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Personnel -All

Recruitment and Selection

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

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

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


Date of Adoption: December 1, 2014
Personnel - All Employees

Equal Opportunity Employment

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, marital status, sexual orientation, disability, age, genetic information, citizenship status, or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (402-557-2001).

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

Date of Adoption: December 1, 2014
Personnel - All Employees

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

A. Elimination of Discrimination.

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

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, marital status, sexual orientation, disability, age, genetic information, citizenship status, or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to accept allegations regarding non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (402-557-2001). The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director for the Office of Equity and Diversity, 3215 Cuming St, Omaha, NE 68131 (402-557-2790).

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

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

1. Purpose:

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

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

   a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or

   b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

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

Discriminatory harassment because of a person's race, color, national origin, religion, disability, age, sex, or other protected category, may include, but is not limited to:

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

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

a. Unwelcome sexual advances or propositions,
b. Requests or pressure for sexual favors,
c. Comments about an individual’s body, sexual activity, or sexual attractiveness,
d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person’s will or where a person is incapable of giving consent due to the victim’s age, intellectual disability, or use of drugs or alcohol,
f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as awards, privileges, promotions, etc., or

g. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

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

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

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

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

3. **Grievance (or Complaint) Procedures:**
Employees should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or to the compliance administrator designated to handle complaints of discrimination (designated administrator). If the employee is uncomfortable in presenting the problem to the supervisor, or if the supervisor is the problem, the employee may report the alleged discrimination, harassment or retaliation (“discrimination”) to the designated administrator (such as a principal). If the complaint relates to the Superintendent of Schools, then the individual shall file a complaint with the President of the Board of Education.

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

District employees, supervisors and administrators must immediately report any complaints, reports, observations, or other information of alleged discrimination to the designated administrator, even if that District employee is investigating the alleged discrimination as part of the District's employee disciplinary process, and provide the complainant with information for filing a complaint of discrimination, including a complaint form if requested, and contact information for the District's designated administrator. If the District uses its disciplinary procedures to investigate and resolve an alleged discrimination complaint, those disciplinary procedures will comply with the District's standards for a prompt and equitable grievance procedure outlined in section B.2., below.
Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

i. **Level 1 (Investigation and Findings):**

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

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

The District will complete its investigation within **thirty (30) working days** after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. Extenuating circumstances do not include summer vacation, and if a designated compliance administrator or investigator is unavailable, another administrator or trained employee will be designated to conduct the investigation. If extenuating circumstances exist, the extended timeframe to complete the investigation will **not exceed thirty (30) additional working days without the consent of the complainant.** Periodic status updates will be given to the parties, if necessary.

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

a. Providing the parties with the opportunity to present witnesses and provide evidence.

b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.

c. For allegations involving harassment, some of the factors the District will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the
suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.

d. A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

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

a. A summary of the facts,
b. An analysis of the appropriate legal standards applied to the specific facts,
c. Findings regarding whether discrimination occurred, and
d. If a finding is made that discrimination occurred, the recommended remedy or remedies necessary to eliminate discrimination, including harassment and retaliation, prevent its recurrence, and remedy its effects, if applicable.

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

The District will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within thirty (30) working days after the investigation is completed.

ii. Level 2 (Appeal to the Superintendent):
If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Superintendent within ten (10) working days after receiving the decision. The Superintendent or designee will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal within ten (10) working days after receiving the appeal. The party who filed the appeal will be sent the Superintendent’s determination at the time it is issued, and a copy will be sent to the designated compliance administrator. [If the Superintendent is the subject of the complaint, the party will file the appeal directly with the Board.]

4. Remedies:
If the District knows or reasonably should know about possible discrimination, including harassment or violence, the District will take immediate, interim action or measures to protect the alleged victim, ensure the safety of the school community, and prevent further
potential discrimination, harassment, or retaliation during the District’s pending investigation. These interim measures will be prompt, age-appropriate, effective, and tailored to the specific situation, and may include a change in an employee's work area, prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the District’s investigation, and other remedies, such as those listed below.

The District will minimize any burden on the alleged victim when taking interim measures. For instance, the District generally will not remove the alleged victim from his or her work area and allow the alleged harasser to remain. In addition the District will ensure that the complainant is aware of his or her Title IX rights, including a strong prohibition against retaliation for reporting discrimination or harassment or cooperating with any investigation or proceeding, and any available resources, such as counseling, health, and mental health services, and the right to file a complaint with local law enforcement, if applicable.

If the District determines that unlawful discrimination or harassment occurred, the District will take prompt and effective action to eliminate the discrimination or harassment, prevent its recurrence, and remedy its effects on the complainant and others, if appropriate. The remedies will be tailored to the specific allegations and facts of each situation, including, but not limited to, the following remedies:

a. Providing an escort to ensure the complainant can move safely between activities.
b. Ensuring the complainant and alleged harasser do not attend the same activities.
c. Moving the alleged harasser to another work area within the District.
d. Providing counseling services or reimbursement, if appropriate.
e. Providing medical services or reimbursement, if appropriate.

The District may provide remedies for the broader employee work force as well, including but not limited to:

a. Offering counseling, health, mental health, or other holistic and comprehensive victim services to all employees affected by sexual harassment or sexual violence, and notifying employees of campus and community counseling, health, mental health, and other employee services.
b. Designating an individual from the District's counseling center to be “on call” to assist victims of sexual harassment or violence whenever needed.
c. Providing additional training to the District's designated compliance administrators and other employees who are involved in addressing, investigating, or resolving complaints of discrimination, harassment, and retaliation, to better respond to specific types of harassment and violence.
d. Informing employees of their options to notify proper law enforcement authorities, including school and local police, and the option to be assisted by District employees in notifying those authorities.
e. Creating a committee of employees and District officials to identify strategies for ensuring that employees:
   i. Know the school's prohibition against discrimination, harassment, and retaliation.
ii. Recognize acts of discrimination, harassment (including acts of violence), and retaliation when they occur.

iii. Understand how and to whom to report any incidents of discrimination.

iv. Know the connection between alcohol and drug abuse and harassment or violence based on sex or other protected characteristics.

v. Feel comfortable that District officials will respond promptly and equitably to reports of discrimination, harassment (including violence) and retaliation.

f. Conducting periodic assessments of employee activities to ensure that the practices and behavior of employees do not violate the District’s policies against anti-discrimination, anti-harassment, and anti-retaliation.

g. Conducting in conjunction with employees, a “climate check” to assess the effectiveness of efforts to ensure that the District is free from discrimination, harassment (including violence), and retaliation, and using the resulting information to inform future proactive steps that will be taken by the District.

In addition to these remedies, the District may impose disciplinary sanctions against the employee who discriminated, harassed, or retaliated against the complainant, up to and including possible termination or cancellation of employment.

5. Confidentiality:

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

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

At the same time, the District will evaluate a confidentiality request in the context of its responsibility to provide a safe and nondiscriminatory environment for all people. Thus, the District may weigh the confidentiality request against factors such as: the seriousness of the alleged harassment, the complainant's age; whether there have been other harassment complaints about the same individual and the alleged harasser’s rights to receive information about the allegations if the information is maintained by the District. In some cases, the District may be required to report alleged misconduct or discrimination, such as sexual harassment involving sexual violence, to local law enforcement.
enforcement or other officials, and the District may not be able to maintain the complainant's confidentiality. The District will inform the complainant that it cannot ensure confidentiality, if applicable.

6. **Training:**
The District will ensure that District employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate District officials or employees. This training will include, at a minimum, the following areas:

a. The current legal standards and compliance requirements of anti-discrimination, anti-harassment, and anti-retaliation federal, state, and any local laws and regulations, including several specific examples of discrimination, harassment (including acts of violence because of a person's sex or other protected characteristics), and retaliation.

b. The District's current anti-discrimination, anti-harassment, and anti-retaliation notice, policies, grievance procedure, and discrimination complaint form, including the specific steps and timeframes of the investigative procedures, and the District's disciplinary procedures.

c. Identification of the District's designated compliance administrators and their job responsibilities.

d. Specific examples and information regarding how to report complaints or observations of discrimination, harassment, or retaliation to appropriate District officials or employees. In addition, the District will emphasize that employees, students, third parties, and others should not be deterred from filing a complaint or reporting discrimination. For instance, if a student is the victim of sexual violence, a form of sexual harassment, but the student is concerned that alcohol or drugs were involved, school staff should inform the student that the District's primary concern is student safety, that any other rules violations will be addressed separately from the sexual violence allegation, and that the use of alcohol or drugs never makes the victim at fault for sexual violence.

e. Potential consequences for violating the District's anti-discrimination, anti-harassment, and anti-retaliation policies, including discipline.

f. Potential remedies, including immediate, interim remedies, to eliminate the discrimination, harassment, and retaliation, prevent its recurrence, and remedy its effects.

g. A description of victim resources, including comprehensive victim services, to address acts of discrimination and harassment, including acts of violence because of a person's sex or other protected characteristics, and a list of those resources for distribution to trainees.

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

7. **Designated Compliance Administrators:**

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

The designated compliance administrators will not have other job responsibilities that may create a conflict of interest with their administrator responsibilities.

8. **Preventive Measures:**

   The District will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the District's website and posting the notice at each building in the District. The District also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Administrator section, above, for further information on compliance administrator), and widely publish and disseminate this grievance procedure, including prominently posting it on the District’s website, at each building in the District, reprinting it in District publications, such as handbooks, and
sending it electronically to members of the school community. The District will provide training to employees at the beginning of each academic year in the areas (B.6.a-g) identified in the Training section, above.

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

Date of Adoption: December 1, 2014
Notice of Nondiscrimination

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, marital status, sexual orientation, disability, age, genetic information, citizenship status, or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (402-557-2001). The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: [Name of Director], Director of Equity and Diversity [or other title], [Street Address], Omaha, NE [Zip Code] (___) ___-____ ([Email Address]).

Employees and Others: [Name of Director], Human Resources Assistant Superintendent [or other title], [Street Address], Omaha, NE [Zip Code] (___) ___-____ ([Email Address]).

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

Omaha Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, marital status, sexual orientation, disability, age, genetic information, citizenship status, or economic status in its programs, activities and employment and provides equal access to the Boy Scouts and other designated youth groups. This complaint form is to be used when a person has a complaint related to discrimination, harassment or retaliation on such bases in regard to employment or the programs and activities of the school district.

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

The following individual has been designated to address inquiries regarding the non-discrimination policies: Superintendent of Schools, 3215 Cuming Street, Omaha, NE 68131 (402-557-2001). The following persons have been designated to handle inquiries regarding the non-discrimination policies:

[Name of Director], Human Resources Assistant Superintendent [or other title], [Street Address], Omaha, NE [Zip Code] (___) ___-____ ([Email Address]).

Name: ________________________________  Date: ______________________

(1) Description of the complaint: _________________________________________________________
_______________________________________________________________________________________
_______________________________________________________________________________________
_______________________________________________________________________________________
_______________________________________________________________________________________

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

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

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

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

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

Received by: _______________________ Date: ________________________________

Signature: ________________________________
Personnel - All Employees

Duty Hours of Employees

1. Administrative personnel shall be on duty when and at such times as the responsibilities of their position dictates. The Superintendent shall set the duty hours of administrative staff.

2. Teachers shall make arrangements to be available to students after school. Unless otherwise specified by the Superintendent or by negotiated agreement, members of the professional staff shall be on duty 30 minutes before the start of school and 30 minutes after the end of the day to plan and to carry out their individual professional responsibilities as determined by the Superintendent and the building principals. Teachers shall be provided with a one half hour duty free lunch period.

3. All other staff shall be on duty as determined by the Superintendent.

4. No teacher or other school employee shall accept any other employment or carry on any business or activity for profit that interferes with the complete discharge of his or her responsibilities to the school district.

Date of Adoption: December 1, 2014
Personnel - All Employees

Absence of Employees

1. An employee who finds it necessary to be absent from duty shall use the absence reporting system for this position, and if there is none, must notify the office of the employee's immediate supervisor in advance of such absence and give (1) the reason for the absence; and, (2) the anticipated length of absence.

2. Employees requesting leave in order to perform other duties for which they will be compensated (court duty, consulting, etc.) shall be required to remit to the Accounts Receivable Department either the compensation received beyond expenses or their district wages for the time missed.

3. Absence or suspension from duty of any employee shall result in loss of pay for the period of absence or suspension except as otherwise provided by these policies or law.

4. A substitute may not be hired by any employee to take over his/her duties. In no instance may an employee make personal arrangements to pay a substitute.

Date of Adoption: December 1, 2014
Personnel - All Employees

Absence From Building

1. Employees may not be absent from their respective assignments during duty hours except by permission of their immediate supervisor or Superintendent or the Superintendent’s designee. Employees shall check out of the building whenever absent during the day.

2. Employees may be excused from the building for periods not to exceed thirty (30) minutes with the approval of their immediate supervisor or Superintendent or the Superintendent’s designee for matters of personal business which cannot be completed after regular school hours. Personal absence leave forms shall be completed in the event the absence from the building exceeds 30 minutes.

Date of Adoption: December 1, 2014
Personnel - All Employees

Leave Policy

EMPLOYEE TIME OFF

HOLIDAYS

OPS observes the following holidays:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Year's Eve

Eligibility for Paid Holiday

Employees in Groups A and B below are eligible for paid holidays:

Group A -- Certificated central office administrative staff, Principals, Assistant Principals, Directors, Coordinators, Supervisors, and any other staff designated by the Superintendent.

Group B -- Classified employees who work 30 or more hours per week, other than those with 190 duty days.

All other Certificated employees, temporary employees and part-time employees are not eligible for paid holidays.

Holiday pay for Employees in Group A is included in the number of paid days in their respective employment agreement. Holiday pay for Employees in Group B is included as a paid day in the duty year. Holidays which fall outside the employee's contract year or duty year are not considered paid Holidays.

When a holiday falls on Saturday, OPS observes it on the preceding Friday. If it falls on Sunday, OPS observes it on the following Monday. In years where Christmas Day and New Year's Day fall on a Thursday, the Christmas Eve and New Year's Eve holidays will be celebrated on the Friday after Christmas and the Friday after New Year's Day. Employees must report to work and work their scheduled work day the day before and the day following the holiday to be eligible for a holiday to be paid, unless the absence is pre-approved by the Superintendent or his or her designee.
VACATIONS

Vacation is a benefit of employment with OPS which will be administered in keeping with the following policy. While employees are encouraged to utilize their vacation throughout the year, vacation may only be taken at a time or at times approved by the Superintendent or his or her designee. Employees must submit a vacation request form at least two weeks in advance whenever possible to their immediate supervisor. OPS strongly encourages that vacation requests be for a minimum of one-half day. Approval will be subject to OPS and department scheduling requirements and needs. Building Principals will generally not be permitted to take vacation while students are in school without prior approval of the Superintendent.

Eligibility

All regular full-time twelve-month employees of OPS who work 30 or more hours per week are eligible to receive vacation benefits. Upon employment, each Employee shall be assigned a vacation group. Employees are grouped as follows:

Group A -- Central office administrative staff, Middle and High School Principals, Middle and High School Assistant Principals, Directors, Coordinators, Supervisors, and any other staff designated by the Superintendent.

Group B -- All other regular full time twelve-month employees who work 30 or more hours per week and who are paid on a monthly basis.

Group C -- All regular full time twelve-month employees who work 30 or more hours per week and who are paid on a semi-monthly basis.

Monthly Accruals

Vacation days shall accrue per pay period at a rate using the employee’s entitled annual allotment divided by the number of pay periods employees are paid within the contract year (either 12 or 24). The accrued amount will be rounded up to the next half day value. Once an employee has accrued the total number of vacation days allotted for the year pay period accrual will cease until the next contract year:

<table>
<thead>
<tr>
<th>Group A</th>
<th>Days Accrued Each Month</th>
<th>Annual Max</th>
<th>Max Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Years of Service</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>23 days</td>
<td>28 days</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Group B</th>
<th>Days Accrued Each Month</th>
<th>Annual Max</th>
<th>Max Accrual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Years of Service</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Each day of vacation pay accrued is equal to one day’s wages for the Employee’s regularly scheduled hours.

**Maximum Accrual**

Employees may carry over unused vacation from one school year to the next. However, an employee may only have a maximum vacation balance of five (5) days greater than the employee's annual vacation eligibility. Employees accrue vacation until they have reached the maximum number of days that can be accrued. Employees who are at the maximum shall no longer accrue vacation. Once the employee's vacation balance falls below the maximum, accrual shall commence again until reaching the maximum. OPS believes that all eligible employees should take time off away from work each year. If this practice is followed, the accumulation of days awarded should not reach the maximum limit.

**Accrual During Leave of Absence**

Any otherwise eligible employee who is on a Board approved leave of absence shall not accrue vacation while on a leave of absence.
Recordkeeping

OPS records all vacation days an eligible employee accrues or uses during each pay period. The vacation balance (days of vacation accrued and not yet used as of the date of the pay period then ended) is printed on the pay stub.

Creditable Year

In order for a year of employment to count as a year of employment for calculation of vacation, the employee must be on duty the minimum number of days which qualify for a creditable year as defined in Section 5.03c.

Payout on Separation from Employment

Accrued but unused vacation hours will be paid upon separation from employment.

SICK LEAVE

Sick Leave is a benefit of employment with OPS which will be administered in keeping with the following policy. OPS strongly encourages that sick leave requests be for a minimum of one-half day.

Eligibility

All full-time 12 month (261 day contracts), and 10 month employees of the school district shall be eligible to earn sick leave. Temporary employees employed on an hourly basis and part-time employees shall not be entitled to sick leave. Upon employment, each Employee shall be assigned a sick leave group. Employees are grouped as follows:

Group A -- Central office administrative staff, Middle and High School Principals, Middle and High School Assistant Principals, Directors, Coordinators, Supervisors, and any other staff designated by the Superintendent.

Group B -- All other regular full time twelve-month employees who work 30 or more hours per week.

Group C -- All regular full time ten-month employees with contracts of 195 days or greater.

Group D -- All regular full time ten-month employees with contracts of 194 days or less.

Accrual

Employees in Groups A, B, C and D shall accrue one sick leave day per month. Employees in Groups A and B may earn up to twelve (12) sick days per year. Employees in Groups C and D may earn up to ten sick leave days per year.
**Maximum Accrual**

Employees accrue Sick Leave until they have reached the maximum number of days that can be accrued. The maximum accrual for sick days is as follows:

- **Group A:** 120 days.
- **Group B:** 114 days.
- **Group C:** 100 days.
- **Group D:** 90 days.

Employees who reach the applicable maximum shall no longer accrue Sick Leave. Once the employee's Sick Leave balance falls below the maximum, accrual shall commence again until reaching the maximum.

**Accrual During Leave of Absence**

Any otherwise eligible employee who is on a leave of absence shall not accrue Sick Leave while on a leave of absence.

**Use of Sick Leave for Illness of Immediate Family Members**

Up to ten days per year of the employee's accumulated sick leave may be used for the illness of an immediate family member. Immediate family member shall be interpreted to include the employee's spouse, parents, child, mother-in-law, father-in-law, brother, sister, son-in-law, daughter-in-law, grandparents, grandparent-in-law, grandchild, aunt, uncle, niece and nephew, or any other individual who is a permanent resident in the employee's home or for whom the employee has specific responsibility.

**Grandfathered Employees**

Any employee with accrued sick leave of at least 90 days on September 1, 1976, and each September 1 thereafter, shall be entitled, following the use of sick leave and subsequent to that use, to accumulate one sick day per month of employment, for those months remaining during the fiscal year to a maximum number of days as defined in this policy. All employees with sick leave accumulation of less than 90 days on September 1, 1976, and each September 1 thereafter, shall have such leave credited to them in accordance with this policy.

Any employee with maximum accrued sick leave will maintain the accrued days during the last year of employment prior to the retiring or taking early leaving incentive unless more than ten days of sick leave are used.

Any employee with accrued sick leave in excess of 90 days on September 1, 1973 shall retain all rights and privileges accorded to such accumulation provided, however, that a maximum as defined in this policy shall be used in the calculation of pay for unused sick leave at retirement.
BEREAVEMENT LEAVE

In the event of a death in a regular, full-time Employee's immediate family, (defined as mother, father, brother, sister, spouse, child, aunt, uncle, niece, nephew, cousin, grandparents, grandparents in-law, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, stepparents, stepchildren, stepsiblings, great grandparents, great grandparents in-law, great grandchildren and any other individual who is a permanent resident in the employee's home) the Employee should give notice to the supervisor and Human Resources Department as soon as possible. Exceptions may be granted at the sole discretion of the Superintendent or his or her designee.

OPS may grant and excuse employees for up to four paid days for bereavement leave. Employees who are required to travel a minimum of 200 miles one way to attend services related to the death of an immediate relative may be granted an additional day of leave. Bereavement leave is limited to making arrangements for or attending services related to the death. The period of time allowed off work will be at the discretion of supervisory personnel in consultation with the Human Resources Department, and will vary with each individual's circumstances. OPS will not grant bereavement pay when the Employee does not attend the services related to the death. OPS will NOT count the excused bereavement pay as time worked for purposes of computing overtime. For payroll purposes, the Employee must submit documentation (e.g. service program or obituary) to the Human Resources Department as soon as practicable.

JURY/ELECTION DUTY

OPS will grant Employees time off for mandatory jury/election duty, and will pay the difference between the jury/election pay and your regular straight-time hourly rate for the time lost from the regularly scheduled work time. Employees who are called for jury duty or election duty are required to remit to OPS any compensation (other than expenses) received for the hours the employee was excused from duty. If such compensation is not remitted to the Accounts Receivable Department, an identical amount will be deducted from the employee's salary.

During the jury duty period, the Employee must report to work any days that he/she is not required to appear. The Employee must also return to work if released from jury duty during their regular working hours.

FAMILY AND MEDICAL LEAVE OF ABSENCE

The Family and Medical Leave Act (the "Act"), requires covered employers to provide up to 12 weeks of unpaid, job protected leave to eligible employees for the following reasons:

• For incapacity due to pregnancy, prenatal medical care or child birth;
• To care for the employee's child after birth, or placement for adoption or foster care;
• To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
• For a serious health condition that makes the employee unable to perform the employee's job

Such a leave is referred to in this policy as "FMLA leave."
This policy defines the terms and conditions of FMLA leave. The Act and the regulations of the Department of Labor shall be referred to for any questions not addressed by this policy. OPS shall determine in each case whether an absence qualifies as a FMLA leave. OPS has chosen to require the use of paid time off while taking FMLA leave.

**Eligibility**

Employees are eligible if they have worked for OPS for at least twelve (12) months in the last seven (7) years and worked at least 1,250 hours for OPS during the twelve (12) months preceding the commencement of the leave.

**Duration**

An employee's cumulative total of all leaves of absence under this policy may not exceed twelve (12) weeks in any twelve (12) month period. The 12month period will be measured on a rolling 12 month period from the date an employee uses any FMLA leave. A husband and wife who are eligible for FMLA leave and are employed by OPS are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for the employee's parent with a serious health condition, for the birth of the employee's son or daughter or to care for the child after the birth, or for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement. FMLA leave for the birth of a child or placement of a child for foster care or adoption, must be completed within one (1) year after the birth or placement.

**Intermittent/Reduced Schedule**

An employee does not need to use this leave in one block. Leave may be taken on an intermittent or reduced schedule basis only when the leave is because of a serious health condition, and the intermittent leave or reduced schedule is shown to be medically necessary. Medical certification of this need will be required. Where the intermittent leave or reduced schedule is foreseeable, the employee must try to schedule the leave so as not to unduly disrupt OPS operations, and if the employee needs to be absent due to planned medical treatments, the employee may be temporarily transferred to an alternative position with equal pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced schedule leave.

**Unable/Decline to Return**

An employee who is unable or declines to fully return to work upon expiration of FMLA leave and has exhausted all other leave will be considered to have resigned, unless the inability to return is due to a disability under the Americans with Disabilities Act and the employee requests and can reasonably be granted some additional accommodation.

**Notice of Leave**

Employees must provide at least 30 days' advance notice of the need to take FMLA leave, when the need is foreseeable, to the appropriate OPS representative. When 30 days' notice is not
possible, the employee must provide notice as soon as practicable and must comply with the OPS' normal call-in procedures required for other absences. If less than thirty (30) days' notice is given, the employee must explain why providing timely notice was not practicable.

Notice must be provided either in writing (for foreseeable leave only), or by calling (for either foreseeable or unforeseeable leave). When requesting leave for the first time for a particular FMLA-qualifying reason, the employee must provide sufficient information for OPS to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization, or continuing treatment by a health care provider. Calling in "sick" is not enough.

Employees must also inform the appropriate OPS representative if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

OPS must inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities with regard to FMLA leave. If an employee is not eligible, OPS must provide a reason for the ineligibility. OPS will generally notify an employee within five (5) business days whether he/she is eligible for FMLA leave.

Medical Certification

An employee on leave due to a serious health condition of the employee or a family member, must provide a written medical certification on a form adopted by OPS. This requirement may be waived by the Human Resources Department in cases of pregnancy or other situations where both the medical need and the timing of the leave are obvious. The certification must be provided prior to commencement of the leave when the need for leave is foreseeable; in any case, it must be provided within fifteen (15) days after it is requested. Failure to return the medical certification, absent unusual circumstances, will cause OPS to deny the FMLA leave. Where the leave is due to the employee's own serious health condition, the employee must provide a copy of his or her current job description to the health care provider before obtaining the certification. A copy of the job description will be provided to the employee by OPS. OPS may require a second and third opinion at OPS expense, in accordance with the Act.

OPS shall notify the employee within five (5) days of receipt of a complete and sufficient medical certification whether the leave is FMLA qualifying. If OPS is unable to determine whether the leave is FMLA qualifying because (a) the medical certification is incomplete or insufficient, or (b) OPS requires a second or third opinion, it will notify the employee. OPS shall notify the employee in writing if the medical certification is incomplete or insufficient, and state the information needed to cure the deficiency. The employee shall have seven (7) calendar to cure the deficiencies, or FMLA leave will be denied.

Recertification

Medical recertification must be provided within fifteen (15) days after requested by OPS during the leave. For intermittent leave for continuing, open ended conditions, recertification may be
requested every six (6) months. In addition, recertification may be requested when (1) there is a significant change in condition, (2) an extension of the leave is requested, or (3) OPS receives information which casts doubt on the continuing validity of the certification.

Failure to Provide Notice/Certification

Failure to provide required notices or certifications may result in a delay in the leave of absence, or loss of the protections provided by the Family and Medical Leave Act.

Salary/Wages

FMLA leave is unpaid, except as follows:

a. If the employee has earned but unused Vacation and/or Sick Leave for which the employee is eligible, that time off must be applied concurrently until it is exhausted.

b. If the absence is due to a job-related injury, the employee may be covered by worker's compensation. If worker's compensation benefits apply, the employee will not be required to apply any earned but unused Vacation and/or Sick Leave, but may elect to do so to the extent that the worker's compensation is less than the employee's regular salary.

Except as provided above, FMLA leave shall be without pay.

Benefits

During any period of FMLA leave, OPS must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work, provided the employee makes timely payment of the employee's share of the premiums.

Upon return to work, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms, unless the employment would have ended even if the employee had not been on leave (for example, if the job has been eliminated due to a staff reduction or reorganization). Use of FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

During any paid portion of the leave the employee's premiums will continue to be deducted from payroll; otherwise, payments must be delivered to OPS. Failure to make premium payments may cause the employee (and covered dependents) to be uninsured during a portion of the leave. No seniority, vacation, sick leave, incentives or other benefits will accrue during the FMLA leave.

Regular Reporting

While on FMLA leave, employees must keep OPS informed of their plans to return to work. As a general rule, the employee must contact the Human Resources Department at least once every two (2) weeks; other reporting schedules may be agreed on between the employee and the Human Resources Department based on the employee's individual circumstances. Reasonable notice (at least two business days, and more if possible) is required prior to returning to work on any date other than the originally scheduled return date.
Fitness for Duty

OPS may require an employee to provide it with a sufficient fitness-for-duty certification at the time the employee returns to work or within fifteen (15) days after the employee would have returned to work. The certification must state that the employee may return to work and is able to perform all essential functions of the position. If the fitness-for-duty certification is insufficient or incomplete, the employee shall have seven (7) calendar days to cure the deficiencies. Failure to return a sufficient fitness-for-duty certification in the requisite time period may cause the FMLA leave to be denied, and employment terminated.

For intermittent leave, OPS may require a fitness for duty certification as often as every 30 days if the health condition involves a contagious disease, or could reasonably affect the employee's, a co-worker's, or a third party's safety.

Failure to Return

If the employee fails to return to work for at least 30 days at the end of the approved leave, the employee will be obligated to repay to OPS 100% of all health, life, and disability insurance premiums paid by OPS during the unpaid portion of the leave. The only exception is where the non-return to work is due to a continued serious health condition (medical certification is required) or other circumstances beyond the employee's control.

Definitions

"Foster care" is defined as 24-hour care for children in substitution for, and away from, their parents or guardian, in accordance with a placement made by the State or in agreement with the State.

"Spouse" is defined as a husband or wife as recognized under state law.

"Parent" is defined as a biological parent, or an individual who stood in loco parentis (had day-to-day responsibilities to care for the employee) when the employee was a child. A parent "in-law" is not considered a "parent" for purposes of family and/or medical leave.

"Son" or "daughter" or "child" is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (has day-to-day responsibilities to care for and financially support the child). The "son" or "daughter" or "child" must be either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability.

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 full consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment. Absent complications or
inpatient care, "serious health condition" generally does not include the cosmetic treatments, minor conditions such as the common cold, earaches, headaches, the flu, and so forth, routine doctor's appointments, or treatment with over-the-counter medicines.

A "health care provider" for purposes of medical certification shall include doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, state-authorized nurse practitioners, nurse-midwives, clinical social workers, state-authorized physician assistants, and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

A certification that an employee is "needed to care for" a sick family member includes both physical and psychological care. It includes situations where the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, and where providing psychological comfort will be beneficial to a seriously ill family member.

Intermittent or reduced schedule leave is "medically necessary" when the medical need can be best accommodated through an intermittent or reduced leave schedule. The term "medically necessary" does not include voluntary treatments or procedures.

An "equivalent position" is defined as a position which has the same pay, benefits and working conditions; involves the same or substantially similar duties and responsibilities which entail equivalent skill, effort, responsibility and authority; is available at the same or a geographically proximate worksite where the employee had previously been employed; and is on the same or an equivalent work schedule.

Leave for the birth of a child may include necessary prenatal care, or may begin before the actual date of birth of a child if the expectant mother's condition makes her unable to work. Leave for placement of a child may begin before actual placement if an absence from work is required for the placement to proceed.

**Interference**

The FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under the FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for enforcement. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FAMILY MILITARY LEAVE UNDER THE FMLA/NFMLA**

It is the policy of OPS to grant family military leave under the Family and Medical Leave Act ("FMLA") and under the Nebraska Family Military Leave Act ("NFMLA"), which entitle an
eligible employee to take a leave of absence when (1) certain family members in the National Guard or Reserves are on (or have been called to active duty), or active duty service members who are on duty in a foreign country (or called to active duty) and there is a qualifying exigency, (2) when certain family members in the armed forces, National Guard, or Reserves, suffer a serious injury or illness in the line of duty and the employee wants to care for them, or (3) when the employee’s spouse or child has been called to military service scheduled to last 179 days or longer. Such leave is referred to for purposes of this policy as "Family Military Leave."

This policy defines the terms and conditions of Family Military Leave. The Act and the Department of Labor's regulations shall be referred to for any questions not addressed by this policy. OPS shall determine in each case whether an absence qualifies as Family Military Leave.

All leave under this policy runs concurrently with any other leave provided for under federal, state or local law. Employees using Family Military Leave must concurrently use Vacation and/or Sick Leave.

**Eligibility**

To be eligible for Family Military Leave under this policy, an employee must have been employed by OPS for at least twelve (12) months in the last seven (7) years, and must have worked at least 1,250 hours for OPS during the twelve (12) months preceding the commencement of the leave.

**Leave Entitlement**

Family Military Leave under the FMLA provides an unpaid leave of absence for the following reasons:

1. Because of any "qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of an eligible employee is on active duty (or has been notified of an impending call or order to active duty) in the National Guard or Reserves in support of a "contingency operation" (as defined by federal law) or is an active duty member of the armed forces in a foreign country (or has been notified of an impending call or order to duty in a foreign country); and

2. An eligible employee is the spouse, son, daughter, parent, or next of kin of a "covered servicemember" who has suffered a "serious injury or illness" and wants to care for the servicemember.

3. Under the NFMLA, when an eligible employee’s spouse or child has been called to military service scheduled to last 179 days or longer.

**Qualifying Exigency Leave**

Employees who have a spouse, son, daughter, or parent called to active duty with the National Guard or Reserves or is an active duty member of the armed forces in a foreign country (or has been notified of an impending call or order to duty in a foreign country) may be entitled to up to
12 weeks of leave for a "qualifying exigency." An employee with a spouse, son, daughter, or parent in the armed forces may not take qualifying exigency leave.

The 12-month period will be measured on a rolling 12 month period from the date an employee uses any FMLA leave.

Qualifying exigency leave may be taken only for the following non-medical, non-routine activities:

1. **Short-Notice Deployment Activities:** If a military member receives seven (7) or less calendar days' notice prior to the date of deployment, the employee may take up to 7 calendar days of Family Military Leave to address any issue arising from the impending call or order to active duty. The 7 days begins on the date the military member receives the call or order to active duty.

2. **Military Events and Related Activities:** An employee may take Family Military Leave to attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of the military member. The employee may also use qualifying exigency leave to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or Red Cross that are related to the active duty or call to active duty status of the military member.

3. **Childcare and School Activities:** The employee may take Family Military Leave for any of the following activities necessitated by the military member's active duty or call to active duty status, or circumstances arising from it:
   - To make alternative childcare arrangements for a military member's child;
   - To provide childcare for a military member's child on an urgent, immediate need basis but not on a routine, regular, or everyday basis;
   - To enroll in or transfer a military member's child in a new school or day care facility; and/or
   - To attend meetings with staff at a school or daycare facility.

4. **Financial and Legal Arrangements:** The employee may take Family Military Leave to make or update financial or legal arrangements to address the military member's absence while on active duty or call to active duty status. Leave may also be granted for the employee to act as the military member's representative before a federal, state, or local agency for purposes of obtaining, arranging, or appealing military service benefits while the military member is on active duty or call to active duty status, up to a period of 90 days following the termination of the military member's active duty status.

5. **Counseling Activities:** An employee may take leave to attend non-medical counseling provided that (1) the need for counseling arises from the military member's active duty or call to active duty status; (2) such counseling is provided by someone other than a health care provider; and (3) the counseling is for the employee, the military member, and/or the military member's child. In the event medical counseling is needed, the employee may be able to take regular
FMLA leave due to the "serious health condition" of the employee or of a military member who is the employee's spouse, parent, or son or daughter as defined in the FMLA.

6. Rest and Recuperation Activities: If a military member is granted short-term, temporary rest and recuperation leave during the period of deployment, an employee may take Family Military Leave from five days to up to a maximum of 15 days, to match the military member's Rest and Recuperation leave orders.

7. Post-Deployment Activities: An employee may take Family Military Leave to attend arrival ceremonies, reintegration briefings and events, and other official ceremony or programs sponsored by the military for a period of 90 days following termination of the military member's active duty status. The employee may also take leave to address issues that arise from the death of a military member while on active duty status.

8. Additional Activities Approved by OPS: An employee may only take Family Military Leave for other exigencies if the exigency arises out of the military member's active duty/call to active duty, and OPS agrees as to the leave's qualification, timing, and duration.

If an employee uses up his or her 12 weeks of FMLA leave for reasons other than Family Military Leave, the employee may be eligible for additional leave under the NFMLA.

Military Caregiver Leave

A spouse, son, daughter, parent, or next of kin of a "covered servicemember" who has suffered a "serious injury or illness" and wants to care for the servicemember, is eligible for up to 26 weeks of Family Military Leave in a "single 12-month period." For purposes of military caregiver leave, the single 12-month period applies per servicemember, and per injury/illness. An eligible employee may not take military caregiver leave for an injury or illness that manifests itself after the military discharge, however, the employee may be eligible for leave under the traditional FMLA if the servicemember is a parent, spouse or child, and the ailment qualifies as a "serious health condition."

During the single, 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks. If leave qualifies as both military caregiver leave and FMLA medical leave to care for a family member with a serious health condition, it will be counted as caregiver leave first.

Intermittent/Reduced Schedule

Family Military Leave taken due to a qualifying exigency may be taken intermittently or on a reduced schedule basis. Family Military Leave taken to care for a covered servicemember with a serious injury or illness may be taken intermittently or on a reduced schedule basis only when medically necessary. Medical certification of this need will be required. Where the intermittent leave or reduced schedule is foreseeable, the employee must try to schedule the leave so as not to unduly disrupt OPS's operations, may be temporarily transferred to an alternative position with equal pay and benefits for which the employee is qualified and which better accommodates the intermittent or reduced schedule leave.
Notice of Leave

An employee requesting a leave of absence must notify the Human Resources Department as far in advance as practicable, or within the same timeframe required for other absences. The employee should make reasonable efforts to schedule leave so as to not disrupt OPS operations. The employee must provide sufficient information as to the reason for the leave to enable OPS to determine eligibility for Family Military Leave, and must provide information as to the expected duration of the leave. When requesting subsequent leave for the same particular exigency related to the same military member, or the same injury/illness for the covered servicemember, the employee must specifically reference the qualifying reason or state "FMLA leave."

OPS will notify an employee within five (5) business days whether he or she is eligible for Family Military Leave. If eligible, OPS will also notify the eligible employee of their rights and responsibilities with regard to Family Military Leave.

Certification

An employee requesting any form of Family Military Leave must provide written proof of the military member's military status, and call to duty or deployment information, on a form adopted by OPS to determine whether the leave is FMLA-qualifying. For qualifying exigency leave, the employee must also provide a signed statement and description of facts for each particular exigency. For military caregiver leave, the employee must provide certification of the covered servicemember's serious injury/illness. These requirements may be waived by the Human Resources Department in cases of emergency or where both the need and the timing of the leave are obvious. These certifications must be provided prior to commencement of the leave when the need for leave is foreseeable; in any case, it must be provided within fifteen (15) days after it is requested. Failure to return the required certification, absent unusual circumstances, will cause OPS to deny the Family Military Leave.

A certification of active duty will remain in effect for the dates of the military member's active duty status for the contingency operation. A certification of a particular exigency will remain in effect for the duration of that exigency.

OPS shall notify the employee within five (5) days of receipt of a complete and sufficient certification whether the leave is FMLA-qualifying. If OPS is unable to determine whether the leave is FMLA qualifying because the certification is incomplete or insufficient, OPS shall notify the employee in writing, and state the information needed to cure the deficiency. The employee shall have seven (7) calendar days to cure the deficiencies, or Family Military Leave may be denied.

Failure to Provide Notice/Certification

Failure to provide required notices or certifications may result in a delay in the leave of absence, or loss of the protections provided by the Family and Medical Leave Act or NFMLA.

Regular Reporting
While on Family Military Leave, employees must keep the Human Resources department informed of their plans to return to work. As a general rule, the employee must contact the Human Resources Department at least once every two (2) weeks; other reporting schedules may be agreed upon between the employee and the Human Resources Department based on the employee's individual circumstances. Reasonable notice (at least two business days, and more if possible) is required prior to returning to work on any date other than the originally scheduled return date.

**Compensation During Family Military Leave**

Family Military Leave is unpaid, except that employees who have earned Vacation and/or Sick Leave must use such leave concurrently with their Family Military Leave until such paid leave is exhausted. If OPS's Vacation and/or Sick Leave policies impose lesser notice requirements than this policy, the lesser requirements will apply during the period of paid time off.

**Benefits**

The employee's group health, life and other insurance (if participating) will remain in effect throughout the Family Military Leave period on the same basis as if the employee were not on leave. During any paid portion of the leave, the employee's premiums will continue to be deducted from payroll. To the extent that payroll does not cover the employee's share of premiums, payments must be delivered to the Accounts Receivable Department. Failure to make premium payments may cause the employee (and covered dependents) to be uninsured during a portion of the leave period. No seniority, sick, vacation other benefits will be earned during the Family Military Leave; however, if the employee is concurrently using vacation or personal leave, then OPS's policy for employees using vacation will apply.

**Return to Work**

Upon return to work, the employee will be restored to his or her prior job, or an equivalent position with equivalent pay, benefits and other terms and conditions, unless the employment would have ended even if the employee had not been on leave (for example, if the job has been eliminated due to a staff reduction or reorganization).

**Unable/Decline to Return**

An employee who is unable or declines to fully return to work upon expiration of Family Military Leave will be considered to have resigned.

**Non-Discrimination**

OPS will not discharge, fine, suspend, expel, discipline, or in any other manner discriminate against any employee who exercises any right provided under the FMLA, NFMLA, or this policy.

**Definitions**
All definitions contained in the FMLA apply to Family Military Leave (excluding the definitions of "son" or "daughter"). Additionally, the following definitions apply to Family Military Leave under the FMLA:

Active Duty: The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

Contingency Operation: The term "contingency operation" has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

Covered Servicemember: The term "covered servicemember" for purposes of military caregiver leave means a member of the Armed Forces, including a member of the National Guard or Reserves, who is on the temporary disability retired list or a veteran who was in active duty in the previous five years, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy, or who is otherwise in outpatient status. A “veteran” is defined as a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable.

Outpatient Status: The term "outpatient status," with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:

a. a military medical treatment facility as an outpatient; or
b. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

Serious Injury or Illness: The term "serious injury or illness," for purposes of military caregiver leave, means an injury or illness incurred by the member in the line of duty or on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty in the armed forces) that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating. With regard to veterans, because they do not have a current “office, grade, rank, or rating,” the serious injury or illness be one that manifested itself before or after the member became a veteran.

Son or Daughter of a Covered Servicemember: This term means the covered servicemember's biological, adopted, or foster child, step child, legal ward, or a child for whom the servicemember stood in loco parentis, and who is of any age.

Parent of a Covered Servicemember: A "parent of a covered servicemember" means the servicemember's biological, adopted, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

Next of Kin of a Covered Servicemember: This term means the nearest blood relative, other than the servicemember's spouse, parent, son, or daughter in the following order: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative for purposes
of military caregiver leave. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the servicemember's next of kin for these purposes.

**PERSONAL LEAVE**

Each full-time employee who works 30 or more hours per week shall be granted two personal days per year (one day per semester for first year employees). Requests for Personal Leave must be approved by the principal or the employee’s immediate supervisor. Approval will be subject to OPS and department scheduling requirements and needs. Personal Leave cannot be utilized during the first five student contact days, the last ten contracted days, or on days immediately preceding or following an OPS observed holiday. Each school year that an employee has unused personal leave days, the employee shall be awarded one additional day of accumulated sick leave, subject to limitations on maximum accumulation. Any such additional accumulation is recorded separate from the maximum accumulation.

**OTHER PERSONAL LEAVES**

Occasionally, employees may request an unpaid leave for personal circumstances not covered by any other OPS policy. The Board of Education retains sole discretion for granting or denying approval for such leave. OPS will base its approval upon consideration of the reason for the request, the benefit to OPS of such leave and OPS' operational needs. Requests for such leaves shall be submitted to the Superintendent or his or her designee.

*Vacation and Sick Leave Accrual during Leave of Absence*

Any otherwise eligible employee who is on a Board approved leave of absence shall not accrue Vacation or Sick Leave while on a leave of absence.

**OTHER ABSENCES**

**ABSENTEEISM AND TARDINESS**

OPS expects that every employee will be regular and punctual in attendance. Absenteeism and tardiness places a burden on other employees and on OPS.

Employees may not be absent from their respective facility during duty hours, except by permission from the principal or their immediate supervisor.

Employees who are unable to work owing to illness or an accident, should use the absence reporting system for this position, and if there is none, must promptly notify their principal or supervisor. In the event the principal or immediate supervisor is unavailable, please contact Human Resources. Failure to notify the principal or supervisor for three consecutive days will be considered resignation of employment. Employees who become ill at work or must leave for some other reason before the end of the workday, must inform the principal or their immediate supervisor.
A substitute teacher may not be employed by a teacher to take over assigned duties, nor in any instance may a teacher make personal arrangements to pay a substitute.

Excessive absenteeism, or excessive tardiness, will result in disciplinary action up to and including discharge.

**MILITARY AND FAMILY MILITARY LEAVE**

Military leave and family military leave will be granted to the extent required by state and federal law.

Employees requesting military leave must notify the Superintendent or designee as soon as they receive notification of activation. Employees are to attach a copy of their orders to a District leave request form when they prepare the request for military leave.

Employees requesting to take family military leave under the Nebraska statutes must notify the Superintendent at least 14 days in advance of taking such a leave if the leave will be for 5 or more consecutive days, consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the school, and for leaves of less than 5 days, notify the Superintendent or designee of the leave request as soon as practicable.

Family military leave under the Family and Medical Leave Act (FMLA) will be provided in accordance with that law and subject to the provisions of the Board policy pertaining to FMLA leave.

**ADOPTION LEAVE**

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

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

**Legal Reference:**

- 29 USC §§ 2611 to 2618 and 29 CFR Part 82
- Neb. Rev. Stat. ' ' 55-160 to 55-166;
- 38 USC Sections 4301 to 4333 and 20 CFR Part 1002

**Date of Adoption:** December 1, 2014
Personnel - All Employees

Separation

The Assistant Superintendent for Human Resources or designee will process all retirements, resignations, cancellations, contract amendments, non-renewals and terminations of employment. The Assistant Superintendent for Human Resources will make recommendations for appropriate action to the Superintendent and Omaha Board of Education.

In furtherance of duties and responsibilities with regard to employment separations along with disciplinary actions short of employment separation, investigatory matters and other necessary Human Resources Division activities, and in addition to other power and authority established by policy, the Assistant Superintendent for Human Resources is granted full power and authority to (1) act as the Board or the Superintendent’s designee in all employment and Human Resources Division related activities or matters, (2) issue subpoenas to compel the attendance of witnesses to all matters that may come before the Human Resources Division or for the purpose having such witnesses’ deposition taken, (3) issue subpoenas for the production of any papers, books, accounts and documents, and (4) determine that a hearing shall be conducted by a hearing officer as well as selecting the hearing officer.

Resignation

Staff members who wish to resign from the Omaha Public Schools must complete the appropriate form or a letter of resignation and submit it to the Assistant Superintendent of Human Resources.

Resignation of Certificated Employees

The District may refuse to accept the resignation of a certificated employee, including a resignation given mid-year and a resignation given for the following school year after April 15 or after execution of a contract or renewal letter.

Resignation of Classified and Hourly Employees

Employees are expected to give two weeks’ notice to Human Resources prior to resignation.


Date of Adoption: December 1, 2014
Personnel - All Employees

Drug and Substance Use and Abuse

It is the policy of the Omaha Public School District to eliminate the influence of drugs, alcohol and other chemicals within the school environment and to educate students against the usage of drugs, alcohol and illegal substances. The District will implement regulations and practices which will insure compliance with laws relating to drugs and alcohol, including: the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act of 1991, and all regulations and rules promulgated pursuant thereto.

Section 1 Drug-Free Workplace

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

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

2. The possession or distribution of a look-alike drug or look-alike controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the District’s expectations in the event the employee commits a criminal drug or alcohol offense off the workplace or off duty time.

3. As a condition of employment, employees will abide by the District’s drug-free workplace policies and notify the Superintendent or designee of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

4. Disciplinary sanctions, up to and including termination of employment and referral for prosecution, will be imposed upon employees who violate the aforementioned standards of conduct. Sanctions for violation thereof may include the requirement that the employee complete an appropriate rehabilitation program, reprimands, and non-renewal, cancellation, or termination of contract of employment.

5. Employees shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.

6. Employees shall be furnished with a paper or digital copy of this policy.
This policy supplements and is in addition to all other policies, regulations, practices, procedures and contractual provisions regarding or related to the improper or unlawful possession, use, or distribution of illicit drugs and alcohol.

Section 2  Alcohol and Drug Testing
The District will implement regulations and practices which will insure compliance with the Omnibus Transportation Employee Testing Act of 1991, and all regulations and rules promulgated pursuant thereto. Employees in "safety-sensitive" positions, as defined by the Act and regulations promulgated thereunder, including employees whose position requires a commercial driver's license (CDL), shall be tested for alcohol and controlled substances as required by law. (See attached Appendix "1"). Refusal to submit to such pre-employment testing, or testing positive, shall disqualify an applicant from employment. Reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing shall also be conducted. Employees who test positive shall be immediately removed from safety-sensitive positions and shall be subject to disciplinary action up to and including termination of employment.

Legal Reference: 41 U.S.C. §§701 to 707
49 U.S.C. §31306 and 49 CFR Part 382

Date of Adoption: December 1, 2014
CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING: FEDERAL REGULATIONS, OMAHA PUBLIC SCHOOL'S COMPLIANCE POLICIES AND PROCEDURES, AND EDUCATIONAL MATERIALS

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

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

Transportation Director  
Human Resources Employee Relations

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

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

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

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

1. **Alcohol concentration.**
   No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

2. **Alcohol possession.**
   No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.

3. **On-duty use.**
   No driver shall use alcohol while performing safety-sensitive functions.

4. **Pre-duty use.**
   No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

5. **Use following an accident.**
   No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

6. **Refusal to submit to a required alcohol or controlled substances test.**
   No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substance test, or a follow-up alcohol or controlled substances test.

7. **Controlled substances use.**
   No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

8. **Controlled substances test.**
   No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

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

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

2. **Post-accident testing.**
(a) As soon as practicable following an accident involving a commercial motor vehicle, each surviving driver:
   (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
   (2) Who receives a citation under State or local law for a moving traffic violation arising from the accident shall undergo a test for alcohol and controlled substances.

(b) (1) Alcohol tests. Shall be administered within two hours following the accident unless such can not reasonably be done, and not more than eight hours following the accident.
   (2) Controlled substance tests. Shall be administered within 32 hours following the accident.

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

3. Random testing.
   (a) Drivers shall be subject to random testing. The minimum annual percentage rate for random alcohol testing should be 25 percent of the average number of driver positions, or such minimum annual percentage rate as established from time to time by the FHWA. The minimum annual percentage rate for random controlled substance testing shall be 50 percent of the average number of driver positions.
   (b) The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.
   (c) The random alcohol and controlled substances tests shall be unannounced and the dates for administering random alcohol and controlled substances tests shall be spread reasonably throughout the calendar year.
   (d) Each driver who is notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function at the time of notification, the driver shall cease to perform the safety-sensitive function and proceed to the testing site as soon as possible.

4. Reasonable suspicion testing.
   (a) A driver shall submit to an alcohol test when the employer has reasonable suspicion to believe that the driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations (except for possession of alcohol).
   (b) Under federal law, notwithstanding the absence of a reasonable suspicion alcohol test, a driver is prohibited from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol and must not perform or continue to perform safety-sensitive functions, until:
      (i) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
(ii) Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.

5. **Return-to-duty testing.**
   (a) **Alcohol.** If a driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations concerning alcohol and has not been terminated, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.
   
   (b) **Controlled Substances.** If a driver has engaged in conduct prohibited by the federal drug and alcohol testing regulations concerning controlled substances, and has not been terminated, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

6. **Follow-up testing.**
   Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver shall, if still employed, be subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional in accordance with the provisions of federal regulations.
   
   Random, reasonable suspicion, and follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

(F) The procedures that will be used to test for the presence of alcohol and controlled substances, to protect the employee and the integrity of the testing processes, to safeguard the validity of the test results, and to ensure that those results are attributed to the correct employee include:
   
The procedures outlined in 49 CFR 40, concerning procedures for Transportation Workplace Drug and Alcohol Testing Program, will be followed. This includes use of a "split sample" approach for drug testing and chain of custody procedures including documentation of screening aliquots.

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

(H) A "refusal to submit" to an alcohol or controlled substance test includes:
   
   **Refuse to submit** (to an alcohol or controlled substances test) means that a driver (1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process. A failure to remain readily available for post-accident testing, or to notify the employer of the need for such testing, or to proceed to the test site immediately for random testing, may be deemed by the employer to constitute a refusal to submit.
The consequences for refusing to submit to an alcohol or controlled substances test are as follows: A driver who has refused to submit to a required alcohol or controlled substance test is subject to the same consequences as a driver who has tested positive on an alcohol (concentration of 0.04 or greater) or controlled substances test.

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

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

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

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

(i) Shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed, and

(ii) Shall be subject to unannounced follow-up alcohol and controlled substances tests administered by the employer following the driver's return to duty.

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

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

(K) Information to assist employees in avoiding alcohol misuse and controlled substances use, signs and symptoms of an alcohol or a controlled substances problem, and available methods of intervening when such a problem is suspected: Information will be made available by the counselor to employees upon request.
APPLICANT’S CONSENT
TO OBTAIN PAST DRUG AND ALCOHOL TEST RESULTS

I, ______________________________________________ [insert applicant’s name], understand that as a condition of hire with Omaha Public Schools (“School District”) I must give the School District written Consent to obtain the results of all DOT-required drug and/or alcohol tests (including any refusals to be tested) from all of the companies for which I worked as a driver, or for which I took a pre-employment drug and/or alcohol test during the past two (2) years. I also understand that the School District requires me to consent to access to the same information concerning any non-DOT driver drug and/or alcohol tests which I took during this same period of time. I have also been advised and understand that my signing of this consent does not guarantee me a job or guarantee that I will be offered a position with the School District.

Below I have listed all of the companies for which I worked as a driver, or for which I took a pre-employment driver position drug and/or alcohol test during the past two (2) years. I hereby consent to the School District obtaining from those companies, and I hereby consent to those companies furnishing to the School District, all requested information concerning my drug and alcohol tests, including:

(i) all DOT and non-DOT alcohol test results of 0.04 or greater during the past two (2) years;
(ii) all verified positive DOT and non-DOT drug test results during the past two (2) years;
(iii) all instances in which I refused to submit to a DOT-required drug and/or alcohol test during the past two (2) years;
(iv) any other violations of DOT agency drug and alcohol testing regulations during the past two (2) years; and
(v) documentation of successful completion of DOT return-to-duty requirements (including follow-up tests) in the event of a violation of a DOT drug and alcohol testing regulations during the past two (2) years.

I specifically authorize the companies to fully complete the School District's Report of Past Drug and/or Alcohol Test Results form.

The following is a list of all of the companies for which I worked as a driver, or for which I took a pre-employment driver position drug and/or alcohol test, during the past two (2) years:

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APPLICANT CERTIFICATION

I have carefully read and fully understand this Consent to release my past drug and alcohol test results. In authorizing the release of my test results, I consent and agree to waive any physician-patient privilege that may otherwise exist with respect to the confidentiality of my drug and alcohol test results. I further release the Company and its medical review officer, and any officer, employee or agent of the Company or medical review officer whose disclosure of the results is in accordance with this release from any and all claims or causes of actions which may result from the disclosure of such test results to the person or persons identified on this release form.

In signing below, I certify that all of the information which I have furnished on this form is true and complete, and that I have identified all of the companies for which I have either worked, or for which I took a pre-employment drug and/or alcohol test, as a driver during the past two years. I understand that this information is material to my hiring and that my failure to provide true and complete information will automatically disqualify me for a position with the School District or, in the event that I am hired, subject me to immediate termination. Further, I understand that in the event of receipt of a report of past drug and/or alcohol violation, any conditional offer of employment will be revoked and in the event I have been hired, any employment will be automatically ended.

______________________________ _________________________________  _____________________
Signature of Applicant   Print Name    Date
APPLICANT'S CERTIFICATION OF PAST DRUG AND ALCOHOL TEST RESULTS

During the past two years before this application, I:

Did _____ Did not _____ (check applicable blank) test positive or refuse to submit to any pre-employment drug or alcohol test administered by an employer to which I applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules.

If I did test positive or refuse to submit, then I further certify that I:

Did _____ Did not _____ N/A _____ (check applicable blank) complete the return-to-duty process of the DOT agency drug and alcohol testing rules. I agree that it is my responsibility to provide the School District with documents establishing completion of such process before I may perform safety-sensitive functions for the School District.

APPLICANT CERTIFICATION

In signing below, I certify that all of the information which I have furnished on this form is true and complete. I understand that this information is material to my hiring and that my failure to provide true and complete information concerning the time period in question will automatically disqualify me for a position with the School District or, in the event that I am hired, subject me to immediate termination.

Signature of Applicant ___________________________  Print Name ___________________________  Date ___________________________
REQUEST FOR PAST TEST RESULTS

To: ___________________________ [Insert name of previous employer]

From: ___________________________ [Insert name and title of school representative]

Subject: Request to obtain past drug and alcohol test results

Date: ___________________________ [Insert date]

__________________________________________ [Insert applicant’s name] has advised us that he/she □ worked for your company as a driver or that he/she □ applied to your company for work as a driver, during the previous two (2) years.

Regulations of the Department of Transportation (DOT) (49 C.F.R. § 40.25) require us to obtain from your company, and require your company to provide to us, information concerning the above-named driver’s past drug and alcohol test results (including refusals to be tested).

In accordance with DOT’s regulations, therefore, we are providing you with the driver’s written consent directing your company to provide us with the past drug and alcohol testing results, as set forth in the consent. A Report form to provide the requested information is also enclosed for your convenience.

Please send this information to

Omaha Public Schools
3215 Cuming Street
Omaha, NE 68131-2024

as soon as possible, either by facsimile (FAX # (402) 557-2019) or by mail. As required by the DOT, the information which you furnish will be treated as strictly confidential.

Enclosures:

Document No. 1. Applicant’s Consent to Obtain Past Drug and Alcohol Test Results.
Document No. 4. Report of Past Drug and Alcohol Test Results.
REPORT OF PAST DRUG AND/OR ALCOHOL TEST RESULTS

To: Omaha Public Schools ("School District")
From: [Insert name of Company submitting results]
Re: [Insert Driver/Applicant’s name]
       [Insert Driver/Applicant’s Social Security Number]
       to [Insert "Relevant 2 Year Period" dates]

In accordance with the DOT regulations, School District’s request, and the Driver/Applicant's Consent, the Company reports the following results of drug and alcohol tests conducted on the above named Driver/Applicant by this Company during the above designated "Relevant 2 Year Period."

(i) Past Alcohol Test Results:  □ No alcohol tests conducted during relevant period
       Date of Test: ___________________
       □ 0.04 or greater  □ Negative  □ Refused to be tested
       Date of Test: ___________________
       □ 0.04 or greater  □ Negative  □ Refused to be tested

(ii) Past Drug Test Results:  □ No drug test conducted during relevant period
       Date of Test: ___________________
       □ Verified Positive  □ Negative  □ Refused to be tested
       Date of Test: ___________________
       □ Verified Positive  □ Negative  □ Refused to be tested

(iii) Refusals to Submit: (Note: Refusals to submit include verified adulterated or substituted drug tests)
       □ No refusal to submit to drug and/or alcohol test during relevant period
       □ Refusal to submit to drug and/or alcohol test during relevant period, on the following dates:
       Date of Refusal: ___________________ Nature of Refusal: ___________________
       Date of Refusal: ___________________ Nature of Refusal: ___________________

(iv) Any Other Violations of DOT Agency Drug and/or Alcohol Testing Regulations:
       □ No such violations during period specified
       □ Violations occurred during relevant period, on the following dates:
       Date of Violation: ___________________ Nature of Violation: ___________________
       Date of Violation: ___________________ Nature of Violation: ___________________

(v) Completion of DOT Return-to-Duty Requirements, including follow-up tests:
       □ Not Applicable, no violations occurred during period specified
       □ Not Applicable, violation(s) occurred during period specified, but Company has no record of successful completion of return-to-duty requirements
       □ Documents are attached; violation(s) occurred during period specified, and Employee successfully completed return-to-duty requirements

Date ___________________ Name of person completing form (type/print) ___________________
Title (type/print)
Personnel - All Employees

Bloodborne Pathogen Compliance Plan

A. Procedures for Control of Communicable Diseases.

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

B. Employees

1. Contagious and Infectious Diseases. When an employee has a contagious or infectious disease which is in a communicable stage or presents more than a minimal risk of transmission to others, the employee should not report to work and is expected to follow the absence reporting procedures. Employees should in general follow the same guidelines for absence from work as a student is to follow under the guidelines of the Contagious and Infectious Disease Chart of the Nebraska Department of Health and Human Services regulations pertaining to school health and communicable disease control. Prior to returning to work, employees shall upon request submit a physician’s written statement stating that the employee is able to return to work and does not pose a significant risk of transmission of the disease to others.

In general, a district employee with a communicable condition will be allowed to work only after securing a physician's written statement indicating that the disease is not in a communicable stage. The school reserves the right to secure an independent second opinion if such is deemed necessary.

2. Bloodborne Pathogen Communicable Diseases. Communicable diseases subject to this part include diseases spread via bloodborne pathogens, including Human immunodeficiency virus (HIV) (including AIDS) and Hepatitis B (only carriers are of concern). An employee with a communicable disease, or an applicant for employment, shall be employed or be continued in employment without consideration of the communicable disease provided the employee or applicant is able to perform the essential functions of the position with such reasonable accommodations as may be necessary and provided the communicable disease does not pose an imminent threat to the health or the safety of others within the employee’s work environment. Employees who have a communicable disease are expected to conduct themselves in such a manner as to not place others at risk and, in the event reasonable accommodation is necessary to avoid such risk, to make a confidential request for such accommodation.
Employees' Communicable Conditions

1. Any employee who contracts a communicable condition should report the same to the Assistant Superintendent of Human Resources who should, in turn, report to the Superintendent in a confidential manner. The Assistant Superintendent of Human Resources shall then consult with the employee and appropriate medical personnel to evaluate the medical and psychological condition of the employee. The Assistant Superintendent of Human Resources shall recommend reasonable accommodations so that the employee may continue in employment as long as the employee is physically able to do so.

2. The privacy of the employee must be protected, and knowledge that an employee has a communicable condition should be confined to persons with a direct need to know. If it becomes necessary to inform others, these persons will be provided with information concerning necessary precautions and will be made aware of confidentiality requirements.

3. Employees who present a high risk of disease transmission will be temporarily excluded from work after consultation with appropriate medical authorities.

C. General Provisions

1. No Discrimination or Harassment. No employee shall be unlawfully discriminated against or subjected to harassment on the basis of having a communicable disease.

2. Privacy. Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the bloodborne pathogen status of an employee. Violation of medical privacy may be cause for disciplinary action against the employee, including possible termination.

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

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

4. **Infection Control.** All employees are required to consistently follow infection control guidelines. Employees are required to follow the exposure control plan of The School District established in accordance with OSHA’s “Occupational Exposure to Blood-Borne Pathogens” Standard. The use of universal precautions is mandated and work practice controls to minimize or prevent potential exposure are to be implemented. Any incident of exposure to blood shall be reported, evaluated, and follow-up completed and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees’ right to know requirements. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept accessible.

5. **Staff Development.** The Superintendent or designee will make communicable disease and bloodborne pathogen education programs available to employees as appropriate to convey guidance on infection control procedures and inform employees about School District policies.

Legal Reference:  
173 NAC 3 (HHS Control of Communicable Disease regulation) §§ 20-167 and 20-168 (HIV/AIDS statute)  
29 CFR 1910.1030 (OSHA Bloodborne Pathogens regulation)  
Nebraska Fair Employment Practices Act--§§48-1101 to 48-1126  
20 U.S.C. 1232g (FERPA)

Date of Adoption: December 1, 2014
Personnel - All Employees

Infectious Diseases

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

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

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

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

Any person with an infectious disease will retain the rights of confidentiality and privacy, limited to individuals in a need-to-know position (administrators and board members). The community shall be informed that an infectious disease is present in the school system and that the person will be excluded if the situation warrants such action, based on medical and legal advice.

Legal Reference:
- 173 NAC 3 (HHS Control of Communicable Disease regulation) §§ 20-167 and 20-168 (HIV/AIDs statutes)
- 29 CFR 1910.1030 (OSHA Bloodborne Pathogens regulation)
- Nebraska Fair Employment Practices Act--§§48-1101 to 48-1126
- 20 U.S.C. 1232g (FERPA)

Date of Adoption: December 1, 2014
Personnel-All Employees

Personnel Files

Any teacher, administrator, or full-time employee of the school district shall, upon request, have access to their personnel file and shall have the right to attach a written response to any item in such file, and may in writing authorize any other person to have access to such file, which authorization shall be honored by the district. Such access and right to attach a written response shall not be granted with respect to any letters of recommendation solicited by the employer which appear in the personnel file. No other person except school officials while engaged in their professional duties shall be granted access to such file nor shall the contents thereof be divulged in any manner to any unauthorized person.

The right to review or access a file or submit a response does not apply to former employees.


Date of Adoption: December 1, 2014
Personnel - All Employees

Receiving Agents, Salespersons, and Other Business Representatives

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

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

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

Date of Adoption: December 1, 2014
Personnel - All Employees

Unauthorized Purchases

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

Date of Adoption: December 1, 2014
Personnel - All Employees

Use of School Facilities and Equipment by School Employees

The Superintendent may approve use of school facilities, equipment and other resources by school employees, except for activities which result in personal or corporate gain and provided that such use is consistent with Policy No. 1100.

School vehicles shall not be available for personal use.

School officials may search offices and storage devices provided to or used by employees where permitted by law, such as where reasonable grounds exist for suspecting that a search will turn up evidence that the employee has committed work-related misconduct, or that a search is necessary for a non-investigatory work-related purpose, such as to retrieve a file.

Searches of the District’s computer system may be conducted in the discretion of the administration at any time.

The District is not responsible for the security or safety of personal property which employees, students, or other building users may bring to school.

Date of Adoption: December 1, 2014
Personnel - All Employees

Activity Passes

Designated employees and Board of Education members of Omaha Public Schools may be given an activity pass which will admit the employee and Board of Education member and spouse to school activities. The activity pass may be used only by the person whose name appears on the pass.

Date of Adoption: December 1, 2014
Personnel

Community Relations—Political Activity

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

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

1. Their position, whether as an instructor or as a leader or supervisor of other employees;
2. Classrooms, buildings or facilities;
3. Students; or
4. School equipment, materials or communication systems (including e-mail).

These restrictions do not apply to employees who are engaged in authorized lobbying activities on behalf of the district. The restrictions also do not apply to the distribution of employee association correspondence or newsletters in the normal course of association business, even though those communication media may contain information concerning adopted positions of the association on political issues.

Date of Adoption: December 1, 2014
Personnel - All Employees

Fair Labor Standards Act (Minimum Wage & Overtime)

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

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

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

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

29 CFR §§ 541.303; 541.602; 541.603; 541.710; 553.20-.28; and 771.105

Date of Adoption: December 1, 2014
Personnel - All Employees

Shredding Consumer Reports

It is the policy of Omaha Public Schools to take reasonable measures to protect against unauthorized access to consumer information from consumer reports. A consumer report includes criminal background checks performed on applicants or employees by a third party. It does not include criminal checks performed by school staff.

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with its disposal include the following examples. These examples are illustrative only and are not exclusive or exhaustive methods for complying with this directive.

(1) Shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed. Burning or pulverising such papers are also options where appropriate.

(2) Destruction or erasure of electronic media containing consumer information so that the information cannot practicably be read or reconstructed.

(3) After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material in a manner consistent with this directive.

This policy does not require that the consumer reports information be disposed of; rather, it specifies the action to be taken whenever such disposal occurs. Questions regarding the disposal of consumer reports information should be directed to the Superintendent or the Superintendent’s designee.

Legal Reference: FTC Rule on Disposal of Consumer Report Information and Records, 16 CFR Part 682

Date of Adoption: December 1, 2014

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1 “The term ‘consumer report’ means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for . . . (B) employment purposes.” Fair Credit Reporting Act, 15 U.S.C. § 1681a(3).

2 The FTC rule states: “In this context, due diligence could include reviewing an independent audit of the disposal company's operations and/or its compliance with this rule, obtaining information about the disposal company from several references or other reliable sources, requiring that the disposal company be certified by a recognized trade association or similar third party, reviewing and evaluating the disposal company's information security policies or procedures, or taking other appropriate measures to determine the competency and integrity of the potential disposal company.”
Personnel - All Employees

Social Security Numbers

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

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

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

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

5 USCS § 552a (note) (Privacy Act of 1974)

Date of Adoption: December 1, 2014
Personnel - All Employees

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

Employees must notify the Assistant Superintendent of Human Resources or Employee Relations Administrator by the next working day after:

1. **Arrest or Criminal Charges.** The employee is arrested, ticketed, or issued a criminal charge where:
   
   a. The maximum penalty for the crime equals or exceeds six months incarceration;
   
   b. The crime relates to abuse, neglect or endangerment of a minor, a minor was allegedly a victim or a witness, or the crime involves alleged sexual misconduct;
   
   c. Conviction would impact performance of employee’s job responsibilities, including offenses that:
      i. Would impact the responsibility to be a role model for students;
      ii. Would impact the employee’s ability to operate a motor vehicle if the employee at times needs to travel during duty time or the employee at times drives our students, including on extracurricular activities; or
      iii. Would impact the employee’s Commercial Drivers License if the employee’s job requires that the employee have a CDL.
   
   d. The arrest or the alleged criminal activity occurred while the employee was on duty, on school property or in a school owned or utilized vehicle, or at a school-supervised activity or school-sponsored function, or after function.
   
   e. Employees must also promptly report to the Assistant Superintendent of Human Resources or Employee Relations Administrator whenever the employee has been sentenced to be incarcerated for any period of time, even if the offense was not otherwise reportable.

2. **Certificate or License.** The employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee’s position. This includes proceedings of the Nebraska Department of Education related to an alleged violation of the NE Standards of Conduct and Ethics, Chapter 27, and proceedings of the Health and Human Services related to an alleged violation of the professional standards of conduct for the employee’s position.

3. **Child Abuse.** The employee becomes aware that a report of child abuse or neglect has been made against the employee under the Child Protection Act.

   Further, employees must give full disclosure of any Child Protection Act investigation that resulted in an “inconclusive” determination that occurred at any time. Current employees must give such disclosure within ten days following adoption of this Policy.
As a condition of employment, applicants for employment must give such disclosure prior to commencement of employment. Any hiring made without such disclosure shall be subject to being immediately revoked in the event the required disclosure was not given.

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

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

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

Date of Adoption: December 1, 2014
Personnel - All Employees

Wage and Deduction Information

On each regular payday, the Superintendent or designee shall deliver or make available to each employee, by mail or electronically, or shall provide at the employee’s normal place of employment during employment hours for all shifts a wage statement showing, at a minimum, the identity of the employer, the hours for which the employee was paid, the wages earned by the employee, and deductions made for the employee. Information on hours worked for employees who are exempt from overtime under the federal Fair Labor Standards Act of 1938, under 29 C.F.R. part 541, does not need to be provided unless the District has established a policy or practice of paying to or on behalf of exempt employees overtime, or bonus or a payment based on hours worked, whereupon the Superintendent or designee shall send or otherwise provide a statement to the exempt employees showing the hours the employee worked or the payments made to the employee by the employer, as applicable.


Date of Adoption: December 1, 2014
Personnel - All Employees

Professional Boundaries Between Employees and Students

All employees are expected to observe and maintain professional boundaries between themselves and students. A violation of professional boundaries will be regarded as a form of misconduct and may result in disciplinary action.

The following non-exclusive list of actions will be regarded as a violation of the professional boundaries that employees are expected to maintain with a student:

- Text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school-related activities, such as the student's homework, class activity, school sport or club, or other school-sponsored activity. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).

- Using e-mail to communicate with students in an inappropriate, immoral or unethical manner.

- Engaging in social-networking friendships with a student on a social networking site. Material that employees post on social networks that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents or impair the employee's ability to serve as a role model for children.

- Engaging in sexual activity, a romantic relationship, or dating a student or a former student within one year of the student graduating or otherwise leaving the District.

- Making any sexual advance - verbal, written, or physical - towards a student.

- Showing sexually inappropriate materials or objects to a student.

- Discussing with a student sexual topics that are not related to a specific curriculum.

- Telling sexual jokes to a student.

- Invading a student's physical privacy (e.g., walking in on the student in a restroom), except as appropriate in relation to the child's needs.

- Physical contact with a student that is not age appropriate or is initiated by the employee when the student does not seek or want this attention.

- Being overly "touchy" with a specific student.
• Allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan.

• Discussing with the student the employee's problems that would normally be discussed with adults (e.g., marital problems).

• Giving a student a ride in the employee's personal vehicle without express permission of the student's parent and school administrator unless another adult is in the vehicle and except in circumstances which are appropriate, such as driving a babysitter home or driving a friend or teammate of an employee’s child home. If in question as to whether it is appropriate or not, the employee is to notify the employee’s direct supervisor.

• Taking a student on an outing without obtaining prior express permission of the student's parent and school administrator.

• Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.

• Going to the student's home when the student's parent or a proper chaperone is not present.

• Giving gifts of a personal nature to a specific student.

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of family relationships between employees and their children who are students in the District.

Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Nepotism

The School Board believes that the appropriate placement of qualified and competent staff is essential to the success of the Omaha Public Schools.

An applicant for any position in the Omaha Public Schools system, or any employee seeking a promotion or transfer, shall be considered solely on the basis of respective qualifications for such position regardless of whether the applicant or employee is or is not related by blood, marriage, or by law to any member of the Board or to any employee of the District, except as otherwise provided herein.

Definition

A. Related/Relative

These relationships include parents, children, siblings, uncle, aunt, first cousin, nephew, niece, spouse, grandparents, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or person who resides in the same household.

B. Directly Supervise

This term relates to situations in which one person in the school system can influence the employment conditions or career of the other. This includes decisions involving hiring, compensation, performance evaluation, promotional opportunities and work assignments or be assigned to positions where one reports to, directs the work of, or supervises the other on a full schedule basis.

C. Recommendation for Appointment, Employment, Promotion, Transfer, Change of Assignment, Advancement, Dismissal, or Evaluation

This term shall apply to those situations in which an individual has responsibility for making advisory recommendations; such terms shall not apply to employee nominations or dismissal recommendations of the Superintendent to the Board.

D. Evaluation

This shall apply to those situations in which an individual is assigned responsibility for making the annual evaluation for an employee or is requested to participate in the formulation of such evaluation.
No employee shall participate in or exert any influence on any personnel action including recommendations for appointment, employment, promotion, transfer, change of assignment, advancement, dismissal, or evaluation of an applicant or employee to whom s/he is related.

No employee may directly supervise or be directly supervised by an employee to whom s/he is related.

Administrative personnel shall not be assigned to a department or grade level where a relative is a team leader or department chairperson.

No employee shall be recommended for a promotion or transfer to a position that would result in a violation of this policy.

This policy shall not, except as provided herein, be interpreted to prohibit the employment of relatives of Board members or relatives of any employee of the school system.

The prohibitions herein regarding employment shall not apply to persons occupying positions in the school system that, on the effective date of this policy, are in violation of such prohibitions. However, the provisions of the policy shall be applicable to any subsequent promotions, transfers, or other personnel actions which would violate the provisions of this policy.

Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Qualifications for Appointment as Teacher

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


Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Qualifications for Appointment to Administrative and Supervisory Certificated Positions

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


Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Contract

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

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

1. The contract must be in writing and contain such provisions as are required by law.

2. The employed person must hold a valid teaching or administrative certificate at all times.

3. The employed person must not be under contract to another district in this state.

4. The contract must be approved by at least five (5) school Board members and signed by a designated member of the Board.

No member of the Board of Education may cast a vote in favor of the election of any teacher when such member of the Board is related to him or her or to the majority of the Board by blood or marriage.

Neb. Rev. Stat. ' 79-819

Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Certification

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


Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Probationary Certified Employees

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


Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Permanent Certified Employees

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


Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Assignment of Duties

The Superintendent or the Superintendent’s designee shall have the authority to assign and reassign teachers and other staff to extracurricular activities and other specific activities, including supervision of pupils in halls, study halls, playgrounds, work on faculty committees and staff activities, and other duties necessary for the operation of the school.


Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Agents/Tutors

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

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

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

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

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

Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Student Teachers and Pre-Student Teachers

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

Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Substitute Teachers

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

Rates of compensation for all substitute teachers will be set by the Board.

The Superintendent or designee shall be responsible for recruitment, selection, assignment, orientation and evaluation of substitute teachers.


Date of Adoption: December 1, 2014
Personnel

Evidence of Professional Growth

All tenured and non-tenured certified staff must participate in District and School-required professional development; tenured certified staff must also fulfill professional growth requirements as prescribed by state law (79-830) and approved by the Board of Education, in order to be eligible for continued employment. College or university courses, approved committee work, Omaha Public Schools' sponsored workshops, special classes and supervision of student teaching may be accepted as professional growth activities, as may be certain District and School-required duties. Such District and School-required duties may include participation in activities related to Nebraska Department of Education required school improvement processes, grade level and team meetings, and negotiated contractual professional development days; in order to be accepted as meeting professional growth requirements, an activity must be approved by the Superintendent of Schools or his/her designee. Only activities designed to enhance staff skills for improving student learning and/or to reinforce the attainment of organizational and school-based performance goals will be approved as fulfilling professional growth requirements. District, school based and individual learning needs drive the professional development program in the Omaha Public Schools. School Improvement supports the alignment of staff development through job embedded activities within the contractual day. Professional Growth shall lead to advancement on the salary schedules as agreed to in the negotiated agreement of the District.

District, school based and individual learning needs drive the professional development program in the Omaha Public Schools. School Improvement supports the alignment of staff development through job embedded activities within the contractual day. Professional development is to enhance staff skills in improving student learning. All activities must be designed to reinforce the attainment of organizational and school based performance goals.

All certified employees must earn the equivalent of six (6) semesters of college credit or approximately ninety (90) hours of professional development over a six (6) year period of time to remain eligible for employment. It is crucial that professional development be connected with the school improvement process. A School Improvement Committee may be responsible for developing aspects of the professional development plan.


Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Teacher Training

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

1. Staff development resources and time shall be allocated in keeping with the key values and priorities of the district and the strategic plan.

2. The staff development program shall concentrate on the programs and practices of effective schools and teaching, goal setting, assessment procedures, evaluation of staff, and the change process.

3. Content shall be selected that has been verified by research to improve student outcomes.

4. Teachers shall be actively involved in initiating, planning, and conducting the development programs for teachers.

Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Reduction in Force Policy for Certificated Staff

A. For purposes of this section certificated staff means and includes all teachers and administrators as defined in Section 79824 of the Nebraska statutes.

B. Employee evaluation shall be included as a criterion to be used for reduction in force. Specific criteria shall be those criteria described for the appraisal process in Board Policy 4.34 Purposes of Staff Appraisal.

C. Determination of Sequence of Reduction in Force

1. In the event that reduction in certificated staff is found to be necessary, the District shall consider reduction by program and/or curricular area. The reduction shall be accomplished in the sequence outlined below:

   a. Temporary and part-time certificated employees.

   b. Probationary certificated employees hired to fill vacancies which occurred after the beginning of the school year previous to the one in which the reduction in force takes effect.

   c. Probationary certificated employees with emergency or provisional certification, in the program where the reduction will occur.

   d. Probationary certificated employees (other than those specified in (b) or (c) in the program where the reduction will occur).

   e. Probationary certificated employees in other programs whose positions are taken by a permanent certificated employee who is exercising his/her rights under Section 4.31, subsection c. 2a of this section and who otherwise would have been terminated in the reduction in force.

   f. Permanent certificated employees in the program where the reduction will occur.

2. No permanent certificated employee will be terminated while a probationary certificated employee is retained to render a service in any program of the Omaha Public Schools which the permanent certificated employee is qualified to perform by reason of certification and endorsement or, where certification is not applicable, by reason of college credits in a particular teaching area, provided:

   a. The permanent certificated employee accepts reassignment to the position of service previously held or performed by the probationary certificated employee.
b. If the length of continuous Omaha Public Schools’ service is identical for two or more certificated employees and the reduction in force does not require that all these certificated employees lose their employment, the order within this group shall be determined by a random number selection process. Designation of the program where reductions are needed and of employees in the program will be made by the superintendent.

c. Any certificated employee whose contract is terminated because of reduction in force shall be given the rights conferred by Section 79-848 of the Nebraska statutes and shall, upon request, be provided with the letter specified in that section. Such employee shall have preferred rights to re-employment for a period of 24 months commencing at the end of the contract year, and the employee shall be recalled on the basis of length of service to the school to any position for which he/she is qualified by endorsement or college preparation to teach. The employee shall, upon re-employment, retain any benefits that accrued to said employee prior to termination, but such leave of absence shall not be considered as a year of employment by the district.

Any employee under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his/her rights to subsequent recall.

d. Before a reduction in force occurs, the school board or board of education and the school district administration shall present competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction in force. Any alleged change in circumstances must be specifically related to the teacher or teachers to be reduced in force, and the board, based upon evidence produced at the hearing required by sections 79-824 to 79-842, shall be required to specifically find that there are no other vacancies on the staff for which the employee to be reduced is qualified by endorsement or professional training to perform.

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


Date of Adoption: December 1, 2014
Personnel - Employees

Dual Sponsorship of Activities

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

Date of Adoption: December 1, 2014
Personnel - Certificated Employees

Standards of Ethical and Professional Performance – Certificated Staff

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

Certificated Personnel-Professional Performance and Code of Ethics

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

Preamble

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

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

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

Principle I - Commitment as a Professional Educator:

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

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

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
2. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.

3. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.

4. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.

5. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school board members for personal gain or private advantage.

6. Shall not sexually harass students, parents or school patrons, employees, or board members.

7. Shall not have had revoked for cause in Nebraska or another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which an educator’s certificate is issued in Nebraska.

8. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.

9. Shall report to the Superintendent any known violation of these standards.

10. Shall seek no reprisal against any individual who has reported a violation of these standards.

**Principle II - Commitment to the Student:**

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

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

1. Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.

2. Shall not deliberately suppress or distort subject matter for which the educator is responsible.

3. Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.
4. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.

5. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.

6. Shall not tutor for remuneration students assigned to his or her classes unless approved by the Principal.

7. Shall not discipline students using corporal punishment.

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

Principle III - Commitment to the Public:

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

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

1. Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.

2. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.

3. Shall neither offer nor accept gifts or favors that will impair professional judgment.

4. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.

5. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.

6. Shall, with reasonable diligence, attend to the duties of his or her professional position.

Principle IV - Commitment to the Profession:

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

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

1. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

2. Shall not misrepresent his or her professional qualifications, nor those of colleagues.

3. Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

Principle V - Commitment to Professional Employment Practices:

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

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

1. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.

2. Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.

3. Shall give prompt notice to the employer of any change in availability of service.

4. Shall conduct professional business through designated procedures, when available, that have been approved by the Board of Education.

5. Shall not assign to unqualified personnel tasks for which an educator is responsible.

6. Shall permit no commercial or personal exploitation of his or her professional position.

7. Shall use time on duty and leave time for the purpose for which intended.


Date of Adoption: December 1, 2014
Personnel - Non-Certificated Employees

Qualifications of Non-Certificated Employees

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

Date of Adoption: December 1, 2014
Personnel - Non-Certificated Employees

"At Will" Employees

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

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

Notwithstanding the foregoing, the District will comply with all negotiated agreements that may be inconsistent with this policy.

Date of Adoption: December 1, 2014
Personnel - Non-Certificated Employees

Hiring/Dismissal

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

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

Date of Adoption: December 1, 2014
Personnel - Non-Certificated Employees

Assignment and Transfer

A. The district is committed to maintain and continue to annually monitor professional staff assignment, reassignment and transfer so that the average teaching experience and level of education of school faculties in elementary schools with disproportionately high enrollment of black students are comparable on average to the district-wide averages for elementary schools. For the purposes of this policy:

1. “Teaching experience” means the total number of years of teaching both in and outside the District of regular elementary education teachers.

2. “Level of education” means regular education teachers with provisional certifications or with valid Nebraska teaching certificates who have acquired Bachelor’s degrees, or Master’s degrees and higher.

3. “Disproportionately high enrollment of black students’ means that black student enrollment in an elementary school as a percentage of total enrollment exceeds by 15% or more the percentage of black student enrollment in the District at the elementary level as a whole.

4. “Comparable” means within 2 years of the district-wide average for teaching experience at the elementary level; within 6 percentile points of the district-wide average percentile for teachers on a faculty at an elementary school for each of the following:
   a. teachers with provisional certification, and
   b. teachers with a Master’s degree or higher.

B. Each employee of the Board of Education shall be assigned to a specific position at the direction of the superintendent of schools and may be transferred to any other position as the superintendent may direct.

C. Transfers may be made at the initiative of the superintendent or other administrative officers or at the request of the employee and for any purpose which, in the judgment of the superintendent, is for the best interests of the employee or the school system.

D. All employees shall be notified of their assignments before public announcement has been made.

Date of Adoption: December 1, 2014
Personnel

Standards of Performance for Non-Certified Employees

In fulfillment of the employee's minimum responsibilities, the employee:

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, other employees, parents, school patrons, or school board members.

2. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, religion, handicapping condition or sexual orientation.

3. Shall not use coercive means, or promise or provide special treatment to students, other employees, school patrons, or school board members in order to influence professional decisions.

4. Shall not make any fraudulent statement or fail to disclose a material fact for which the employee is responsible.

5. Shall not exploit relationships with students, other employees, parents, school patrons, or school board members for personal gain or private advantage.

6. Shall not harass in any manner students, parents or school patrons, employees, or board members.

7. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties.

8. Shall keep in confidence personally identifiable student or employee information that has been obtained in the course of service to the district, unless disclosure serves professional purposes or is required by law.

9. Shall not discipline students using corporal punishment.

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

11. Shall not misrepresent the school district, and shall take added precautions to distinguish between the employee’s personal and institutional views.

12. Shall abide by policies and regulations of the Board of Education and the rules and standards established by the administration and the employee’s supervisor.

13. Shall seek no reprisal against any individual who has reported a violation of these standards.

Date of Adoption: December 1, 2014
Employee Consultation Conference

Employee's Name ___________________________   Department/School ___________________________
Job Title ___________________________   Supervisor's Name ___________________________
Conference Participants ___________________________   Date ___________________________

I. Workplace behavior or management act to be reviewed
   (date(s) of each act, policy or procedure violated (if any) and how the workplace behavior or management act violate policy or procedures.)

II. Action Taken:

III. Employee Acknowledgement
   Signature ___________________________   Date ___________________________

Failure to comply with the expectations, policy or procedure may result in further disciplinary action including termination of employment.

   _____ Verbal warning   _____ Working File   _____ Written Reprimand   _____ Personnel File (HR)
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Internal Board Policies - Organization

Rules of Order

Parliamentary Procedure
In all matters not covered by policies of the Omaha Board of Education or by statute, the Omaha Board of Education shall use Robert’s Rules of Order, latest edition, as a guide. If the Board modifies or departs from these Rules during a meeting, that modification or departure shall not serve as actionable grounds for overturning decisions of the Board. The President shall decide all questions of order, subject to an appeal to the Board.

Expectations of the Board of Education
In conducting the business of the Board of Education, it is expected that each Board Member is committed to excellence and equity in public education, and in order to achieve that goal, Board Members will strive to: place the educational welfare of all students attending the Omaha Public Schools first; regularly attend all regularly scheduled board meetings, except for emergencies, and become informed concerning the issues to be considered at those meetings; be open-minded in the decision-making process and base decisions on the best data available; encourage and respect the free expression of opinion by all Board Members; work with other Board Members to establish effective Board policies and to delegate authority for the general daily administration of the Omaha Public Schools to the Superintendent; raise issues of concern directly with the President of the Board of Education or the Secretary of the Board of Education and be willing to work on solutions to problems identified; be informed about current educational issues through individual study and through participation in programs providing needed information, such as those sponsored by state and national associations; avoid being placed in a position of conflict of interest; support policies and programs that will best serve the interests of the Board of Education as advocates for high quality education for all children; take no action that will compromise the Board of Education and disclose no confidential information except as authorized; act prudently when expending the funds of the school district, including observing a strict standard of fiscal responsibility in incurring any Board-related expenses; and take an active role in modeling and promoting good conduct with fellow Board Members.

Sanctions
Improper Board Member behavior may result in sanctions against that Board Member, which may include public reprimand by the President of the Board of Education and/or the Board of Education; removal from standing and/or special committees by the President of the Board of Education and/or the appointing body of said committee.

Neb. Rev. Stat. § 79-583
Neb. Rev. Stat. § 79-584
Neb. Rev. Stat. § 79-562

Date of Adoption: August 4, 2014
Internal Board Policies - Organization

Duties and Functions of the Board of Education

A. The Board of Education shall exercise control over the Omaha Public Schools, Educational Service Unit No. 19, and the Omaha Public Schools Retirement Board of Trustees in accordance with the statutes of the State of Nebraska.

B. The Board of Education shall select an administrator for Educational Service Unit No. 19 and the Omaha Public Schools Retirement Board of Trustees. The Board of Education shall select an administrator for the ESU, appoint OSER trustees, appoint the OSERS’ administrator, and contract for the actuary for OSERS.

C. The Board of Education shall have the power and duty to initiate questions of policy and pass upon the recommendations of the Superintendent in matters of policy, appointment or dismissal of employees, salary schedules or other personnel regulations, courses of study, selection of textbooks, and other matters pertaining to the welfare of the schools. The Board of Education may enter into contracts under such terms and conditions as the board deems appropriate, for periods of not to exceed four years, for the provision of utility services, refuse disposal, transportation services, maintenance services, financial services, insurance, security services, and instructional materials, supplies, and equipment and for collective-bargaining agreements with employee groups.

D. The Board of Education shall require reports from its administration concerning conditions of efficiency and needs of the schools. The board shall take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system as may be determined by the Board of Education.

E. The Board of Education shall adopt a budget in accordance with the statutes of Nebraska. Prior to the adoption of the budget, a public hearing shall be held with notice of the meeting published in advance. All money belonging to the Omaha Public Schools, in the hands of the county treasurer, shall be accounted for and disbursed directly to the Board of Education in accordance with statutory requirements.

F. In order to exercise its right and duties, the Board of Education shall prepare and publish a body of policies and regulations covering organization, policies, and procedures of the school system. The Board of Education shall cause such policies and regulations to be revised as necessary and shall republish such policies as often as necessary.

G. The Board of Education, and each Board Member, serves as an Ambassador of the Omaha Public Schools. As such, the Board of Education and each Member of the Board is to function as a representative of the Omaha Public Schools to the
The Board of Education, and each Board Member, serves as an advocate for the Omaha Public Schools within the district, and at the State, Regional and National Levels. Each Board Member is expected to be a vigorous, knowledgeable and articulate advocate of the Omaha Public Schools and its programs, as approved by the Board of Education, so that the best interests of the Omaha Public Schools can be made fully and clearly known.


Date of Adoption: August 4, 2014
Internal Board Policies - Organization

Annual Organizational Meeting

A. The OPS Board of Education shall meet in January each year thereafter to hold an organizational meeting. At such meeting, newly elected board members shall be administered the oath of office.

B. At the annual organization meeting, the Board of Education shall elect a President and a Vice President from its membership. The President and Vice President shall serve for a term of one year or until their successors are elected and qualified.

C. The OPS Board of Education shall first elect its President and then elect its Vice President. Any member of the Board may self-nominate or be nominated by another Board Member. Nominating speeches are not permitted. However, nominees shall have up to five minutes to speak following the close of nominations and prior to the distribution of ballots. Nominee speeches shall be in order of nomination. Election of officers of the Board of Education shall be by secret ballot. Election shall require a majority of all members of the board.

D. The Board of Education may also elect from outside its own members, a Superintendent, a secretary, a treasurer, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for terms not to exceed three years.


Date of Adoption: August 18, 2014
Internal Board Policies - Organization

Committees and Committee Functions

Subcommittees

Unless otherwise designated by the Board, the President shall appoint the members and chairs and the President may authorize the Superintendent to appoint members of the administration or the community to serve the needs of the committee. Summaries of all subcommittee meetings shall be reported to the Board for its information, recording, and recommendation. Each subcommittee shall have a membership of no less than three members, including the President (who shall be an ex officio member), with any two constituting a quorum.

Committee of the Whole

The Omaha Public Schools Board of Education may function as a Committee of the Whole during a regularly scheduled or special meeting when it is necessary to extend discussion on an issue. Any member may refer an item to the Committee of the Whole through a motion to commit or to refer.

The Secretary shall keep a record of the matters discussed and prepare a Committee of the Whole report for submission at a regularly scheduled business or special meeting.

Standing Committees

Americanism Committee – Required by law and shall perform the functions required by law.

Committee on Claims – Required by law and shall perform the functions required by law.

Budget and Finance – Review issues regarding the presentation and tracking of the District’s budget and finances.

Facilities and Technology – Review issues regarding facilities and technology.

Human Resources/Curriculum Instruction and Assessment – Review issues regarding human resources, curriculum, instruction and assessment.

Students, Family, and Community Engagement – Review issues regarding engaging students, families and the community.

Temporary, Special or Ad Hoc Committees

Additional temporary, special, or ad hoc committees of the Board may be established only by Board action or by the President. The President shall appoint such temporary and special committees as may be deemed necessary or advisable by the Board and may authorize the
Superintendent to appoint members of the administration or the community to serve the needs of the committee.

Special Appointment

Members of the Board may be appointed to represent the Board on joint committees with other agencies or as advisors to other agencies. The President will make such special appointments and may authorize the Superintendent to appoint members of the administration or the community to serve the needs of the appointment, unless otherwise designated by the Board.

Functions of Committees

A. The functions of a committee shall be to study, analyze, and report on any questions or issues as may be referred to it by the Board of Education, brought to its attention by the Superintendent, or raised by a member of the board. Any committee may at its discretion call for reports prepared by the Superintendent or the Superintendent's staff. Findings and recommendations shall be made to the board as a whole for final action.

B. The President of the Board of Education shall be an ex officio member of all committees with the same power and privileges as other members. The Superintendent of schools may be appointed to membership on special committees and shall be eligible to attend any committee meeting. The Superintendent is not eligible to attend committee meetings held for Superintendent re-employment and/or salary considerations, except as permitted by the Board of Education.

Neb. Rev. Stat. § 84-1410

Date of Adoption: August 4, 2014
Internal Board Policies - Board Members

Orientation for Newly-Elected Members of the Board of Education

The Board of Education and staff members shall assist each newly elected member to understand the functions, policies, and procedures of the Board of Education before the member takes office. To this end the following steps shall be taken:

1. The Secretary of the Board shall give the newly-elected member selected materials such as a copy of the Board's policies, a copy of the school budget, and information on the responsibility of a school Board member, or electronic access to such materials.

2. The newly-elected member shall be invited to attend meetings of the Board of Education.

3. The Secretary of the Board shall supply material pertinent to the meetings and shall explain the use of such materials.

4. The newly-elected member shall be invited to meet with such administrators as determined appropriate by the Secretary of the Board to discuss their area of responsibility as defined by the Board of Education.

5. Any other material deemed helpful shall be made available upon request.


Date of Adoption: August 4, 2014
Internal Board Policies - Board Members

Board Member Attendance at Educational Workshops, Conferences, Training Programs, Official Functions, Hearings, and Meetings

Board members are expected to maintain effectiveness by being well-informed on educational issues. Accordingly, Board members are encouraged to attend educational workshops, conferences, training programs, official functions, hearings, or meetings which are sponsored by the school district, state, and national education organizations.

Board members are specifically authorized to attend such functions which are sponsored by this school district, the Nebraska Association of School Boards, the National School Boards Association, and similar organizations without specific action by the Board of Education but with the prior approval of the President and Vice-President of the Board of Education. In addition, school Board members may attend such functions at district expense sponsored by other organizations upon specific prior approval of the President and Vice-President. In the event of a denial of approval, the request for approval may be considered by the Board of Education.


Date of Adoption: August 18, 2014
Internal Board Policies - Board Members

Miscellaneous Expenditures

A. Expenses Incurred at Educational Workshops, Conferences, Training Programs, Hearings, Meetings, or Official Functions

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for the following:

1. Payment or reimbursement of actual and necessary expenses of Board Members, employees, or volunteers incurred in connection with any of the following events:

   a) educational workshops
   b) conferences
   c) training programs
   d) hearings
   e) meetings
   f) official functions

2. Such expenses may be paid with public funds, whether the event is sponsored by the Omaha Public Schools or some other entity or whether the event occurs at an Omaha Public Schools facility or at some other location within or outside the geographic boundaries of the Omaha Public Schools. Attendance at the event must benefit and promote the work of the Omaha Public Schools.

3. If payment for such expenses incurred for attendance at any of these events is otherwise covered by these policies, the provisions of those other policies shall govern payment or reimbursement. If no other policy governs such payment or reimbursement, the following rules shall be uniformly applied:

   a) Payment or reimbursement is authorized only if attendance at the event is given prior or contemporaneous approval by the employee’s immediate supervisor or by the Superintendent of schools or the Superintendent’s designee or, in the case of Board Members, by the President and Vice President of the Board of Education. Employees of the Omaha Public Schools may be excused for attendance at conferences, educational workshops, or training programs without loss of pay upon written application to and approval in writing by the Superintendent of schools or the Superintendent's designee. All employee absences for attendance at such events generally must be approved four weeks in advance before such absence may be granted. Notation of approval of attendance must be provided to Compensation and Benefits by the employee’s immediate supervisor or designee. For budgetary purposes, as much planning as possible should be made one year in advance.
b) Anyone seeking reimbursement for out of pocket expenses reasonably incurred in connection with an authorized event shall be paid at the Board approved per diem, which should be the federal rate for Omaha, or shall submit an itemized listing of expenses in order to be reimbursed. The itemized listing shall be submitted for payment to the accounting office.

c) Authorized expenses may include:

1) Any registration cost, tuition cost, or fees or charges for attending the event.

2) All reasonable event expenses if the event is sponsored by the Omaha Public Schools. Such expenses may include the cost of providing non-alcoholic beverages and refreshments for those attending the event. If the event is a public meeting of the Board of Education or a committee of the board, such expenses may include the cost of providing non-alcoholic beverages for those in attendance.

3) Mileage as provided in Policy 8232.

4) Actual travel expense if travel is authorized by commercial or charter means. Such expenses may include reasonable and necessary ground transportation and also may include car rental, if the rental is explicitly authorized as necessary by the President of the Board of Education for Board Members or by the Superintendent of schools or the Superintendents designee for employees or volunteers.

5) Meals and lodging at a rate not exceeding the applicable federal rate unless a fully itemized claim is submitted substantiating the costs actually incurred in excess of such rate and such additional expenses are expressly approved by the Board of Education.

4. Expenses for Meals and Non-Alcoholic Beverages for Emergency Relief Workers and Volunteers.

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for non-alcoholic beverages and meals for the following:

1. For any individuals while performing or immediately after performing relief, assistance, or support activities in emergency situations, including, but not limited to, tornado, severe storm, fire, or accident; and

2. For any volunteers during or immediately following their participation in any activities authorized by these policies, including:
a) Service on advisory committees to the Board of Education or the Superintendent of schools;
b) Involvement in the Adopt-A-School program, PTA/PTSA, Omaha Education Week or other similar parent, business, or community involvement with the Omaha Public Schools;
c) Mowing grass, picking up litter, removing graffiti, or removing snow; or
d) Any other activity approved by the Board of Education.

3. Expenses for Recognition Dinners

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for one recognition dinner each year held for members of the Board of Education, employees of the Omaha Public Schools, or volunteers in the schools. The maximum cost per person for any such dinner shall not exceed $25. Any annual recognition dinner held pursuant to this policy may be held separately for members of the Board of Education, employees of each department of volunteers, or any of them in combination.

4. Expenses for Plaques, Certificates of Achievement, or Other Awards

In addition to other expenditures authorized by law and by these policies, public funds of the Omaha Public Schools are authorized by law and by this policy to be used to pay for plaques, certificates of achievement, pins, flowers, or other items of value awarded to elected or appointed officials, employees of the Omaha Public Schools, or volunteers. No item awarded to any individual shall exceed $100 in cost. No item shall be awarded to any individual without the explicit prior approval of the Superintendent of schools, the Superintendent’s designee, or the Board of Education. No item of value shall be awarded to an individual except for activity which promotes the education of the students of the Omaha Public Schools.

5. It is recognized that the Board of Education is accountable to the taxpayer and therefore reimbursement for activities undertaken by individual Board Members which may be in the course service to the District but which are not public functions/meetings or otherwise organized by administration and/or the Board of Education, and which are not specifically outlined above, must be recommended for approval for reimbursement by the Committee on Claims of the Board of Education and approved by the Board of Education.


Date of Adoption: August 4, 2014
Internal Board Policies/Personnel

Use of Public Resources by Board Members and Employees

Restrictions on Use

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

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

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

Authorized Uses

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

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

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

1. the use of the resource for personal purposes is part of the employee’s compensation provided in an employment contract or is consistent with this policy; and

2. the personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid by the affected employee.
Employees who engage in such personal use shall, upon request of the Board of Education or the administration, provide evidence to establish that the compensation has been reported and taxes paid as required by the Tax Code.

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

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

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

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

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

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

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

A Board member or authorized employee may make school facilities available for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is
not a factor in making the facilities available or a factor in determining the cost or conditions of use.

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

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

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

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

Date of Adoption: August 18, 2014
Internal Board Policies - Board Members

Membership in School Board Associations

The Board of Education shall hold memberships in such school board associations as it may from time to time determine appropriate.


Date of Adoption: August 18, 2014
Internal Board Policies - Board Members

Conflict of Interest/Contracts

It shall be the policy of Omaha Public Schools that any contract whether oral or written, formal or informal, which is entered into by the school district and in which a member of the Board of Education is directly or indirectly interested, is voidable unless certain reporting, disclosure and abstention requirements are met. The school district is authorized to enter into a contract in which a member of the Board of Education is directly or indirectly interested so long as:

1. The Board member makes a declaration on the record regarding the nature of his/her interest prior to official consideration of the contract.

2. The affected Board member does not participate in consideration or discussion of the contract.

3. The Board member does not vote on the granting of the contract except that if the number of members of the Board declaring an interest in the contract would prevent the Board with all members present from securing a quorum in the issue, then all members may vote on the matter.

4. The Board member does not in any way participate in the inspection, operation, administration or performance under the contract on the part of the district.

It shall further be the policy of Omaha Public Schools that the above provisions apply not only to formal contracts but also to open accounts.

Legal Reference: Neb. Rev. Stat. '49-14,103.01

Date of Adoption: August 18, 2014
Internal Board Policies

Conflict of Interest - Employment of Family Member of Board Member or Supervisor and Employment of Board Member

1. A member of the Board of Education or an administrator or other employee with supervisory responsibilities may employ or recommend or supervise the employment of an immediate family member if:
   a. He or she does not abuse his or her official position (for this purpose, “abuse” means employing an immediate family member: who is not qualified for and able to perform the duties of the position; at an unreasonably high salary; or who is not required to perform the duties of the position);
   b. He or she makes a full disclosure on the record to the Board of Education and a written disclosure to the Superintendent and/or Secretary of the Board; and,
   c. The Board of Education approves the employment or supervisory position.

2. No immediate family member of a Board of Education or an administrator or other employee with supervisory responsibilities shall be employed by the School District:
   a. Without first having made a reasonable solicitation and consideration of applications for such employment.
   b. Who is not qualified for and able to perform the duties of the position.
   c. For any unreasonably high salary.
   d. Who is not required to perform the duties of the position.

3. Neither the Board of Education nor an administrator or other employee with supervisory responsibilities shall terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.

4. This policy shall not apply to an immediate family member of a member of the Board of Education or an administrator or other employee with supervisory responsibilities who was previously employed in a position with the School District prior to the election or appointment of the Board member or employee. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure of any immediate family member employed in a position subject to this policy.

5. A member of the Board of Education may not be engaged in a contract to teach with the Omaha Public School District. Nor shall a member of the Board of Education cast a vote in favor of the election of any employee when the Board member is related by blood or marriage to such employee.

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

Date of Adoption: August 4, 2014
Internal Board Policies

Conflict of Interest—Other Than Contracts or Employment

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

   (a) Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and,

   (b) Deliver a copy of the statement to the Political Accountability and Disclosure Commission and to the Superintendent and Secretary of the Board of Education who shall enter the statement into the public records of the School District.

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

2. The provisions of paragraph 1 above shall not prevent a Board member from making or participating in the making of a School District-related decision to the extent that the individual's participation is legally required for the action or decision to be made. In such event, the Board member shall report the occurrence to the Commission.

3. Except as defined in Nebraska statute and this policy, conflict of interest of a Board member shall not prevent a Board member from serving on the Board or restrict the hiring or purchasing practices of this School District.

4. The Superintendent, or the Superintendent's designee, shall provide:

   (A) Each Board member with copies of state statutes of Nebraska pertaining to conflicts of interest at the organizational meeting of the Board of Education held at the regular School Board meeting in January of each year. In addition, any newly appointed or elected Board member shall be provided such statutes.

   (B) When possible, provide each Board member with a list of financial matters on the agenda to come before the Board of Education at the next regular meeting in sufficient detail to allow the Board member to identify potential conflicts of interest and report and receive advice from the Commission.
5. For purposes of this policy, immediate family member shall be defined as a child residing in the Board member's household, a Board member's spouse or an individual claimed by that Board member or the Board member's spouse as a dependent for federal income tax purposes.

Legal Reference: Neb. Rev. Stat. § 49-1425; § 49-14,101; § 49-14,102; § 49-14,103; § 49-14,103.01; § 49-14,103.02; § 49-14,103.03; § 49-14,103.04; § 49-14,103.05; § 49-14,103.06; § 79-818; § 79-544 and § 49-1499.

Date of Adoption: August 18, 2014
Internal Board Policies - Board Members

Reporting Procedures

It shall be the policy of Omaha Public Schools that any school Board member who has a direct or indirect interest in a formal contract entered into with Omaha Public Schools, or an open account, shall provide the Superintendent of schools with the following:

1. Names of the contracting parties.
2. Nature of the interest of the school Board member.
3. Date that the contract was approved by the school Board.
4. Amount of the contract.
5. Basic terms of the contract.

The above information shall be provided to the Superintendent of schools no later than ten (10) days after the contract has been signed by both parties. Such information shall be kept on a ledger, and shall be retained in the ledger for five (5) years from the date of the last day in office of the school Board member. The ledger kept by the Superintendent of schools shall be available for public inspection during the normal working hours.

It shall further be the policy of Omaha Public Schools that in the case of open accounts, the above information shall be filed within ten (10) days after the account is opened and thereafter the interested officer shall file a revision to the statement within ten (10) days of each payment on the account specifying the date and amount of the payment.

Legal Reference: Neb. Rev. Stat. § 49-14,103.02

Date of Adoption: August 18, 2014
CONFLICTS LEDGER
CONTRACTS IN WHICH BOARD MEMBER HAS A POSSIBLE CONFLICT

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<tr>
<th>(1) Names of the contracting parties-- (a) Business</th>
<th>(b) Board member with possible conflict</th>
<th>(2) Nature of the interest of the officer in question</th>
<th>(3) Date contract was approved by Board</th>
<th>(4) Amount of the contract</th>
<th>(5) Basic terms of the contract</th>
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Note: May attach and reference NADC Form C-3.

§ 49-14,103.02. Contract with officer; information required; ledger maintained. The person charged with keeping records for each governing body shall maintain separately from other records a ledger containing the information listed in subdivisions (1) through (5) of this section about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to section 49-14,103.01. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the:
(1) Names of the contracting parties;
(2) Nature of the interest of the officer in question;
(3) Date that the contract was approved by the governing body;
(4) Amount of the contract; and
(5) Basic terms of the contract.
The information supplied relative to the contract shall be provided no later than ten days after the contract has been signed by both parties. The ledger kept pursuant to this section shall be available for public inspection during the normal working hours of the office in which it is kept.

§ 49-14,103.03. Open account with officer; how treated. An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to sections 49-14,103.01 to 49-14,103.06. The statement required to be filed by section 49-14,103.02 shall be filed within ten days after such account is opened. Thereafter, the person charged with keeping records for such governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to sections 49-14,103.01 to 49-14,103.06.

1 If contract involves an open account insert “open account.” A running account of amounts purchased is maintained in the records of the District.
Internal Board Policies - Board Members

Code of Ethics

It shall be the policy of Omaha Public Schools that members of the Board of Education will exercise their responsibilities in accordance with the following Code of Ethics:

1. As a member of the local Board of Education, representing all the citizens of the Omaha School District, each Board member will recognize:

   a. That he or she has been entrusted with the educational development of the children and youth of the community.

   b. That the community expects that the first and greatest concern of a school Board member will be the best interest of each and every one of the young people enrolled in the district's schools.

   c. That the future welfare of this community, of this state, and of our nation depends in the largest measure upon the quality of education provided in Omaha Public Schools to meet the needs of every learner.

   d. That members of the Board of Education must collectively take the initiative in helping all the people in this community to have updated, accurate information about the public schools system, and to provide the finest possible school programs, school staff, and school facilities.

   e. That by statute the authority of the Board of Education is derived from the state which is ultimately responsible for the organization and operation of the public schools and which determines the degree of discretionary power exercised by the Board representing the people of the Omaha community.

   f. That a school Board member must never neglect his or her personal obligation to the community and legal obligation to the State of Nebraska, nor surrender these responsibilities to any other person, group or organization; but that, beyond this, each school Board member has a moral and civic obligation to our country which can remain strong and free only so long as public schools in the United States are kept strong and free.

2. In view of the foregoing consideration, it must be the constant endeavor of each school Board member:

   a. To devote time, thought and study to the duties and responsibilities of a school Board member so that he/she may render effective and creditable service.
b. To work with fellow school Board members in a spirit of harmony and cooperation so as to convert differences of opinion which arise during discussion and debate into a consensus for the benefit of the students enrolled in Omaha Public Schools.

c. To base personal decisions upon all available facts in each situation, to vote honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by and uphold the final majority decision of the Board of Education.

d. To remember at all times that individual Board members have no local authority outside the meetings of the Board of Education, and to conduct relationships with school staff members, local citizens, and all media of communication on the basis of this fact.

e. To resist every temptation and outside pressure to use the position as a school Board member to benefit either oneself or any other individual or agency apart from the total interest of the school system.

f. To recognize that it is as important for the Board of Education to understand and evaluate the educational program of Omaha Public Schools as it is to plan for the business of the school district.

g. To bear in mind under all circumstances that the primary function of the Board of Education is to establish and maintain the policies by which the schools are to be administered, but that the administration of the educational program and the conduct of school business shall be the primary responsibility of the Superintendent of Schools and the professional and non-professional staff members who are employed to work with the Superintendent of Schools.

h. To welcome and encourage active cooperation by citizens, organizations, and the media of communication in Omaha Public Schools with respect to the establishment of policy on current school operation and proposed future developments.

i. To strive step by step to achieve the ideal conditions for the most effective service by a Board of Education to its community, in a spirit of teamwork and unwavering commitment to the American system of public education as a primary means for preservation and perpetuation of our representative democracy.

Date of Adoption: August 18, 2014
Internal Board Policies - Board Members

Vacancies

Removal From Office

Any one of the elected or appointed officers of the Board of Education may be removed as an officer (President, Vice-President, etc.) by a two-thirds vote of the membership of the Board.

A member of the Board of Education may also be removed due to absence resulting in a vacancy.

Absence From Meetings

A vacancy in the membership of the Board of Education shall occur when a member is absent either for a continuous period of sixty (60) days at one time, or for more than two (2) consecutive regular board meetings, unless the absence is excused by a majority of the remaining members of the Board of Education.

Vacancies

A. Board of Education membership vacancies may be filled by the Board of Education according to statute. A vacancy in the Board shall be filled by appointment of a qualified registered voter by the remaining members of the Board for the remainder of the unexpired term. All other vacancies shall be filled by the Board of Education.

B. Failure of one elected to the Board of Education to qualify for the position as required by law voids the election and creates a vacancy.

Neb. Rev. Stat. §79-552

Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Methods of Operation

It shall be the policy of Omaha Public Schools that the Board of Education exercises authority over the schools in accordance with applicable laws. It determines policy; delegates executive supervisory and instructional authority to its employees; and appraises results achieved in light of goals established by the Board of Education.

The Board of Education shall direct its attention primarily to broad questions of policy and the appraisal of results rather than to administrative details. It shall be recognized that the implementation and the application of policy is an administrative task to be performed by the Superintendent of Schools and certificated and non-certificated staff elected to work with the Superintendent of Schools. The Superintendent and Principals shall be held responsible for the effective administration and supervision of Omaha Public Schools and its policies.

Matters to be submitted to the Board of Education shall first be brought to the Superintendent of Schools for study, analysis, review and recommendation, except where the Board is responsible by law for taking the action. The Superintendent or designee will present to the Board of Education those matters which require formal action by the Board of Education.

Legal Reference:  
Neb. Rev. Stat. § 79-526  

Date of Adoption: August 4, 2014
Internal Board Policies - Methods of Operation

Formulation of Policies

It shall be the policy of Omaha Public Schools that the Board of Education, representing the people of the Omaha School District, will be the governing body which determines all questions of general policy to be employed in the governance of the Omaha Public Schools.

Proposals regarding school district policies and operation may be initiated by any of several sources: a parent, a taxpayer, a professional employee, a school board member, a non-professional employee, a professional consultant, a civic group, etc. Ordinarily policies will be developed for presentation to the Board of Education by the Superintendent, Secretary of the Board or In-House Legal Counsel.

Formal action on policy proposals, whatever their source, will be taken by the Board of Education in accordance with its bylaws. Ordinarily, the Board of Education shall take action on such matters upon the basis of recommendations presented to the Board of Education by the Superintendent, Secretary of the Board or In-House Legal Counsel.


Date of Adoption: August 4, 2014
Internal Board Policies - Methods of Operation

Amendment or Suspension of Policies

A. Any policy of the board may be suspended for an agreed upon period of time by a vote of two-thirds of the members of the board, provided such suspension is permitted by law.

B. No policy of the Board shall be repealed or altered unless a majority of all the members vote for the repeal or alteration upon motion made in writing for that purpose at a previous meeting of the Board.

C. The Superintendent of schools, in case of emergency, may suspend any part of these policies and regulations as it pertains to administration of schools, as permitted by law and provided, however, that the Superintendent shall report the fact and the reason for such suspension at the next meeting of the Board of Education and provided further, that the suspension shall expire at the time of said report unless continued in effect by action of the Board of Education.

Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Formulation of Administrative Regulations

The Board of Education shall delegate to the Superintendent the function of specifying required actions and outlining detailed arrangements for operation of the schools. These rules and detailed arrangements shall constitute the administrative regulations governing the schools. These rules and arrangements must, in every respect, be consistent with the policies adopted by the Board of Education.

The Board of Education shall approve administrative regulations when specific state laws require such action or when the Superintendent recommends that the Board of Education take such action.


Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Meetings

The formation of school policy is a public matter and final action on such a matter must be taken in an open meeting. Every meeting of the Board of Education shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of the Board of Education, except as otherwise provided by the Constitution of the State of Nebraska, and by federal and state law.

The term "meeting" shall refer to all regular, special, or called meetings, formal or informal, of the Board of Education for the purpose of briefing, discussing public business, forming tentative policy, or taking any action of the Board of Education. This definition of "meeting" includes any meeting of an advisory committee of the Board of Education, but specifically excludes any meeting of a subcommittee, or standing subcommittee, of the Board of Education unless such subcommittee or standing subcommittee has been given the authority to take formal action on behalf of the Board.

Since members of the Board of Education are unable to function officially as individuals, the meeting of the Board of Education will present an opportunity for the school program to be discussed and appraised and for individual biases and opinions to be aired as the members of the Board of Education strive for consensus decisions on specific issues. In addition, the meeting will provide an appropriate place for items of interest or concern to individual citizens or groups of the school community to be heard and considered. The Board of Education will take formal action only when the Board is meeting in open session.

Neb. Rev. Stat. § 79-562
Neb. Rev. Stat. § 84-1412

Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Types of Meetings

Regular Meetings

Regular scheduled meetings may be of two kinds: business or education or both. The education meetings may be held for the purpose of reviewing the school program, or for the development and discussion of policy.

Special Meetings

A special meeting may be called by the President of the Board, or upon recommendation of the Superintendent, or by two members collectively in the event the President fails to act, upon due notice as specified by the bylaws. No business shall be transacted at a special meeting except that for which the meeting is called or that of an emergency nature.

Neb. Rev. Stat. § 84-1409

Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Designated Method of Giving Notice of Meetings

The designated methods of giving advance notice of meetings of the Board of Education of the Omaha School District shall be by publication or by posting. If notice is given by posting, such notice shall be given by posting notice in at least three (3) public places throughout the school district. (1) The District website, (2) the front door of the Teacher Administrative Center and (3) the Northwest Omaha Police Department precinct are designated posting places, though other or different places at which the public may reasonably be notified are also designated as permissible places.

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

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

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


Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Agenda Construction and Control

A. Written meeting agendas will be prepared by the Secretary of the Board in collaboration with the President or the Vice President of the Board of Education. Any Board member may request agenda items be placed on the agenda. At the request of three (3) or more Board members, an item shall be placed on the agenda.

B. Control of the agenda is the responsibility of the Board President. Agenda items shall set forth the matter to be discussed at that agenda item. An agenda, kept continuously current, shall be readily available for public inspection at the office of the Superintendent of Schools of the Omaha School District during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting. The School Board shall have the right to modify the agenda to include items of an emergency nature only by action taken at the public meeting at which the item is to be considered. Agenda items shall be sufficiently specific to advise the public of the issues to be discussed under that agenda item.

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

Date of Adoption: August 18, 2014
Internal Board Policies

Location of School Board Meetings

The traditional meeting place for Board meetings will be the board room at the School District’s principal office. The President or Superintendent may designate a different meeting place for individual meetings with advance notice to the members.

All meetings of the Board shall be held at the location designated in the notice of said meeting. If circumstances dictate meeting in a different location than designated in the notice, it shall be the responsibility of the Superintendent to take the appropriate steps to inform Board members and the public.

Meetings of the Board may be held outside the School District boundaries when deemed necessary by the Board and approved by the Board at any preceding meeting. Meetings of the Board may be held outside the state of Nebraska upon compliance with applicable laws.


Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Procedures During Meetings

In the absence of the President and the Vice President of the Board of Education at any meeting, the Board shall choose a President pro tempore.

Any action taken on a question or a motion duly moved and seconded shall be by roll call vote of the Board in open session, and the record shall state how each member voted, or if the member was absent or abstained.

Legal Reference:  
Neb. Rev. Stat. § 84-1413

Date of Adoption: August 18, 2014
Internal Board Policies - Methods of Operation

Public Participation at Board Meetings

A. **Attend**

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

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

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

| Legal Reference: | § 84-1411 (3) and (6); § 84-1412 (1) and (3) |

B. **Hear**

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

| Legal Reference: | § 84-1412 (7) |

C. **Record**

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

| Legal Reference: | § 84-1412 (1) |

D. **Access to Written Materials**

At least one copy of all reproducible written material to be discussed at an open meeting will be made available at the meeting for examination and copying by members of the public.

| Legal Reference: | § 84-1412 (8) |

E. **Speak**

Members of the public will be permitted to speak at Board meetings at which a public comment is on the Agenda, and may speak during the time at which the public comment agenda item is
being addressed. Members of the public may also speak when invited to make a presentation or when recognized by the chair. The Board is not required to allow members of the public to speak at each meeting. However, the Board will not forbid public participation at all meetings.

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

Members of the public who desire to address the Board will be required to identify themselves. Speakers are to complete a Request to be Heard form. It is preferred that the form be submitted well prior to the meetings in order for meeting participants to make plans for the meetings. However, a member of the public will be permitted to speak if the form is submitted within at least five (5) minutes after the meeting has commenced.

The President or chair for the meeting shall have the authority to establish reasonable time limits for individual speakers and for the duration of public comment sessions. The maximum permitted duration for individual speakers is five (5) minutes and the maximum permitted duration for the public comment session will be one (1) hour.

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

| Legal Reference: | § 84-1412 (1) (2) and (3) |

Date of Adoption: August 4, 2014
Internal Board Policies - Methods of Operation

Teacher-Administrator-Board of Education Relationships

Since it is recognized that providing a high quality education for children is the paramount aim of the School District of Omaha and that good morale in the teaching staff is necessary for the best education of children:

A. The Board of Education, under law, has the final responsibility of establishing policies for the district and Educational Service Unit 19. The policies for Educational Service Unit 19 shall be the same as those of the district, except to the extent the law provides otherwise.

B. The Superintendent and Superintendent's staff have the responsibility of carrying out the policies established.

C. The professional teaching personnel have the ultimate responsibility of providing the best possible education in the classroom.

Date of Adoption: August 4, 2014
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Bylaws of the Board - Board Authority

General Statement

Bylaws are rules or procedures adopted by the board to govern its internal operations. The use of such guidelines or bylaws helps the board to comply with the responsibility and duties delegated to it by law and by the local electorate, in an efficient and effective manner.

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Authority

Limits of Authority

The Board of Education is the unit of authority. Apart from the normal function as part of the unit, a board member has no individual authority. Individually, the board member may not commit the district to any policy, act or expenditure.

No individual member of the board shall exercise any administrative responsibility with respect to the schools.

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Legal Description

The official name of the Omaha Public School district shall be Douglas County School District 0001 and it is a Class V school district. As such, in that name it shall be a body corporate and possess all the usual powers of a corporation for public purposes, and in that name and style may sue and be sued, purchase, hold, and sell such personal and real property, and control such obligations as are authorized by law.


Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Number of Members, Terms of Office

The Board of Education shall consist of nine (9) members elected by election district (sub-district) by the qualified voters of the school district in a manner prescribed by law under the provisions pertaining to a Class V school district in the statutes of the State of Nebraska.

The terms of office for board members shall be four (4) years and will begin on the first Monday in January.

Legal Reference:  
Neb. Rev. Stat. § 79-552  
Neb. Rev. Stat. § 79-561 and 562  
Neb. Rev. Stat. § 32-545

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Officers

1. The OPS Board of Education shall meet in January each year to elect a President and a Vice President from its membership. The President and Vice President shall serve for a term of one year or until their successors are elected and qualified.

2. The OPS Board of Education shall first elect its President and then elect its Vice President. Any member of the Board may self-nominate or be nominated by another Board Member. Nominating speeches are not permitted. However, nominees shall have up to five minutes to speak following the close of nominations and prior to the distribution of ballots. Nominee speeches shall be in order of nomination. Election of officers of the Board of Education shall be by secret ballot. Election shall require a majority of all members of the board.

3. The Board of Education may also elect from outside its own members, a Superintendent, a secretary, a treasurer, and such other officers as the board may deem necessary for the administration of the affairs of the school district, at such salary as the board may deem just, and in their discretion they may enter into contracts with such officers for terms not to exceed three years.

                    Neb. Rev. Stat. § 79-583  
                    Neb. Rev. Stat. § 79-592  
                    Neb. Rev. Stat. § 79-593

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

President

1. The duties of the board President shall be to:
   a. Preside at all meetings of the school board in accordance with Robert's Rules of Order.
   b. Countersign all orders upon the school treasury for funds to be disbursed by the district.
   c. Countersign all warrants of the secretary of the county treasurer.
   d. Administer the oath to the secretary and treasurer when so required by law.
   e. Other duties as the law may require.

2. The President has the right to vote on any issue that may come before the school board.

3. The President has the additional duty to maintain order at public meetings of the school board.

4. The President must appear for and on behalf of the district in all suits brought by or against the district.

5. The President shall appoint or provide for the election of all committees of the board, unless otherwise directed by the board. The President shall be kept apprised of the workings of all such committees.

6. The President may call special meetings of the board.

7. The President shall call special meetings of the board when requested on petition of a majority of the board members.

8. For at least ten (10) days prior to an election in a Class V school district, the President of the board of education shall publish his or her proclamation to the legal voters of the school district in at least one (1) daily newspaper of general circulation in the school district, setting forth the time when and place or places where such election will be held and a full and complete statement of the officers, bond proposition, or question of expenditure to be voted on at the election.
9. The President shall serve as the primary spokesperson for the Board of Education.

Neb. Rev. Stat. ' 79-574
Robert’s Rules of Order

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Vice-President

The Vice-President shall perform the duties of the President in case of the President’s absence or disability. In the case of the absence of both the President and Vice-President, the remaining members shall select a President pro tem to preside at the meeting.


Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Treasurer

The treasurer shall be custodian of all money belonging to the school district, and shall perform duties required by law or by the board.

Neb. Rev. Stat. § 79-592

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Secretary and Assistant Secretary

A. The Secretary of the Board of Education shall perform the duties imposed by statute and the policies and regulations of the Board of Education. While retaining the ultimate performance for such duties, the Secretary may delegate the carrying out of specified duties.

B. The Secretary or his/her delegate shall be present at all meetings of the Board, keep an accurate journal of the proceedings, take charge of its books and documents, countersign all warrants for school moneys drawn upon the treasurer of the school district by order of the Board, audit accounts, issue all warrants, and attest all official documents requiring the signature of the President. The Secretary shall have charge of all records, reports, petitions, and other documents presented to and referred to in the minutes of the Board.

C. The Secretary shall furnish a satisfactory surety bond to the Board of Education in the amount of $10,000 or in such an amount in excess of $10,000, as may be required by the Board of Education.


Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Auditor

The board will have an annual independent audit of the finances of the district. The board will contract only with state approved auditors and their analysis and report will be in keeping with state approved or accepted standards. This annual audit will be completed by November 5 of each year.

Legal Reference:  
Neb. Rev. Stat. § 79-1089
NDE Rule 1.3.05

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Individual Members

It is understood that the members of the Board have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any action or statement on the part of any individual Board members, except when such statement or action is in pursuance of specific, formal instructions from the Board.

a. The Board shall not be bound in any way by any statement or action on the part of any individual board member or employee except when such statement or action is in pursuance of special instructions by the Board of Education.

b. Board Members may, as individuals, request information from administration. Requests for information will be made through the Secretary to the Board of Education and forwarded to Board Officers. Each request for information made by an individual Board Member will be forwarded to all Board Members for their information, as will a copy of all information provided by administration pursuant to the request.

c. When visiting school sites, individual Board Members are expected to report to the principal’s office to notify staff they are in the building or on school grounds.

Date of Adoption: August 18, 2014
Bylaws of the Board - Board Members

Removal From Office

Any one of the elected or appointed officers of the Board of Education may be removed from office by a two-thirds vote of the membership of the board.

Date of Adoption: August 18, 2014
Bylaws of the Board - Bylaws, Policies and Regulations

Formulation, Adoption, Amendment of Policies

Policy proposals and suggested amendments to or revisions of existing policies shall normally be submitted to all members of the Board of Education by the Superintendent in writing prior to a regularly scheduled Board of Education meeting in which such proposed policies, amendments, or revisions thereof shall be read and discussed.

Policies will be adopted or amended after consideration at two (2) meetings of the Board of Education. The agenda and minutes shall be marked to indicate policy matters.

The formal adoption of policies shall be by majority vote of all members of the Board of Education and the actions shall be recorded in the minutes of the Board of Education. Only those written statements so adopted and so recorded shall be regarded as official policy.

Policies shall be reviewed at least every two (2) years or at such other periodic time periods as may be required by law.

Reference: Robert's Rules of Order

Date of Adoption: August 18, 2014
Bylaws of the Board - Bylaws, Policies and Regulations

Adoption and Amendment of Bylaws

Proposed new bylaws and suggested amendments to or revisions of existing bylaws may be adopted by a majority vote of ALL members of the entire Board (not simply a majority of a quorum) during the second of two (2) regularly scheduled meetings of the Board not less than four (4) weeks apart in the calls for which meeting the proposed additions, amendments or revisions shall have been described in writing.

Reference:  Robert's Rules of Order

Date of Adoption: August 18, 2014
Bylaws of the Board - Bylaws, Policies and Regulations

Approval and Amendment of Administrative Regulations

The Board does not adopt administrative regulations unless specifically required to do so by law, or unless requested to do so by the Superintendent, or as required by negotiated agreements with employee organizations, in which case, any such regulation shall become a part of any such agreement and shall be subject to amendment as provided in any such agreement. Adoption and amendment of such Board adopted regulations shall be by the same procedure as that specified for policies at 9200.

The Board reserves the right to review and demand revisions of administrative regulations should they, in the Board's judgment, be inconsistent with the policies adopted by the Board.


Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Regular Meetings

The Board shall meet in regular session on the first and third Mondays of each calendar month, unless otherwise designated by the President. Such meetings shall begin at 6:30 p.m. or such time as designated by the President.

                    Neb. Rev. Stat. § 84-1401

Date of Adoption:   August 18, 2014
Bylaws of the Board - Meetings

Special Meetings

A special meeting of the Board may be called by the President or on petition of a majority of the members of the Board.

No business shall be transacted at any special meeting which does not come within the purpose or purposes set forth in the call for the meeting unless it is of an emergency nature.

All special meetings shall be held in the Omaha School District Office unless otherwise designated by the President with the approval of the Board.

Special Board meetings may be adjourned to a definite date and time.

Legal Reference:  
Neb. Rev. Stat. § 79-561
Neb. Rev. Stat. § 84-1401

Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Advance Delivery of Meeting Materials

The Board shall require the Superintendent to prepare an agenda which, with the minutes, shall be made available to the Board members on or before the Friday prior to each regular monthly Board meeting.


Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Order of Business

Generally, the order of business at regular meetings of the board will be:

- Call to order and announcement of open meetings poster
- Pledge of Allegiance
- Roll Call
  - Excused/Unexcused Absence
- School Spotlight
- Board and Superintendent Communications and Monthly Treasurer Report
- Public Comment and Recognition
- Consent Agenda Items
  - Reading of the Minutes
  - Personnel Adjustments
  - Claims
  - Designated Action Items
- Discussion and/or Action Items
  - Information Items
  - Action Items
- Reports
- Request for Closed Session
- Adjournment

Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Parliamentary Procedure

In all matters not covered by policies of the Omaha Board of Education or by statute, the Omaha Board of Education shall use Robert’s Rules of Order, latest edition, as a guide. If the Board modifies or departs from these Rules during a meeting, that modification or departure shall not serve as actionable grounds for overturning decisions of the Board. The President shall decide all questions of order, subject to an appeal to the Board.

Expectations of the Board of Education

In conducting the business of the Board of Education, it is expected that each Board Member is committed to excellence and equity in public education, and in order to achieve that goal, Board Members will strive to: place the educational welfare of all students attending the Omaha Public Schools first; regularly attend all regularly scheduled board meetings, except for emergencies, attend and participate in all hearings before the Board or committees of the Board to which they have been appointed, and become informed concerning the issues to be considered at those meetings; be open-minded in the decision-making process and base decisions on the best data available; encourage and respect the free expression of opinion by all Board Members; work with other Board Members to establish effective Board policies and to delegate authority for the general daily administration of the Omaha Public Schools to the Superintendent; raise issues of concern directly with the President of the Board of Education or the Board’s Secretary and be willing to work on solutions to problems identified; be informed about current educational issues through individual study and through participation in programs providing needed information, such as those sponsored by state and national associations; avoid being placed in a position of conflict of interest; support policies and programs that will best serve the interests of the Board of Education as advocates for high quality education for all children; take no action that will compromise the Board of Education and disclose no confidential information except as authorized; act prudently when expending the funds of the school district, including observing a strict standard of fiscal responsibility in incurring any Board-related expenses; and take an active role in modeling and promoting good conduct with fellow Board Members.

Sanctions

Improper Board Member behavior may result in sanctions against that Board Member, which may include public reprimand by the President of the Board of Education and/or the Board of Education; removal from standing and/or special committees by the President of the Board of Education and/or the appointing body of said committee.

Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Minutes

The Board of Education shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The resignation of a Board member or any other circumstance that results in a vacancy in office shall be made a part of the minutes.

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

Minutes of an emergency meeting shall be prepared by the secretary and available to the public by no later than the end of the next regular business day. Such minutes shall specify the nature of the emergency and any formal action taken at the meeting.

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

Neb. Rev. Stat. §§ 84-1408 to 1414

Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Voting

A. All votes on motions and all resolutions shall be by "ayes" and “nays,” and the vote shall be recorded.

B. The statutes require the following vote for various board actions:

1. The election of officers and the employment of certificated employees requires a vote of a majority of all members of the board.

2. All money appropriated out of the school fund must be on a recorded affirmative vote of a majority of all the members of the board.

3. No school property of any kind shall be sold except at a regular meeting and by a recorded affirmative vote of at least two-thirds of the members of the board.

4. No bonds may be submitted to the electors without the consent of a majority of the members of the board.

C. Cancellation of contract for certificated employee requires a vote of the majority of the members of the school board as does amendment or termination of the contract of a certificated employee. All other board action may be taken by a vote of a majority of the members present if sufficient in number to constitute a quorum.

D. An abstention counts as a “nay” vote absent a conflict of interest which compels such absenteeism.

Legal Reference:

Neb. Rev. Stat. § 79-566
Neb. Rev. Stat. § 79-584
Neb. Rev. Stat. § 79-822
Neb. Rev. Stat. § 79-829
Neb. Rev. Stat. § 79-832
Neb. Rev. Stat. § 79-10,115

Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Methods of Operation/Quorum

A majority of all members of the board shall constitute a quorum, but a less number in attendance at any regular meeting shall have the power to compel the attendance of absent members in such manner and under such penalties as the board may prescribe.


Date of Adoption: August 18, 2014
Bylaws of the Board - Meetings

Board/School District Records

Open Meetings Act Posting and Public Access to Board Records

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

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

Neb. Rev. Stat. § 84-712

Date of Adoption: August 18, 2014
Byllaws of the Board - Meetings

Closed Sessions

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

A closed meeting shall never be held for the purpose of discussing the appointment or election of a new member to the Board of Education.

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

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

All discussion had in executive session shall be maintained as confidential. Should any such confidential information be shared by any Board Member with any individual other than (a) an individual present in the Executive Session or (b) a Board Member who was not able to attend the executive session, such Board Member shall be subject to public sanction by the Board of Education.

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


Date of Adoption: August 18, 2014