and physical condition of the infected person.
 - b. The expected type of interaction with others in the school setting.
 - c. The impact on both the infected person and others in that setting.
4. The determination of whether or not an infected person remains in the school or school system will be based solely on scientific and medical evidence. Legal advice may also be sought by the district.
5. If determination of whether or not an infected person poses an imminent threat to the health and safety of the school, community or the individual's conduct presents a clear threat to the physical safety of himself/herself or others, then with respect to an infected student, Nebraska Revised Statutes Section 79-264 will be followed concerning exclusion from school. With respect to an infected certified employee of the school district, the provision of Nebraska Revised Statutes, Section 79-838 will be followed with respect to leave of absence.
6. If an infected student in grades K through 12 is not permitted to attend classes, the school will make every reasonable effort to provide the student with an adequate alternative education.

7. Any person with an infectious disease will retain the rights of confidentiality and privacy. Information and discussion with regard to the case will be limited to those who must have information to deal with the situation. If necessary, the community will be informed that an infectious disease is present in the school system and that the person will be excluded only if the situation warrants such action based upon medical and legal advice. No information will be given out about the individual, his/her medical record or about the family without written permission of the individual (adult) or parent/legal guardian of the student.

B. **Bloodborne Pathogens**

1. First aid may be rendered in situations involving the presence of blood or other potentially infectious materials (hereinafter "bloodborne pathogen situations") by the school nurse, and by such other employees as the Superintendent shall designate. All non-designated employees shall refer bloodborne pathogen situations to a designated employee, and shall not be required to personally render first aid in bloodborne pathogen situations or be disciplined for failure to personally render first aid in bloodborne pathogen situations.
2. An employee who has an employment related bloodborne pathogen exposure incident (an incident in which another person's blood or other potentially infectious material contacts the employee's eye, mouth, mucous membrane, non-intact skin, or pierced mucous membrane or skin barrier) shall promptly give notice of the incident and details of the incident to the superintendent or the superintendent's designee.
3. The Superintendent shall be authorized and required to take such action and adopt such plans as may be required to place this School District in compliance with OSHA regulations concerning bloodborne pathogens, in the event and at such time as this School District may become subject to OSHA regulation.

Date of Adoption: January 11, 2010 and February 8, 2010

Reviewed: March 11, 2013; March 13, 2017; May 11, 2020

InstructionDispensing Medications

The administration of medication at school is strongly discouraged except when necessary for the student's health or education. The dosage intervals of many medications can be adjusted so the times for taking the medication come outside school hours. When possible, interval adjustment should be considered before administering medication at school. All medications administered by school district personnel shall be administered in accordance with the Medication Aide Act.

- A. Authorizations for Prescription Medications. Prescription medications which must be administered during school hours may be administered when the following are on file at school:
1. Physician's Authorization: A physician's signed, dated authorization including name of the medication, dosage, administration route, time to be given at school, and reason child is receiving the medication.
 2. Caretaker's Authorization: A caretaker's signed and dated authorization or permission to administer the medication during school. (Note: All references to "caretaker" in this policy shall mean a parent, foster parent, family member, or legal guardian who provides care for the student for whom medication is to be administered. The laws include a "friend" as a caretaker, but the school will not ordinarily recognize such an individual as a "caretaker" for the purposes of medication administration).
 3. Original Packaging: The medication is in its original packaging and is labeled as dispensed by the prescriber or pharmacist. The label must name the child and identify the medication, strength, time interval and route to be administered. Two labeled containers may be requested: one for home and one for school. If needed, the physician may be contacted for clarification on medication administration.
- B. Authorizations for Non-Prescription Medications. If a student must take non-prescription medication during school, procedures 2 and 3 above are to be followed before administration.
- C. Renewal of Authorizations. Medication authorizations must be renewed annually and updated immediately as changes occur.
- D. Documentation of Administration of Medication. The school district shall keep and maintain accurate medication administration records. A record of each dose of medication administered shall be documented reflecting the student's name, and the name of the medication, date, time, dosage, route, the signature and title of the person administering the medication and any unusual observations, and any refusal by the recipient to take and/or receive the medication. Medication documentation shall be kept confidential in accordance with the policies and practices concerning student records, provided that medication

administration records shall be available to the Department of Education and the Department of Health and Human Services Regulation and Licensure for inspection and copying according to the Family Education Rights and Privacy Act (FERPA) requirements. Such medication administration records shall be maintained for not less than two (2) years.

- E. Storage of Medications. Medication shall be stored in a locked or otherwise secure area in accordance with the manufacturer's or dispensing pharmacist's instructions or temperature, light, humidity, or other storage instructions. Only authorized school personnel who are designated by the administration of the school district for administration of medications shall have access to the medications. The school nurse shall establish procedures for monitoring the storage and handling of medication, the medication's expiration date, and the disposal of medication.
- F. Receipt and Disposal of Medications. Medication shall be delivered to school personnel and picked up by the parent. When medication is received, the amount received should be documented. Medication which is either past the expiration date or not claimed by the parent by the end of the school year shall be destroyed. Procedures for destroying medication shall include witness and documentation.
- G. Administration of Medication by School Personnel.
1. Administration of Medication: Administration of medication includes, but is not limited to:
 - a. Providing medications for another person according to the "five rights" (getting the right drug to the right recipient in the right dosage by the right route at the right time);
 - b. Recording medication provision; and
 - c. Observing, monitoring, reporting, and otherwise taking appropriate actions regarding desired affects, side effects, interactions, and contraindications associated with the medication.
 2. Authorized School Personnel: Administration of medication shall only be done by the following school personnel:
 - a. Health Care Professionals (School Nurses). This means an individual who holds a current license from the Department of Health and Human Services Regulation and Licensure for whom administration of medication is included in the scope of practice. For purposes of this Policy, such individuals are referred to as "school nurses."
 - b. Medication Competent Staff. This means a staff member of the school who has been determined to be competent to administer medication by: (i) a recipient with capability and capacity to make an informed decision about medications (at a minimum, the recipient must be age 19 or older), (ii) a caretaker for the student, or (iii) by the school nurse.

- (1) Determination of Competency by School Nurse: A staff member may be determined to be competent by a school nurse to administer medication where the staff member:
 - (i) passes a competency assessment every 3 years
 - (ii) that demonstrates the staff member can follow the minimal competencies
 - (iii) to the satisfaction of the school nurse (school nurses are the school district's designated health care professionals).

Training is not required. The school nurse shall, however, provide such training as the school nurse determines in the exercise of professional judgment to be appropriate given the experience level of the staff member and the anticipated medication administration for which the staff member will be responsible.

- (2) Competency Certificate: Upon successful completion of the competency assessment, the school nurse shall give the Principal and the medication competent staff member written documentation of successful completion of competency assessment. The documentation may be by letter, certificate, or other written memoranda and shall include: the name of the school staff member who successfully completed the competency assessment; the date the competency assessment was conducted; and, the name, profession, and license number of the school nurse who conducted the competency assessment.
- (3) Maintain Records of Assessments: The school shall maintain written documentation of successful completion of competency assessments, identification of the individual providing direction and monitoring, and acceptance of the responsibility for direction and monitoring for a minimum of two (2) years.
- (4) Direction and Monitoring: A medication competent staff member is to be subject to direction and monitoring, which involves responsibility for observing and taking appropriate action regarding any desired effects, side effects, interactions, and contraindications associated with the medication. Direction and monitoring is to be done by a recipient with capability and capacity to make an informed decision about medications, a caretaker, or the school nurse. The school nurse is identified as a person being responsible for direction and monitoring and for each medication competent staff member is to accept responsibility for direction and monitoring of medication competent staff member in writing.
- (5) Errors. Medication competent staff members are to promptly report any medication errors or concerns to the school nurse.

3. Minimum Competencies:

The minimum competencies to be demonstrated by medication competent staff and to be implemented in practice by all school personnel engaged in medication administration are:

- (1) Maintaining confidentiality.
- (2) Complying with a competent recipient's right to refuse to take medication and, in the case of a non-competent, recognize the requirement to seek advice and consultation with the physician, physician's designee, or caretaker of the student providing direction and monitoring regarding the procedures and persuasive methods to be used to encourage compliance with medication provision. Recognizing that persuasive methods should not include anything that causes injury to the recipient.
- (3) Maintaining hygiene and current accepted standards for infection control.
- (4) Documenting accurately and completely.
- (5) Safely providing medications according to the "five rights" ("five rights" means getting the right drug to the right recipient in the right dosage by the right route at the right time).
- (6) Having the ability to understand and follow instructions.
- (7) Practicing safety in application of procedures for storage, handling and administration of medications.
- (8) Complying with limitations and conditions under which school personnel may provide medications.
- (9) Having an awareness of abuse and neglect reporting requirements.
- (10) Recognizing general unsafe conditions indicating that the medication should not be provided including change in consistency or color of the medication, unlabeled medication or illegible medication label, and those medications that have expired.
- (11) Recognizing that unsafe conditions should be reported to the caretaker, physician or physician's designee for direction and monitoring thereof.
- (12) Recognizing general conditions which may indicate an adverse reaction to medication such as rashes/hives, and general changes in recipient's condition which may indicate inability to receive medications, and that all such conditions shall be reported to the caretaker, physician or physician's designee responsible for providing direction and monitoring.

4. Routes of Medication Administered by School Personnel:

- a. Routine Medication via Oral, Inhalation, Topical, and Instillation Routes: School nurses and medication competent staff may provide routine medications (meaning the frequency of administration, amount, strength, and method are specifically fixed) by the following routes:

- (1) Oral, which includes any medication given by mouth including sublingual (placing under the tongue) and buccal (placing between the cheek and gum) routes and oral sprays;

- (2) Inhalation, which includes inhalers, and nebulizers. Oxygen may be given by inhalation;
 - (3) Topical application of sprays, creams, ointments, and lotions and transdermal patches; and
 - (4) Instillation by drops, ointments, and sprays into the eyes, ears, and nose.
 - b. Administration of Medication via Additional Routes, PRN Medication, and Observing and Reporting: School nurses and medication competent staff may provide medication by additional routes not listed in subparagraph "a" above ("additional routes"), provide PRN medication (PRN medication means an administration scheme in which a medication is not routine, is taken as needed, and requires assessment for need and effectiveness), or participate in observing and reporting for monitoring medications only under the following conditions:
 - (1) In the case of a medication competent staff member, a determination has been made by the school nurse or by the student's physician or duly licensed health care professional that that these activities can be done safely for the specified recipient by the medication competent staff member and the determination is placed in writing.
 - (2) Directions for additional routes must be for recipient specific procedures and must be in writing.
 - (3) Directions for PRN medication must be in writing and include parameters for provision of PRN medication.
 - (4) Directions for observing and reporting for monitoring medication must be in writing and include the parameters for the observation and reporting.
 - (5) School personnel administering the medication shall comply with the written directions.
 - c. Injections: School nurses will ordinarily be responsible for medications that must be provided or administered by injection. A medication competent staff member will not ordinarily administer medications by injection without specific training on injection administration. Students may be authorized to self-administer medication as hereafter provided.
- 5. Refusal to Administer Medication: School personnel may refuse to give a medication at school if after a reasonable and prudent research by a school health care professional as set forth in subparagraph "e" below, a decision has been made that the dosage prescribed exceeds that which is recommended in the Physician's Desk Reference, Mosby's Nursing Drug Reference, the most recent edition of the Nursing Drug Handbook, or other pharmaceutical manuals handbook; or when a drug or substance is not currently approved by the FDA. When school personnel

refuse to carry out a request to administer medication, the following procedure shall be followed:

- a. Notify the nursing supervisor who will notify Superintendent.
- b. Notify attending physician by phone with follow-up in writing:
 - (1) State concern for dosage or particular medication, etc.
 - (2) Make every attempt to work out a suitable solution - Example: Change of time of administration, change of dosage, change of medication;
 - (3) Follow-up in writing.
- c. Meet with parents:
 - (1) State concern for dosage or medication;
 - (2) Offer alternatives - Example: Change of time so as not to be given during school hours.
- d. Consult with Nebraska State Board of Health for current procedures regarding refusal to follow written physician's orders.
- e. Research by health care professional:
 - (1) Collect research articles from professional journals, organizations, etc.;
 - (2) Contact other physicians requesting their professional opinions and ask them to review current research;
 - (3) Contact state licensing boards and school nurse consultant;
 - (4) Consult with district's legal counsel;
 - (5) Assemble all data for review;
 - (6) Present data to review team organized by the Superintendent;
 - (7) Decision rendered and implemented;
 - (8) Parents and physician contacted in writing; and
 - (9) Alter and update policies and procedures as needed.

Legal Reference: Neb. Rev. Stat. §§ 71-6718 to 71-6742; NDE Rule 59

Date of Adoption: May 11, 2015

Reviewed: March 13, 2017; May 11, 2020

**CARETAKER AUTHORIZATION FOR
ADMINISTRATION OF PRESCRIPTION MEDICATION TO STUDENT**

The undersigned(s) is/are the caretaker(s), parent(s), guardian(s), or person(s) in charge of _____ ("the Student").

It is necessary that the Student receive _____ (medication), _____ (amount of medication) at _____ (time to be administered), over the counter or physician-prescribed medication, during school intervals beginning on _____ (date) and continuing through _____ (date).

CHECK ONE (1) OF THE FOLLOWING BOXES

_____ I hereby authorize Arlington Public Schools to allow the Student to administer the above-described medication to himself/herself without monitoring or supervision by school personnel.

_____ I hereby request Arlington Public Schools, or its authorized representative, to administer the above-named medication to the Student, in accordance with the prescribing physician's instructions, and agree to:

1. Submit this request to the principal or school nurse.
2. Make certain the Physician's Request for the Administration of Prescription Medication by School Personnel is submitted to the principal or school nurse.
3. Make sure personally that the medication is received by the principal or school nurse and/or county nursing services administering it, in the container in which it was dispensed by the prescribing physician or licensed pharmacist.
4. Make sure personally that the container in which the medication is in is marked with the medication name, dosage, interval dosage, and date after which no administration should be given.
5. Submit a REVISED STATEMENT signed by the physician prescribing the medication to the principal or school nurse IF ANY OF THE INFORMATION PROVIDED BY THE PHYSICIAN CHANGES.
6. Provide directions to the school personnel providing the medication.
7. Provide monitoring of the medication's effects, and assume full responsibility therefore.

I understand that unlicensed school personnel may be assigned to provide medication to the Student and hereby release the School District and the Board of Education of the School District and all employees, agents, and representatives of the School District from any liability concerning the providing or non-providing of the medication to the Student.

DATED this _____ day of _____, 20__.

Work Telephone Number

Name of Student

Home Telephone Number

Parent/Guardian

Alternate Number for Parent

Parent/Guardian

**PROVISION OF MEDICATION TO STUDENT
PHYSICIAN'S REQUEST FOR ADMINISTRATION OF PRESCRIPTION
MEDICATION BY SCHOOL PERSONNEL**

Date _____

_____ (Student's full name) is under my care and must take medication which I have prescribed during the school day.

Name of medication (as it appears on container in which the medication is stored) _____

Dosage and time _____

Date provision of medication is to begin _____

Date after which the medication should not be provided _____

Possible adverse reactions to be reported to physician _____

Special instructions for the provision and storage of the medication _____

_____ Medication may be self-provided by the student, and the student is competent to self-provide medication, I, or my designee(s), and the student have developed a plan for self-provision of the medication(s), the storage of the medication and a plan for reporting and supervision of self-provision of the medication(s), and deem each to be safe and appropriate, and if applicable authorize the use of hypodermic syringes and needles or similar medical items.

_____ Medication may NOT be self-provided by the student, and the student is NOT competent to self-provide medication, I, or my designee(s), have trained school personnel or approved alternative training as adequate to provide the medication, have evaluated the situation, the storage of the medication, the general administration plan and if applicable, the self-administration plan or emergency care plan, and deem each to be safe and appropriate, and if applicable authorize the use of hypodermic syringes and needles or similar medical items.

Print or Type Name of Physician

Primary Phone Number

Signature of Physician

Secondary Phone Number

REQUEST TO PROVIDE MEDICATION DURING SCHOOL HOURS:

Acetaminophen, Ibuprofen, Cough Drops, Other

IMPORTANT INFORMATION FOR PARENTS/GUARDIANS:

Your written consent is required before your child may receive these medications at school. Please complete the entire form. By signing below, you acknowledge the following:

- You have reviewed the information and agree that your child may safely take the medications in the stated dose.
- The school nurse has the responsibility of approving your child's use of these medications. In the case of a child with special health care needs, the school nurse may request authorization from your physician.
- Your child's medication may be provided by a nurse or by other school personnel determined competent to provide medication as required by Nebraska law.
- In the event your child is ill and school policies require exclusion from school, your child will still be excluded, regardless of use of medication.

PARENTAL CONSENT:

I give my permission to the Arlington Public Schools to administer the following medications to

_____ according to approved guidelines (check if approved)
(child's name/names)

☐ Acetaminophen ("Tylenol") ☐ Ibuprofen ("Motrin") ☐ Cough Drops

Reason for use: As needed or specify other.

Please complete the following:

My child ☐ has ☐ has not taken acetaminophen before, without problem.

My child ☐ has ☐ has not taken ibuprofen before, without problem.

Please notify me that day if my child takes any medication. _____

My child ☐ is ☐ is not taking other medications at this time (please list). _____

It is the parent's responsibility to notify the school if your child has taken any of these medications prior to coming to school.

Special instructions concerning my child: _____

Signature of Parent/Guardian

Date

RECORD OF THE PROVISION OF PRESCRIPTION MEDICATION

Parent's Phone # _____
Name of Student _____ Grade _____
Medication _____ Date to Begin _____ Date to End _____
Dosage _____ Time _____
Doctor _____ Phone #1 _____ Phone #2 _____
Possible Adverse Reaction: _____

Person(s) Authorized to Administer Medications: _____

Date Provided	Time Provided	Medication Name	Dosage Provided	Route	Refused Medication	Signature of Employee Providing Medication

Instruction

Student Self-Management of Asthma, Anaphylaxis, and/or Diabetes

Students with asthma, anaphylaxis or diabetes will be permitted to self-manage such medical conditions upon:

- (1) written request of the student's parent or guardian;
- (2) authorization of the student's physician or, for asthma and anaphylaxis, a health care professional who prescribed the medication for treatment of the student's condition;
- (3) receipt of a signed no liability statement from the parent or guardian; and
- (4) development of an asthma or anaphylaxis or a diabetes medical management plan for the student.

Students with such a medical management plan may possess the necessary medication to manage their medical condition under the conditions established in the plan and not be subject to discipline for such possession. Provided that, if the student uses or allows the medication to be used for any reason other than as prescribed or as provided in the plan or possesses the medication other than as provided in the plan the student shall be subject to discipline in accordance with the student conduct and drug-free school policies.

Legal Reference: Neb. Rev. Stat. §§ 79-224 and 79-225

Date of Adoption: December 12, 2016

Reviewed: March 13, 2017; May 11, 2020

**ARLINGTON PUBLIC SCHOOLS' SELF-MANAGEMENT OF ASTHMA
& SEVERE ALLERGY (ANAPHYLAXIS) AT SCHOOL
CONSENT/RELEASE FORM**

Parental consent/release in writing is required annually and must be accompanied by:

- **Signed physician authorization for self-management of asthma/anaphylaxis at school.**
- **Current written 'Student Asthma/Allergy Action Plan'. The school can provide a form for your use.**
- **We strongly recommend you allow us to keep an extra supply of your child's medication at school.**

PARENT/GUARDIAN: By signing below, you acknowledge the following:

1. You are requesting that your student be allowed to self-manage his or her asthma or allergy condition at school.
2. You have confidence that your student has the knowledge and skills needed to self-manage his or her asthma or allergy condition at school.
3. You understand that you are not required to make this request on behalf of your child. Your child may utilize the health office for asthma and allergy cares. Your child may request assistance from qualified school health personnel at any time during the school day.
4. If your student injures school personnel or another student as a result of misuse of asthma or allergy supplies, you shall be responsible for any and all cost associated with such injury.
5. The school and its employees are not liable for any injury or death arising from a student's self-management of his or her asthma or allergy condition.
6. You will indemnify and hold harmless the school and its employees and agents against any claim arising from a student's self-management of his or her asthma or allergy.

Parent/Guardian Printed Name

Student Printed Name

Parent/Guardian Signature

Date

THIS PORTION RECOMMENDED, NOT REQUIRED

STUDENT: By signing below, you agree that you understand:

1. You must not share, or allow another student to handle, your medications or supplies.
2. You will notify the school nurse or other designated adult when you have used your medication.
3. If you don't feel better after using your medication, you will seek help from school personnel.

Student Printed Name

Date

Student Signature

ARLINGTON PUBLIC SCHOOLS
STUDENT ASTHMA/ALLERGY ACTION PLAN
(This Page To Be Completed by Health Care Provider)

Student Name: _____ Date of Birth: _____ / _____ / _____
(MONTH) (DAY) (YEAR)

☐ **Exercise Pre-Treatment:** Administrator inhaler (**2 inhalations**) 15-30 minutes prior to exercise. (e.g. PE, recess, etc.)

- ☐ Albuterol HFA inhaler (Proventil, Ventolin, ProAir)
☐ Levalbuterol (Xopenex HFA)
☐ Pirbuterol inhaler (Maxair)

- ☐ Use inhaler with valved holding chamber
☐ Other: _____

ASTHMA TREATMENT

Give **quick relief medication** when student has asthma symptoms, such as coughing, wheezing or tight chest.

- ☐ Albuterol HFA (Proventil, Ventolin, ProAir) **2 inhalations**
☐ Levalbuterol (Xopenex HFA) **2 inhalations**
☐ Pirbuterol (Maxair) **2 inhalations**
☐ Use inhaler with valved holding chamber
☐ Albuterol inhaled by nebulizer Proventil, Ventolin, AccuNeb)
☐ .63 mg/3 mL
☐ 1.25 mg/3 mL
☐ 2.5 mg/3 mL

Levalbuterol inhaled by nebulizer (Xopenex)

- ☐ 0.31 mg/3 mL
☐ 0.63 mg/3 mL
☐ 1.25 mg/3 mL
☐ May carry and self-administer inhaler (MDI)
☐ Other: _____

**Closely Watch the Student after Giving
Quick Relief Medication**

If, after 10 minutes:

- Symptoms are better, student may return to classroom after notifying parent/guardian
- Symptoms are not better, give the treatment again and notify parent/guardian right away
- **If student continues to get worse, CALL 911 and use the Nebraska Schools' Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis Protocol)**

ANAPHYLAXIS TREATMENT

Give **epinephrine** when student has allergy symptoms, such as hives, hard to breathe (chest or neck "sucking in"), lips or fingernails turning blue, or trouble talking (shortness of breath).

- ☐ Epi Pen® 0.3 mg
☐ EpiPen® Jr. 0.15 mg
☐ Auvi-Q™ 0.3 mg
☐ Auvi-Q™ 0.15 mg
☐ Adrenaclick® 0.3 mg
☐ Adrenaclick® 0.15 mg

☐ May carry and self-administer epinephrine auto-injector

☐ Use epinephrine auto-injector immediately upon exposure to known allergen.

☐ If symptoms do not improve or they return, epinephrine can be repeated after 5 minutes or more.

Lay person flat on back and raise legs. If vomiting or having difficulty breathing, let them lie on their side.

CALL 911 After Giving Epinephrine and Closely Watch The Student

- Notify parent/guardian immediately
- **Even if student gets better, the student should be watched for more symptoms of anaphylaxis in an emergency room**
- **If student does not get better or continues to get worse, use the Nebraska Schools' Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Anaphylaxis) Protocol**

☐ This student has a medical history of asthma and/or anaphylaxis and the use of the above-listed medication(s) has been reviewed by the HCP. If medications are self-administered, the school staff **must** be notified.

Additional Information: (i.e. asthma triggers, allergens) _____

Health Care Provider Name: (please print) _____ **Phone:** _____

Health Care Provider Signature: _____ **Date:** _____

Parent Signature: _____ **Date:** _____

Reviewed by School Nurse/Nurse Designee: _____ **Date:** _____

ARLINGTON PUBLIC SCHOOLS'
STUDENT ASTHMA/ALLERGY ACTION PLAN
 (This Page To Be Completed by Parent/Guardian)

Student Name: _____ **Age:** _____ **Grade:** _____

School: _____ **Homeroom Teacher:** _____

Parent/Guardian: _____ **Phone ()** _____ **()** _____

Parent/Guardian: _____ **Phone ()** _____ **()** _____

Emergency Contact: _____ **Phone ()** _____ **()** _____

Known Asthma Triggers: Please check the boxes to identify what can cause an asthma episode for your student.

<input type="checkbox"/> Exercise <input type="checkbox"/> Respiratory/Viral Infections <input type="checkbox"/> Odors/Fumes/Smoke <input type="checkbox"/> Mold/Mildew <input type="checkbox"/> Pollens <input type="checkbox"/> Animals/Dander	<input type="checkbox"/> Dust/Dust Mites <input type="checkbox"/> Grasses/Trees <input type="checkbox"/> Temperature/Weather-Humidity, Cold Air, etc., <input type="checkbox"/> Pesticides <input type="checkbox"/> Food-Please list below.	<input type="checkbox"/> Others-please list: _____ _____ _____ _____ _____
---	---	--

Known Allergy/Intolerance: Please check those which apply and describe what happens when your child eats or comes into contact with the allergen.

<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Peanuts _____ Tree Nuts _____ Fish/Shellfish _____ Eggs _____ Soy _____ Wheat _____ Milk _____ Medication _____ Latex _____ Insect Stings _____ Other _____
--	---

Notice: If your child has been prescribed epinephrine (such as an EpiPen®) for an allergy, you must provide epinephrine at school. If your student needs a special diet to limit or avoid foods, your doctor will need to complete the form "Medical Statement Form to Request Special Meals and/or Accommodations" which can be found on the website-www.airenebraska.org

Daily Medicines: Please list daily medicines used at home and/or to be given at school.

Medicine Name	Amount/Dose	When does it need to be given?

I understand that all medicines to be given at school must be provided by the parent/guardian.

Parent Signature: _____ **Date:** _____
Reviewed by School Nurse/Nurse Designee: _____ **Date:** _____

**DIABETES
MEDICAL MANAGEMENT PLAN
FOR STUDENT SELF-MANAGEMENT OF HEALTH CONDITION**

**STEP 1
PARENT OR GUARDIAN REQUEST TO ALLOW STUDENT
TO SELF-MANAGE HEALTH CONDITION AT SCHOOL**

_____ (“the Student”) has diabetes. I/we hereby request that
Arlington Public Schools allow the Student to self-manage the Student’s diabetes.

DATED this _____ day of _____, 200_.

Parent/Guardian

Parent/Guardian

Contact Information

Home Telephone #s		
Work Telephone #s		
Cell Phone #s		
Emergency Contact	Name:	#:

**STEP 2
PHYSICIAN’S AUTHORIZATION FOR STUDENT
TO SELF-MANAGE HEALTH CONDITION AT SCHOOL**

I am the Student’s Physician. The Student has diabetes. I authorize the Student to self-manage the health condition at school in accordance with a medical management plan to be developed for the Student.

DATED this _____ day of _____, 200_.

Print or Type

Primary Phone Number

Signature of Physician

Secondary Phone Number

**STEP 3
MEDICAL MANAGEMENT PLAN**

“Health Condition” for purposes of this Plan means Diabetes.

A. Health care services the Student may receive at school relating to Student’s Health Condition.

1. Standard health services available to all students.
2. Storage of backup diabetes medication supplies.
3. Individual Health Plan (IHP) for diabetes management, which may include recording of student self-administration reports.

B. Evaluation of the Student's understanding of and ability to self-manage Student's Health Condition.

The parents/guardians and the Physician certify that the Student has a sufficient level of understanding and ability to self-manage the Student's Health Condition under the following conditions:

1. Access to Medication. Given the Student's understanding and ability the must be:
 - _____ Stored in the health office.
 - _____ Stored in the health office, except the Student may have the medication in the Student's possession at times when the health office is not accessible (e.g., when the Student is out of the school on field trips or participating in extracurricular activities).
 - _____ In the possession of the student.
2. Self-Administration Given the Student's understanding and ability the Student will be allowed to self-administer diabetes medication:
 - _____ Only under the supervision of the school nurse or a school staff member.
 - _____ Only under the supervision of the school nurse or a school staff member, except the Student may self-administer at times when the health office is not accessible (e.g., when the Student is out of the school on field trips or participating in extracurricular activities)
 - _____ Independently and without supervision, as the Student has had had training and is proficient in self-administering medication.

C. It is agreed that this Plan permits regular monitoring of Student's self-management of Student's Health Condition by an appropriately credentialed health care professional.**D. Medication Prescribed for Student's Health Condition:**

Diabetes medication(s) prescribed for the Student:

Name	Purpose	Dosage	Time or Conditions When Medication is to Administered

Date after which the medication should not be administered or possessed by Student: _____

Possible adverse reactions to be reported to physician _____

Special instructions for the provision the medication _____

E. Procedures for storage and access to backup supplies of such prescription medication for Student's Health Condition.

1. The Student, when permitted to be in possession of medication, will only have the dosage of medication that might be needed on one school day.
2. The school will store any backup supply needed in accordance with its medication storage procedures.
3. The student may have access to the backup supply when necessary by requesting such from the health office.

F. Signatures and No Liability Statement.

**PARENT OR GUARDIAN AUTHORIZATION AND APPROVAL
AND LIABILITY WAIVER**

The parents or guardians of the Student hereby accept and agree to this Medical Management Plan. It is specifically understood that the Guidelines for Diabetes Medical Management Plan are incorporated into and are a part of this Plan.

The parents or guardians understand and agree that if the Student injures school personnel or another student as the result of the misuse of necessary diabetes medical supplies, the parent or guardian of the Student shall be responsible for any and all costs associated with such injury. The parents or guardians acknowledge that (a) the school and its employees and agents are not liable for any injury or death arising from the Student's self-management of the Student's Health Condition and the parents or guardians release same from any such claims and (b) the parents or guardians shall and do hereby agree to indemnify and hold harmless the school and its employees and agents against any claim arising from the Student's self-management of Student's Health Condition. This release, indemnification and hold harmless agreement shall take effect immediately and shall stay in effect for as long as the Student is provided permission to self-administer medication.

DATED this ____ day of _____, 200_.

Parent/Guardian

Parent/Guardian

STUDENT AGREEMENT

I will use the prescription diabetes only as prescribed and as permitted by the Plan, will do so discreetly as possible, will not share it with others, and when I am in possession of the medication I will keep it concealed from others. I have been instructed how to self-administer this medication and understand the side effects of improper use and will promptly report self-administration and follow the Guidelines. I understand that if I do not abide by these terms, I may be disciplined and that this Plan will be re-evaluated. I disclaim all liability of the school or its employees as it relates to this Plan and my use of the medication.

DATED this ____ day of _____, 200_.

Student

PHYSICIAN AUTHORIZATION AND APPROVAL

I am the Student's Physician. The Student has the ability to safely and responsibly self-manage the Student's Health Condition in accordance with this Diabetes Medical Management Plan. I approve the Plan and authorize the Student to self-manage the Student's Health Condition at school in accordance with the Plan.

DATED this _____ day of _____, 200__.

Print or Type

Primary Phone Number

Signature of Physician

Secondary Phone Number

**SCHOOL NURSE APPROVAL OF
DIABETES MEDICAL MANAGEMENT PLAN**

This Plan is ___ approved ___ not approved.

DATED this _____ day of _____, 200__.

School Nurse or School Nurse's Designee

**GUIDELINES FOR
DIABETES MEDICAL MANAGEMENT PLAN**

Term of Plan: The plan is effective immediately. It must be renewed and considered for approval an annual basis.

Medications: The parents or guardians are responsible for supplying any and all medications required under the Plan; the school is not responsible for providing the medications. Medications to be used by the Student under this Plan must be furnished in a current original container from the pharmacy with the student's name, the name of the medication, strength and the dosage to be given. If the prescribed medication, dosage or time of medication changes, the parents or guardians must promptly submit to the school nurse or designee the new prescription. Any non prescription medication must be furnished in the original container from the manufacturer.

Disposal of Medical Supplies: The student shall be responsible for proper disposal of used syringes and other medical supplies. Used syringes and blood borne pathogen materials shall be immediately placed in a safe receptacle and then delivered to the school health office for proper disposal.

Consultations: The school may consult with a registered nurse or other health care professional employed by such school during development of the plan.

Permitted Self-Management: Pursuant to the Diabetes Medical Management Plan the Student shall be permitted to self-manage the Student's diabetes condition in the classroom or any part of the school or on school grounds, during any school-related activity, or in any private location specified in the plan.

Student Reports of Self-Administration: The Student is not required to report to the school when the Student has self-administered prescription diabetes medication pursuant to the Plan. However, as part of an IHP, the school nurse or the school nurse's designee will record reports of self-administration made by the student so the parents and the school will have a record of medication use.

**DIABETES
MEDICAL MANAGEMENT PLAN**

Responses to Student Misuse: The possession of medications by Students is a violation of the school's drug and student conduct policies and may result in an expulsion from school. To the extent this Diabetes Medical Management Plan permits the Student to be in possession of medications, the Plan allows the Student an exception to the school drug and student conduct policies. However, this exception only extends to the extent provided in the Plan. In the event the Student uses his or her prescription diabetes medication other than as prescribed, or possesses medication other than as permitted by the Plan, the Student is subject to disciplinary action by the school, up to and including an expulsion. The school will promptly notify the parent or guardian of any disciplinary action imposed. The disciplinary action will not include a limitation or restriction on the student's access to such medication; however, it is agreed that in the event of any such misuse an re-evaluation of the Student's understanding of and ability to self-manage Student's Health Condition and may result in a modification or termination of this Plan. The school may prohibit the Student from possessing the necessary medical supplies to self-manage the Student's diabetic condition or place other necessary and appropriate restrictions or conditions on the Student's self-management of the Student's diabetic condition if the school determines that the student has endangered himself, herself, or others through the misuse or threatened misuse of such medical supplies.

Sharing Plan: It is agreed that this Diabetes Medical Management Plan may be shared with school officials and agents who have a need to be aware of it; that those who have the need to be aware of it include student health staff and also include staff responsible for student discipline (e.g. staff need to know that the Student is authorized to have the medication on the Student's person so the Student is not reported for a violation of the school's drug policies). The school officials who may be informed of the Plan thus include: administration, school nurse, school office staff, teachers and any paraeducators or specialists who provide services to the Student, and the coaches and sponsors of extracurricular activities in which the Student participates.

Filing of Plan: This Diabetes Medical Management Plan is to be kept on file at the school where the Student is enrolled.

**RECORD OF STUDENT REPORTS OF
SELF-ADMINISTRATION OF MEDICATION UNDER
DIABETES MEDICAL MANAGEMENT PLAN**

Parent's Phone # _____
 Name of Student _____ Grade _____
 Medication _____ Date to Begin _____ Date to End _____
 Dosage _____ Time _____
 Doctor _____ Phone #1 _____ Phone #2 _____
 Possible Adverse Reaction: _____

Date & Time of Student Report	Date & Time of Self- Admini- stration	Medication Name	Dosage Administered	Any Complications Reported by Student or Observed	Employee Recording Student Report

InstructionSeizure Safe Schools

Each school building will have a "seizure action plan" if the following criteria are met: (1) at least one student in that building has been identified as having a seizure disorder; and (2) that student's parent or guardian and health care provider have worked with the school to develop a seizure action plan.

Every building with a seizure action plan will have at least one employee who has met the training requirements necessary to administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms.

In accordance with state law, except in the case of an emergency, prior to the administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms by a school employee, a student's parent or guardian must:

1. Provide the school with a written authorization to administer the medication at school;
2. Provide a written statement from the student's health care practitioner containing the following information:
 - a. The student's name;
 - b. The name and purpose of the medication;
 - c. The prescribed dosage;
 - d. The route of administration;
 - e. The frequency that the medication may be administered; and
 - f. The circumstances under which the medication may be administered.
3. Provide the medication to the school in its unopened, sealed package with the intact label affixed by the dispensing pharmacy; and
4. Collaborate with school employees to create a seizure action plan.

If permitted by the student's seizure action plan, a student shall be allowed to possess the supplies, equipment, and medication necessary to treat a seizure disorder in accordance with such seizure action plan.

Any authorization provided by a parent or guardian shall be effective only for the school year in which it is provided and shall be renewed each following school year.

Legal Reference: Neb. Statute 79-3201 to 3207

Date of Adoption: 07/10/2023

InstructionBehavioral Points of Contact

The Superintendent is delegated the authority to designate one or more behavioral awareness and health points of contact for each school building in the District. The behavioral awareness and health point of contact may be an administrator, nurse, psychologist, or another appropriate staff member. Each behavioral awareness and health point of contact will be trained in behavioral awareness and health and have knowledge of community service providers and other resources that are available for the students and families in the District. The District will maintain or have access to a registry of local mental health and counseling resources for students and parents.

The points of contact will be listed on the District's website and in the student handbook.

The Superintendent shall report the designated behavioral awareness and health points of contact to the Nebraska State Department of Education each year when requested by the Department.

In addition, all District employees who interact with students, as determined by the Superintendent, shall receive at least one hour of behavioral and mental health training with a focus on suicide awareness and prevention training each year. The Superintendent or designee shall be responsible for coordinating this training.

Legal Reference: Neb. Rev. Stat. § 79-11,159
LB 705, § 4 (2023)

Date of Adoption: 07/10/2023