

# MADISON PUBLIC SCHOOLS



## HANDBOOK FOR CERTIFICATED STAFF

2023-24

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## FOREWORD

### **Intent of Handbook**

Welcome to the Madison Public Schools! This handbook is intended to provide general information about the Madison Public Schools and to serve as a basic guide to many of the district's policies, rules, and regulations, benefits of employment, and performance expectations. Full copies of district policies are located on the district website.

References in this handbook to "teachers" are intended to apply to all certificated staff. This includes administrative staff to the extent the handbook deals with professional expectations and conduct.

Each teacher is responsible for becoming familiar with the handbook and knowing the information contained in it. Although the information found in this handbook is detailed and specific on many topics, the handbook is not intended to be all encompassing or to cover every situation and circumstance that may arise. This handbook is intended to supplement other documents that deal with your employment, including your employment contract, the negotiated agreement between the Madison Public Schools Board of Education and the Madison Education Association, and the policies and regulations of the Board of Education. In reading this handbook, please understand that where a direct conflict exists, state or federal law, the negotiated agreement, or Board policies and regulations will control.

This handbook does not create a "contract" of employment. Staff positions and assignments which do not legally require a certificate or are otherwise not protected by the teacher tenure laws may be ended or changed on an "at will" basis notwithstanding anything in this handbook or any other publication or statement, except for a contract approved by the Board of Education.

The administration will be responsible for interpreting the rules contained in the handbook and shall have the right to make decisions and make rule revisions at any time. Should a situation or circumstance arise that is not specifically covered in this handbook, the administration will make a decision based upon applicable school district policies, state and federal statutes and regulations, and the best interests of the district.

This handbook will be in effect for the 2023-24 and subsequent school years unless replaced by a later edition.

## School Mission Statement

Preparing students to be competent, confident, productive, and responsible citizens.

The district seeks to provide an essential education by developing and maintaining:

- Qualified and competent administrative, teaching, paraprofessional, and operational staff;
- Integrated, planned curriculum that prepares students to achieve state standards and such additional standards as are established by the Board of Education and to reach the student outcomes identified above;
- Comprehensive support programs and services that meet the diverse needs of students;
- Safe, clean and supportive facilities and learning environments;
- Implementation of a curriculum that meets the following:
  - Is based on state standards in reading, writing, speaking, listening, mathematics, science and social studies/history and essential learnings in visual and performing arts, world languages, technology, health and physical education, and career and technical education and such additional standards; as are established by the Board of Education;
  - Is appropriate for the developmental level of the students;
  - Addresses diverse learning needs;
  - Instills a passion for learning and the importance of life-long learning;
  - Develops problem solving and critical thinking skills, decision making skills, data gathering, and critical use of information;
  - Develops expected work ethics, as well as group participation and leadership skills;
  - Incorporates character education and multicultural education, including respect for diversity;
  - Provides for application of technology in all learning areas;
  - Provides access to advanced courses; and
  - Is organized in a schedule that is functional and meets student needs in all curriculum areas.
- Providing a supportive learning environment that includes:
  - A welcoming and inviting environment that is emotionally safe, nurturing, supportive, and disciplined; that promotes respect, trust, integrity, and regard for self and others; and that honors diversity;
  - Learning as the central purpose with students engaged in meaningful, relevant, and productive learning experiences; and
  - Implementation of policies and practices that result in an orderly environment with emphasis on consistent school-wide positive behavior.

## Board of Education

Harlow Hanson	President	Deb Neidig	Member
Jim Reeves	Vice-President	Kate Ebeling	Member
Steve Ruh	Secretary	Jim Knapp	Member

## Administration

Justin Frederick	Interim Superintendent
Jim Crilly	Secondary Principal
Karla Kush	Elementary Principal
Reid Ehrisman	Middle School Principal/IPM/EL
Travis Jordan	Director of Curriculum, Assessment & Instruction
Landonn Mackey	Athletic Director/Assessment & Instruction

## Teachers

Name	Position	Name	Position
Kayleen Amend	9-12 Science	David Kaps	Elementary PE
Trisha Braithwait	K-12 Media/Tech Coordinator	Amber Knight	5-12 Instrumental/6-12 Vocal Music
Brisa Calderon	EL	Garrett Koopman	New Directions/Sr English
Morgan Caspersen	Academic Support-Elem	Vanessa Lafleur	HS Language Arts
James Cooper	3 <sup>rd</sup> Grade	Jane Lewis	3 <sup>rd</sup> Grade
Collin Crilly	Ag Instructor	Erin Mackey	1 <sup>st</sup> Grade
Joe Crilly	Middle School	Leigh Ann McCartney	SpEd
Randi Ernest	Kindergarten	Josh McPhillips	7-12 Spanish/Business
Jonita Ferguson	MS Special Education	Bobbi Middleton	Middle School
Rob Fite	HS Social Studies	Chris Miller	6-12 PE
Kari Frauendofer	Kindergarten	Roberto Mora	MS Title I
Dan Fuhs	HS Social Studies	Ken Newcomb	HS Math
Lareesa Greunke	Middle School	Nixel Ortiz	MS EL/MS ASP
Rachel Harriman	PreK-3	Trent Osnes	HS/MS Business/CTE
Tom Harrington	Middle School	Audrey Pollreisz	Elementary Special Education
Beth Hauger	4 <sup>th</sup> Grade	Morganne Randles	2 <sup>nd</sup> Grade
Lane Hegemann	Elementary School Counselor	Erin Reeves	Elem Title I
Samantha Henery	5th Grade	Hannah Rice	1 <sup>st</sup> Grade
Kristen Herchenbach	FCCLA	Bradi Scott	2 <sup>nd</sup> Grade
Kayla Herfel	4 <sup>th</sup> Grade	Patrick Siemek	Industrial Tech
Paige Holub	7-12 Math	Carter Tegeler	HS Science
Katrina Hughes	6-12 EL	Jessica Ternus	Pre-Kindergarten
Samantha Jacobson	SpEd	Nicole Unkel	SpEd
Dawn Johnson	Middle School	Teresa Wagner	HS LA/Drama/Elem Vocal Music
Vicky Jones	5 <sup>th</sup> Grade	Casey Wolta	MS/HS Art
Lisa Jurries	MS/HS School Counselor		

## Other Certificated Staff

Lisa Holoubek	Nurse
Makel Sazama	Nurse

## **Article 1 – SCHOOL CALENDAR AND SCHEDULES**

### **School Calendar**

The official school calendar is a Google Calendar maintained in the central office by Jackie Stueckrath that includes all school-related events for the entire school year and is available as a reference for all staff. Any staff member planning an activity that involves school students or school facilities should contact Jackie about putting that activity on the calendar after consulting with and receiving permission from the Building Principal. Wednesday night of each week is reserved for church night. No school activities may be planned after 6:00 this night. There will be no school activities, practices, workouts, rehearsals, etc. on Sunday without specific, prior permission from the Superintendent.

### **Daily Schedule**

Building principals will provide daily class schedules.

### **Shortened Schedule**

When it becomes necessary to adjust the length of a school day, instructional schedules will also need to be adjusted. Building principals will provide this schedule information.

### **Severe Weather and School Cancellations**

The superintendent is authorized by the Board of Education to close public schools in case of severe weather. Representatives of the superintendent's staff will notify local news media when inclement weather warrants such action. Radio and television stations broadcast the information regularly.

Decision to Close Schools: A decision to close school is made when forecasts by the weather service and civil defense officials indicate that it would be unwise for students or staff to go to school. Decisions whether to have school will be made as early as possible. In any case, an announcement will be made to the news media when schools will be closed. In some instances, schools will be open, but certain activities may be cancelled or rescheduled. Some staff may be designated as being required to come to school even in the event of a school closing.

After School Starts: Every attempt will be made to avoid closing school once classes are in session. In some instances, closing school during the day is inevitable if children are to safely return home before the brunt of a major storm hits. In these cases, as much advance notice as possible will be given. If school is closed during the day staff will be notified and parents will be notified via media broadcast. Teachers will be responsible for remaining with students until all students have safely left school or the administration has made arrangements for remaining students.

Parental Decisions: Parents may decide to keep their children at home in inclement weather because of personal circumstances. Students absent because of severe weather when school is in session will be marked absent. You should treat the absence like any other absence for legitimate causes provided parents properly notify the school of their decision. Parents may pick up their children in inclement weather (except in case of a tornado) at any time during the school day. Students will not normally be dismissed from school during severe weather on the basis of a telephone request.

Emergency Conditions: The Madison Public Schools utilize auditory signals when it becomes necessary to either evacuate the building or to move to safer areas of the building. All regular drills are held as required by law through the school year. There are plans for Emergency Exit system, Tornado Warning System, and other critical incidents that are based on PA announcements of color codes. School officials are not permitted to release students from the school building during a tornado warning. In the event of an emergency exit alert or tornado warning, you should implement the school's established safety procedures.

**Contract Days**

Teachers are contracted for 185 contract days also referred to as the “contract year”. Such contract days shall be serviced by individual teachers on varying schedules as established by the Board of Education and administration.

**Make-Up Days**

In the event teachers are not required to report for duty due to inclement weather conditions or other circumstance whereby a duty day is canceled, such days may not be credited as a contract day served. Make-up days may be scheduled by the administration during the contract year as needed to allow all teaching staff to fulfill the full number of contract days. This decision will be made and announced on or about April 15.



## **Article 2 – EMPLOYMENT, COMPENSATION AND BENEFITS**

### **Employment**

A teacher is employed by the Madison Public Schools when the teacher signs the specified contract and the Board of Education approves such contract of employment. The teacher's employment continues absent action by the administration or the Board of Education to non-renew, terminate, amend or cancel the teacher's employment contract with the school district, or action by the Board of Education to accept a resignation of employment.

On or after March 15 of each school year a teacher may be requested to accept employment for the next school year and shall be required to signify such acceptance on or before such date after March 15 as may be designated in the notice. It is important for teachers to respond to the request to signify acceptance as a failure to signify acceptance of employment by the designated date shall constitute cause for termination of the teacher's contract. If a teacher signifies acceptance of employment for the next school year the teacher may either be issued a new Teacher's Contract or a "Contract Renewal Agreement."

Should a teacher wish to resign from employment the teacher should give written notice of resignation to the superintendent. The request to resign will be acted upon by the Board of Education. Mid-year resignations and resignations given late in the spring for the following school year can present significant planning problems for the district. A staff member who submits their resignations to the Board of Education by April 14 will be released from the next school year's contract unless the resignation would occur during the contract year. Staff members who refuse to fulfill their contractual obligations will be reported to the Professional Practices Committee of the Nebraska Department of Education. The district will enforce the continuing contract of teachers accepting employment for the next school year under the provision of Neb Rev. Stat. §79-820.

### **Teaching Certificates and Transcripts**

In order to include teachers in payroll action, it is required that a current teaching certificate be properly registered and filed in the superintendent's office. Transcripts of all your college work must also be filed in the superintendent's office. To receive advancement on the salary schedule, transcripts showing completed college courses toward a master's degree must be presented to the superintendent by September 1 of the current school year.

### **Assignments**

The professional duties to be performed by a teacher with the district shall be subject to assignment by the superintendent and/or building principal. A teacher will be expected to devote full time during days of school to the teacher's position and to diligently and faithfully perform the assigned duties to the best of the teacher's professional ability. Job descriptions, where available, provide additional information about the position duties.

In addition to the normal duties traditionally required of teachers, a teacher may be assigned such "extra duty" assignments to support the cocurricular programs of the district, which shall be upon such terms and conditions and at such additional rate of compensation as set forth in the negotiated agreement. The cocurricular program of the school district is an integral part of the overall educational program of the school district. As such, a teacher shall not unreasonably refuse to accept such extra-duty assignments. In addition, performance in extra duty assignments will be considered when evaluating the teacher's overall performance to the district.

## **Personnel File**

The district will follow the requirements of state and federal law and regulation with regard to a teacher's personnel file, including but not limited to Neb. Rev. Stat. § 79-8,109. Teachers may schedule a mutually agreeable time to review the contents of their personnel file in the superintendent's office.

## **Grievances and Complaints**

Teacher grievances regarding wages, hours, and conditions of employment set forth in the negotiated agreement shall be governed by the grievance or complaint procedure in the negotiated agreement. All other employment related grievances or complaints should be addressed through the administrative chain of command following the process set forth in Board policy 3035.

## **Compensation**

Regular Salary and Extra-Duty Compensation. Compensation is paid only as authorized by the Board of Education. Teachers are paid a salary based on placement on the salary schedule set forth in the collectively bargained negotiated agreement between the district and the collective bargaining agent for the certificated teaching staff (referred to in this handbook as the "negotiated agreement"), and the extra-duty salary schedule also incorporated into the negotiated agreement.

Changes in Salary Schedule Placement: the provisions of the negotiated agreement shall govern changes in a teacher's placement on the salary schedule. Teachers are expected to provide the superintendent with a transcript for all graduate hours earned for purposes of advancement on the salary schedule on or before September 1 of the school year in which such hours are to be credited for the teacher's placement on the salary schedule. Failure to timely provide an official transcript from the post-graduate institution of the graduate hours earned will result in a loss of such credit for such school year.

Salary Payments. Salary is payable over twelve equal installments. Teachers will be paid on or before the 20th of the month. In emergency cases exceptions may be made, subject to the approval of the board. In no case shall the board advance more than one month's salary.

## **Extended Duty Pay**

Extended duty for any teacher beyond the number of contract days established by the Board of Education for the school year shall be paid at 1/185 of the base salary.

## **Benefits**

Teachers are provided benefits in accordance with the negotiated agreement, group health insurance plan requirements, and the school district's Section 125 Plan document. Teachers shall make annual fringe benefit elections by August 31 of each school year. Should a teacher fail to make such election, the teacher election from the immediately preceding school and contract year shall be continued. Each teacher is responsible for informing the office of the superintendent in writing of any changes in benefit status.

The Health Insurance Portability and Accountability Act (HIPAA) provides rights and protections for participants and beneficiaries in group health plans. HIPAA includes protections for coverage under group health plans that limit exclusions for preexisting conditions; prohibit discrimination against employees and dependents based on their health status; and allow a special opportunity to enroll in a new plan to individuals in certain circumstances. HIPAA may also give you a right to purchase individual coverage if you have no group

health plan coverage available and have exhausted COBRA or other continuation coverage. Further information may be obtained from the Plan Administrator of the group health plan.

### **Payroll and Payroll Deductions**

Salary and benefits are paid in accordance with the individual employment contracts and negotiated agreement. Payroll deductions shall be made in accordance with law and the negotiated agreement.

### **Expense Reimbursement**

Reimbursement for authorized expenses (mileage, food, fuel, etc.) will be paid to teachers traveling on school business. Claims for reimbursement should be submitted to your building principal on an Expense Disbursement Request form.

### **403(b) Salary Reduction Agreements**

The district will cooperate with any teacher who chooses to participate in an investment program under an Internal Revenue Code Section 403(b) provided that the certificated employee executes a "Salary Reduction Agreement" provided by the district. Christensen Brozek Faltys has been secured by the district as the Third-Party Administrator for 403(b) plans.

### **Overtime**

Teaching professionals are classified as exempt from overtime under the Fair Labor Standards Act (FLSA). The overtime exemption for teaching professionals is not dependent on whether the employee is paid on a "salary basis." Exempt employees are not eligible for overtime or compensatory time.

### **Teacher Evaluation**

The Board of Education of Madison Public School District #1 is of the philosophy that the key to successful classroom instruction is the classroom teacher. The Board believes that every teacher is or should be capable of improving his or her performance. As such, the Board of Education directs the administrative staff to continuously evaluate the performance of the teaching staff in writing to the superintendent of schools.

Philosophy and General Procedures: Evaluation is a cooperative process wherein the individual being evaluated and the one responsible for making the evaluation feel a joint responsibility to focus upon performance areas needing improvement, and to work together to achieve the best results. Evaluation is a means, not an end in itself. It should motivate both self-improvement and assistance for the evaluator. Evaluation is more than mere inspection and rating. Performance guidelines and standards are available which employees may use in self-evaluation, and which evaluators may utilize as they counsel and assist. In addition, recognition should be given to employees who have received superior evaluation reports. It is also important that an evaluation conference is held between the evaluator and the employee, a documented record is maintained on the evaluation process and conferences, and a signed copy of all evaluation records is given to the employee.

### Purposes of a Continuous Program of Teacher Evaluation:

1. Bring about improvement of teacher performance and, as a result, provide improved educational services for students.
2. Insure the best possible teaching staff so that the goals and objectives of the school may be achieved in the most effective and efficient manner.
3. Permit collection of group data about teachers for the purpose of identifying staff development and in-service training needs.
4. Provide for accurate and effective documentation of the performance of the teaching staff for use in making decisions about retention or dismissal.

### Instructional Goals:

1. The Board of Education and the selected staff of Madison Public School will provide a comprehensive school program that meets the needs of each individual in a fair and impartial manner.
2. The curriculum will assure that the students have exposure to subjects that are common to all vocations. It will include courses relative to college preparatory and vocational programs. Programs will be designed to fit those students who have very special needs.
  - a. Each student will be instructed at a level of difficulty that considers the individual's capability to comprehend the material. Instructional methods and procedures will provide for varying rates of development in accordance with individual ability.
  - b. Each student will be given credit for grading consideration from a developmental pattern of daily work assignments. The instructor will consider the innate capability of the student.
  - c. The instructor will establish a pattern of testing that will illustrate that the students are gaining mastery in the subject area being taught. NOTE: There should be weekly grades recorded in the instructor's grade book.
  - d. The instructor should have techniques of instruction that key into the sensory learning experiences. Supposedly, the more senses used at one time the greater the chance of the learning experience to happen. Visual auditory, writing, touching, and smelling are types of sensory instructional techniques. The instructor should use appropriate audio-visual aids to help reinforce the learning concepts.
  - e. The instruction should be individualized enough to enable all students to experience academic growth and personal success. (Curriculum Modification.)
  - f. Self-discipline and citizenship will be illustrated by the students and encouraged by the instructors.
  - g. Each teacher is employed to provide instruction in any public school with an emphasis on common honesty, morality, courtesy, obedience to law, respect for the national flag, the constitution of the State on Nebraska, respect for parents and the home, the dignity and necessity of honest labor, and other lessons of a steady influence which tend to promote and develop upright and desirable citizens. (School Law - 79-215)

### Objectives of the Evaluation Process:

1. To improve instruction.
2. To upgrade the total educational program.
3. To clarify duties and responsibilities.
4. To enhance working relationships between employees.
5. To assess strengths and weaknesses.
6. To establish directions and guidelines.
7. To enhance communications.
8. To determine suitability for reemployment.

### Evaluation Responsibility:

1. The Board of Education has primary responsibility for evaluating the superintendent.
2. The superintendent has the primary responsibility for the evaluation of the director of curriculum and assessment and building principals.
3. The Principal of the secondary school has the primary responsibility for the evaluation of all secondary staff.
4. The Principal of the elementary school has the primary responsibility for the evaluation of all elementary staff.
5. The Principal of the Middle School has the primary responsibility for the evaluation of the Middle School staff along with the cooperation of the secondary principal.
6. The superintendent shall review all evaluations carefully.

Additional information related to evaluation of certificated staff members is provided annually in a separate document.

### **Disciplinary Situations and Unpaid Leave**

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. Unpaid disciplinary suspensions of a partial day or of a full day or more may be implemented for infractions of safety rules or other issues 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.

### **Courtesy Passes**

As a means to encourage teacher support for their students, all school personnel and Board members and their spouses along with school age children (K-12) will be provided courtesy passes to all school sponsored activities.

## **Article 3 – ABSENCES FROM WORK**

### **Paid Sick and Personal Leave**

Teachers are provided with various forms of paid leave as specified in the negotiated agreement. During such paid leaves, teachers shall continue to receive all salary and fringe benefits called for by the negotiated agreement. Leave provided by the district is to be used for the purpose intended. Abuse of leave privileges is fraud, affects the students, other staff, and the entire district and will not be tolerated.

Requests for Leave: Advance reporting of the need to take a leave and having effective lesson plans and materials prepared and readily available for the substitute are important. A teacher who becomes ill and is unable to work is to contact the building principal as directed by that principal. Before the end of the school day on the first day of the sick leave, and on each subsequent day of absence, a report should be made to the building principal as to whether the teacher will be able to return to duty on the next duty day. For illnesses or medical situations where the need for the leave can be determined in advance, the teacher is to make such advance report of need for leave as soon as possible.

Return from Leave: Upon return from leave, teachers are to review information supplied by the substitute teacher as to progress made in the class and any student behavior concerns. The substitute should be contacted directly if the written information supplied is not adequate.

### **Payroll Deductions for Absences in Excess of Paid Leave**

Teachers are not entitled to unpaid leave beyond what is provided for in the teacher's individual contract, the negotiated agreement or the Family Medical Leave Act. Should a teacher be absent from work in excess of the teacher's accumulated sick leave or other leave, the teacher will be subject to employment-related discipline up to and including discharge from employment.

### **Emergency Medical and Maternity Leave Bank**

An Emergency Medical and Maternity Leave Bank is provided to self-insure certificated staff members from financial loss due to extended absence from contractual duties, is provided in a separate document.

### **Jury Duty**

A teacher who is summoned for jury service shall promptly notify the principal of such summons. The teacher's salary will continue during time spent in jury service, and no deduction of leave time shall occur, except that the district may reduce the pay by an amount equal to any compensation, other than expenses, paid by the court for jury duty. Teachers are to notify the principal of the amount received for such jury duty.

If a teacher, upon reporting for jury duty in the morning, is dismissed from jury duty for the remainder of the day, the teacher is to report for duty and resume duties for the balance of the day. When a teacher is entirely dismissed from jury duty, the teacher is directed to report for duty and the substitute will be dismissed.

Teachers are expected to promptly notify the principal of any other form of legal summons that may require an absence from duty. In the event the summons involves a school-related matter, the matter shall be treated similar to a jury duty absence. In the event the summons involves a personal matter, the teacher will be required to use available leave days.

## **Military Leave**

Teachers who are members of the National Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve (hereinafter, "reserves"), are entitled to a military leave of absence from their respective duties, without loss of pay, when employed with or without pay under the orders or authorization of competent authority in the active service of the state or of the United States. Teachers who normally work or are normally scheduled to work 120 hours or more in three consecutive weeks shall receive a military leave of absence of 120 hours each calendar year. Teachers who normally work or are normally scheduled to work less than 120 hours in three consecutive weeks shall receive a military leave of absence each calendar year equal to the number of hours they normally work or would normally be scheduled to work, whichever is greater, in three consecutive weeks. Such military leave of absence may be taken in hourly increments and shall be in addition to the teacher's regular annual leave.

When the governor of this state shall declare that a state of emergency exists, and any teacher who is a member of the reserves is ordered to active service of the state, the teacher shall be granted a state of emergency leave of absence until released from active service by competent authority. The leave of absence shall not be a military leave of absence; other forms of leave may be granted. The teacher shall receive normal salary or compensation minus the state active duty base pay the teacher receives in active service of the state.

## **Family and Medical Leave Act**

The Family and Medical Leave Act (FMLA) provides for 12 weeks of job-protected unpaid leave in a 12-month period to eligible employees in specified circumstances. Some specifics regarding FMLA leave at Madison Public Schools:

1. The plan year for FMLA is a rolling year. A rolling year is a 12-month period measured backward from the date an employee last used any FMLA leave.
2. Employees will be required to substitute remaining applicable paid leave prior to using unpaid leave. In other words, the total of job-protected paid and unpaid leave is 12 weeks.

If you need to take an FMLA leave, or have any questions regarding an FMLA leave, please contact the superintendent.

## **Article 4 – DUTIES AND RESPONSIBILITIES**

### **Hours of Work & Meetings**

Regular, dependable attendance at work is an essential function of a teacher's employment position.

The Board of Education recognizes that teachers' responsibilities to their students and their profession generally involve the performance of duties and the commitment of time beyond the normal working day, but also recognizes that teachers and other educational professionals are entitled to regular time and work schedules on which they can rely in the ordinary course of events and which will be fairly and evenly maintained to the extent possible throughout the school system.

School buildings may have different starting and ending times for the student day. Certificated employees assigned to a building are to spend a minimum of eight hours on duty, including lunch break (30-minute lunch), except that duty-free lunchtime can be spent off-site. The building principal will determine the length of time prior to and after the student class schedule for staff to be on-site in order to meet the required duty time.

Certificated employees may be required to serve on playground, lunchroom, hall supervision, or other types of duties as designated by the building principal. The principal will attempt to make an equitable distribution of such assignments and professional staff shall assume such duties as part of their work and agreement of employment.

Teachers shall attend all meetings called by the administration, department heads, and team leaders, except those meetings that are designated for optional attendance.

### **Leaving School**

Teachers are considered on duty at all times during the school day including during designated planning periods. An uninterrupted lunch period of not less than 30-minutes each day is provided to teachers during which they are not regularly assigned teaching, supervisory, or other duties. Teachers who leave the school during the designated lunch period must check out in a manner designated by the building principal.

Teachers may not leave school during duty hours without approval of the principal. If the absence has been approved, the teacher must check out with the principal's office when leaving and check back in with the principal's office upon return. Teachers who need to leave during the school day for reason of illness or emergency are to check out with the principal's office no earlier than proper student coverage has been provided.

### **Lesson Plans**

Teachers will prepare written lesson plans in the plan book that outline class activities for the week. Please keep the lesson plan book, class rosters, etc. in an easily accessible location in the classroom. The lesson plan book and related materials should be kept in a place readily available in the teacher's absence.

Lesson plans must be sufficiently clear to establish objectives and related activities so that a substitute teacher or other staff member not familiar with previous classroom activities or progress easily uses them. The plan book must give specific reference to other instructional sources immediately available which will enhance the instructional lesson.



## **Class Records**

Every teacher is required to keep a complete and easily understandable record of the attendance and achievement of every student in a class record book (sometimes referred to as the grade book) or electronic equivalent (such as Infinite Campus). This class record book must be kept current and include the following minimum information in a readily understandable fashion:

1. The names and any assigned student numbers of all students enrolled in the class at the beginning of the semester.
2. A complete record of the attendance of each student enrolled showing:
  - a. Days on which the student was tardy.
  - b. Days on which the student was absent, with a differentiation between excused and unexcused absences.
3. A complete report of all recorded grades for each student shall be recorded in the Daily Class Record and/or in Infinite Campus as directed by your building principal. Teachers should endeavor to measure student learning and understanding on a frequent basis during each quarter to provide an accurate evaluation of each student's academic achievement for that period. Teachers must be able to support and justify the grades that each individual student earns. A sufficient number of grades must be recorded in the grade book to justify all quarter and semester grades for each student. It is recommended that the teacher record at least two grades per week. It is generally preferable to give numerical grades for tests, quizzes, and daily work. Grades are to be recorded in all curricular areas.

## **Classroom and School Procedures**

Teachers are expected to adhere to these classroom and school procedure in the performance of their duties:

Bulletin Boards: Each teacher shall be responsible for completing appropriate bulletin Board regarding curriculum related matters in their primary classroom. Bulletin Boards should be kept up to date with instructional issues covered during the school year.

Textbook and Room Inventory: All school purchased materials must be inventoried. Textbooks are to be numbered and either have cards in pockets or a form for writing the name of the student to whom the book is assigned. Teachers should keep good records of who has which book. At the start of the year, note condition of the textbook on the inventory sheet and keep this sheet. When a book is turned in, again note its condition, and if the book shows abuse (other than normal wear) assess a fine that you consider is fair. Insist that students put covers on their books by the end of the first week after receiving them.

Working with Paraeducators: Paraeducators provide valuable assistance in the educational process and allow teachers to carry out their responsibilities in a more efficient and effective manner. Paraeducators are not permitted to assume teaching responsibilities. The teacher must maintain the role of leadership and responsibility for the students, with the paraeducator in a supportive role. Paraeducators may be used to assist the teacher by, among other tasks, assisting with instructional activities under the direction of the teacher, helping to supervise students, copying tests and other written material, organizing class materials, preparing bulletin Boards, grading tests or class work, and calculating and recording grades. Paraeducators are to work only on their assigned workdays and within their assigned workday. If the teacher desires the aide to work hours other than the assigned work hours or assigned workday, contact the administration for approval.

Use of Student Aides: Student aides are to be directly supervised by the teacher and are not to leave the building or be in the halls or anywhere they are not being supervised. Student aides are not to be used to assist the teacher by helping supervise another student, grade objective tests or class work, calculate student grades or record grades. Keys should not be given to students, whether they are student aides or not. A student aide should not be present and assisting a teacher without another adult present after the end of regular teacher duty hours.

Checking Out Equipment: All equipment must be checked out through the building principal.

E-mail: Each teacher will be assigned a school e-mail address for purposes of intra-school and inter-school e-mail correspondence. Teachers should check for e-mail throughout the day, should respond in a timely manner to e-mails requiring a response, but should avoid checking and responding to e-mails during instructional time. Use of the district's e-mail system for personal communications should be limited, and is subject to the rules governing overall computer usage found in board policy and this handbook.

Teacher Mail Box: Each teacher will be assigned a mailbox located near the office. Teachers should check for mail each morning and also later in the school day, if possible. If something requires an answer, teachers are responsible for responding promptly. Teacher mailboxes are to be limited to communications regarding school business.

Teachers Meetings: Teachers' meetings will be held at times designated by the administration. All teachers are expected to be present for the meetings, unless they are absent from school for good cause or have made prior arrangements.

## **Supervision of Students**

Proper supervision of students is an important responsibility for teachers and other adults responsible for our students. Teachers and other adults responsible for student supervision are expected to meet the four "P's" for student supervision and safety:

### Proper Supervision

- Report to all duty assignments on time.
- Circulate through your duty area. Pay particular attention to areas and activities that pose an increased risk of injury.
- Be vigilant while supervising students. Never leave your classroom unattended; the need to make a copy is not greater than the need to supervise your students. If an emergency requires that you leave your classroom, request that another nearby staff member cover your class, or notify the office so someone can provide assistance. If you are on recess duty, your responsibility is to supervise the students in your assigned area. When talking with other adults or students, remember that your primary duty is supervision and make sure you are aware of what all students who you are to be supervising are doing.
- If you have seen or have been informed that a particular student has a propensity to act dangerously or in an unpredictable manner, your supervision of that student must increase with the known risk of injury. (Remember, though, that this type of information may be confidential—do not share confidential information about students except with other staff who need to know the information to perform their jobs).
- Be careful about physical contact with students. Use of corporal punishment is prohibited in the Madison Public Schools. Touching students should be limited to that necessary to protect the student from harm (e.g., falling from playground equipment) and that which professional educators determine appropriate for purposes of proper student relationships.
- Be careful with your language. Profanity or abusive language is not appropriate in any situation involving students. Be a good role model for students. If a student uses such language, you should correct the student and take such disciplinary action as is appropriate, which may include making a report to administration.

### Proper Instructions

- Proper instructions are important to reduce the risk of injury when students undertake an activity, especially an activity that has an increased risk of harm to students.
- Repeat the instructions on how to complete a task that has a heightened risk of danger as often as needed. Do not assume because students heard the directions once that they will be remembered.
- When you go over safety rules with students note it in your written records (e.g., your lesson plan book or daily reports).

- Review playground and classroom safety rules with students at least once each semester and note when you do it in your written records. Also, if any students are absent when you review the rules contact the student(s) to review the same information and also note that contact in your written records.

#### Proper Maintenance of Buildings, Grounds, and Equipment

- Conduct periodic inspections of equipment under your control or in your area of supervision.
- If equipment is broken and presents a risk of injury, immediately take it out of service (if it can't be moved, tape a "Do Not Use" sign) and notify the office so those repairs may be undertaken.
- Check your communication device (whether it be a school phone in your supervision area, a walkie-talkie, or a cell phone) periodically to make sure you can communicate with the office immediately in the event of an emergency.

#### Proper Warnings

- If you have knowledge of a hazard that can likely cause injury, take steps to warn other staff and students. Tell the office so additional warnings may be given.

#### **Contact the Office for Assistance**

The office should be notified immediately when a situation exists which could cause injury to students or others. Examples include:

- student fight
- student health problem (fainting, bleeding, high temperature, difficulty breathing, etc.)
- a report or a suspicion that a student has a weapon or other dangerous item or drugs, alcohol, or other illegal substances
- presence of an intruder (a non-student or staff member who is not wearing appropriate identification and/or refuses to go to the office).

#### **Student Searches**

Office administration should also be contacted before performing searches of students or their belongings. Direct a student suspected of having an item in violation of school rules to accompany you to the office if you can leave your assigned area without causing risk of harm to others. Do not use physical force to detain the student or to make the student accompany you except as reasonably necessary to protect the student or others.

#### **Student Rights**

Students should be treated fairly and given the same treatment without consideration of race, color, religion, gender, or disability. Students who need special accommodations (such as Special Education, ELL, etc.) must be given those accommodations as needed for them to participate in school and school activities. Further, students have the right to have their school records kept confidential. Such information should be shared only with other school staff with a need to know the information to perform their duties.

#### **Managing Student Conduct**

Discipline is everyone's responsibility. It begins with the student being responsible for his/her own behavior and understanding the consequences it may cause. The teacher is responsible for articulating classroom expectations at the beginning of the school year, implementing the classroom expectations on a consistent basis, and being familiar with the student handbook. All staff are responsible for all students in the hallways, in

restrooms, at assemblies, at activities, at pep rallies, and during lunch. Consequences for inappropriate behavior may include students making up time before or after school, a student or a parent conference, or a referral to an administrator. The following guidelines will assist in maintaining appropriate student conduct and complying with the process required for student discipline.

1. On the first day of class make students aware of classroom expectations. Students will generally accept them if they know in advance and if they are fair and consistent. Students often appreciate giving input on classroom rules. These expectations should be in writing. Give one copy to the students, post one copy in the room and provide one copy for the principal.
2. It is important to document student behavior in your classroom, calls to parents, referrals, and/or communications with a student.
3. If, after attempts to improve student behavior, the problems continue, talk to the student's counselor or the principal about possible alternatives in discipline procedures. Be attentive and respond to "bullying."
4. If a student continues to cause problems, inform the administration for disciplinary action using the approved reporting forms. Be sure to state the problem clearly and expectations in terms of assistance, as at times the student's and teacher's stories are different. Be prepared to provide documentation of all actions you have taken to resolve the student's behavioral problem.
5. Follow up on any referral. The student may not go to the principal or the counselor when sent. The administrator will inform the teacher of the consequences.
6. Refer students with continued and significant behavioral problems to the student assistance team for a determination of whether the student is in need of special services. Contact the counselor if you have questions as to the procedure.
7. Talk with other teachers about the classroom management techniques they use to establish an atmosphere conducive to learning in their classroom. A large repertoire of classroom management techniques always enhances learning.
8. Read and understand the student handbook and the student conduct rules of the district.
9. Use good judgment when dealing with difficult situations involving students. Physical confrontation generally escalates tense situations. Corporal punishment is prohibited in our school district and is not to be used. Physical force may only be used to the extent reasonably necessary to protect the student, yourself and others, and to protect property as may be reasonable.
10. Violations of student rules that are also violations of state law are required to be reported to law enforcement. Make a report of such conduct to the principal so this law may be followed.

### **Dispensing Medication**

Teachers are not permitted to give any medication to students unless trained under the Medication Aid Act, Neb. Rev. Stat. §71-6718 to 71-6743. Students who need to take prescription medicine must have a signed parent release form on file in the office. Medications are to be taken in the presence of the office staff, the nurse, or medication aide and are to be stored in the office. Medical procedures are not to be administered in the classroom except in accordance with the district's Safety and Security Management Plan and the district's Emergency Protocol (asthma/anaphylaxis protocol).

If students must take medication and/or perform medical procedures prescribed by a duly licensed physician during school hours, it is the responsibility of the parents or guardians to sign permission to dispense the medicine at the school and to submit a note or prescription from the physician authorizing the medicine and/or medical procedure. School district personnel will not administer medicine, including over the counter medicine, without this signed form and note or prescription. Any medication brought to school needs to be properly labeled. The label should include the following information: Student's name, name of medication, dosage needed, and time of dispensing the medication.

## **Reporting Child Abuse**

Nebraska State Law and school policy mandates school officials to make a report to the proper law enforcement agency or the Department of Health and Human Services (Child Protective Services) when there is reasonable cause to believe that a child has been abused or neglected, or a child is in a situation that would reasonably result in abuse or neglect. According to Nebraska State Law, abuse or neglect means knowingly, intentionally, or negligently causing or permitting a minor child to be:

- (a) Placed in a situation that endangers his or her life or physical or mental health;
- (b) Cruelly confined or cruelly punished;
- (c) Deprived of necessary food, clothing, shelter, or care;
- (d) Left unattended in a motor vehicle if such minor child is six years of age or younger;
- (e) Sexually abused; or
- (f) Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.

Teachers are to inform their principal in the event they believe a report should be made. Administrative staff will then report the situation to the proper authorities.

It is vital that the report be made as accurately and as soon as possible. To assure accuracy, you are encouraged to document the date of the incident and specific statements or explanations made by a child regarding an abuse/neglect concern. Timeliness in making a report will assist in minimizing further risk to the child by allowing the police or Child Protective Services workers to interview the child during the school day and prior to an evening or weekend. In cases of physical injury (e.g., bruising or other marks), it is essential the police observe and document the injury. A counselor, the school social worker or an administrator will help you.

## Article 5 – PERSONAL AND PROFESSIONAL CONDUCT

### Professional Ethics Standards

The Madison Public School District expects all employees to adhere to the professional ethics standards established by the Nebraska Department of Education as such standards may be modified from time to time. The professional ethics standards that certificated employees are expected to adhere to include those set forth below. References to “educator” shall include all 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 public school certificate holders in the State of Nebraska and for all educators, including administrators, 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:

- A. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school Board members.
- B. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
- C. 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.
- D. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
- E. Shall not exploit professional relationships with students, colleagues, parents, school patrons, or school Board members for personal gain or private advantage.
- F. Shall not sexually harass students, parents or school patrons, employees, or Board members.
- G. Shall not have had revoked for cause in another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which a special services counseling certificate is issued in Nebraska.
- H. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
- I. Shall report to the superintendent any known violation of paragraphs G, E, or B above.
- J. Shall seek no reprisal against any individual who has reported a violation of this rule.

### 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:

- A. Shall permit the student to pursue reasonable independent scholastic effort and shall permit the student access to varying points of view.
- B. Shall not deliberately suppress or distort subject matter for which the educator is responsible.
- C. Shall make reasonable effort to protect the student from conditions that interfere with the learning process or are harmful to health or safety.
- D. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.
- E. 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.
- F. Shall not tutor for remuneration students assigned to his or her classes unless approved by the Board of Education.
- G. Shall not discipline students using corporal punishment.

### **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:

- A. 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.
- B. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
- C. Shall neither offer nor accept gifts or favors that will impair professional judgment.
- D. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
- E. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.
- F. 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:

- A. 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.
- B. Shall not misrepresent his or her professional qualifications, nor those of colleagues.
- C. 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:

- A. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- B. Shall not knowingly withhold information regarding a position from an applicant or employer or misrepresent an assignment or conditions of employment.
- C. Shall give prompt notice to the employer of any change in availability of service.
- D. Shall conduct professional business through designated procedures, when available, that have been approved by the employing agency.
- E. Shall not assign to unqualified personnel, tasks for which an educator is responsible.
- F. Shall permit no commercial or personal exploitation of his or her professional position.
- G. Shall use time on duty and leave time for the purpose for which it is intended.

## ***STANDARDS OF COMPETENCY***

### **Administrative and Supervisory Requirements**

Educators must possess the abilities and skills necessary to accomplish the designated task. Each educator shall:

- \* Keep records for which he or she is responsible in accordance with law and policies of the school system,
- \* Supervise others in accordance with law and policies of the school system,
- \* Recognize the role and function of community agencies and groups as they relate to the school and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.

Each teacher and special services counselor shall:

- \* Utilize available instructional materials and equipment necessary to accomplish the designated task,
- \* Adhere to and enforce written and dated administrative policy of the school that has been communicated to the teacher or special services counselor,
- \* Use channels of communication when interacting with administrators, community agencies, and groups, in accordance with school policy.

Each administrator shall:

- \* Use available instructional personnel, materials and equipment necessary to accomplish the designated task,
- \* Adhere to and enforce school law, state Board regulation, and written and dated school Board policy which has been communicated to the administrator,
- \* Use channels of communication when interacting with teachers, community agencies and groups in accordance with school policy.

### **Analysis of Individual Needs and Individual Potential**

The educator shall utilize or promote the utilization of diagnostic techniques to analyze the needs and the potential of individuals. These may include but need not necessarily be limited to:

- \* Personal observation,
- \* Analysis of individual performance and achievement,
- \* Specific performance testing.



## **Instructional Procedures**

Each educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures.

Each educator shall:

- \* Create an atmosphere that fosters interest and enthusiasm for learning and teaching,
- \* Use procedures appropriate to accomplish the designated task,
- \* Encourage expressions of ideas, opinions and feelings.

Each teacher shall:

- \* Create interest through the use of materials and techniques appropriate to the varying abilities and background of students,
- \* Consider individual student interests and abilities when planning and implementing instruction.

Each administrator shall:

- \* Support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task,
- \* Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

## **Communication Skills**

In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

- \* Utilize information and materials that are relevant to the designated task;
- \* Use language and terminology that are relevant to the designated task;
- \* Use language that reflects an understanding of the ability of the individual or group;
- \* Assure that the designated task is understood;
- \* Use feedback techniques that are relevant to the designated task;
- \* Consider the entire context of the statements of others when making judgments about what others have said; and,
- \* Encourage each individual to state his ideas clearly.

**Management techniques:** The educator shall:

- \* Resolve discipline problems in accordance with law, school Board policy, and administrative regulations and policies;
- \* Maintain consistency in the application of policy and practice;
- \* Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others; and,
- \* Develop and maintain positive standards of conduct.

**Competence in Specialization:** Each educator shall:

- \* Possess knowledge, within his or her area of specialization, consistent with his or her record of professional preparation;
- \* Be aware of current developments in his or her field; and,
- \* Possess knowledge of resources that may be utilized in improving instruction in his or her area of specialization.

**Evaluation of Learning and Goal Achievement:** An educator shall accept responsibility commensurate with delegated authority to evaluate learning and goals achievement. Each educator shall:

- \* Utilize several types of evaluation techniques;
- \* Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;
- \* Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis;
- \* Utilize the results of evaluation for planning, counseling and program modification; and,
- \* Explain methods and procedures of evaluation to those concerned.

**Human and Interpersonal Relationships:** Educators shall possess effective human and interpersonal relations skills. Each educator shall:

- \* Allow others who hold and express differing opinions or ideas to freely express such ideas;
- \* Not knowingly misinterpret the statement of others;
- \* Not show disrespect for or lack of acceptance of others;
- \* Provide leadership and direction for others by appropriate example;
- \* Offer constructive criticism when necessary;
- \* Comply with reasonable request and orders given by and with proper authority;
- \* Not assign unreasonable tasks; and,
- \* Demonstrate self-confidence and self-sufficiency in exercising authority.

**Personal Requirements:** In assessing the mental or physical health of educators, no decision adverse to the educator shall be made except on the advice or testimony of personnel competent to make such judgment by reason of training, licensure and experience. However, certain behaviors are held to be probable cause to examine, and each educator within the scope of delegated authority shall:

- \* Be able to engage in physical activity appropriate to the designated task except for temporary disability;
- \* Be able to communicate so effectively as to accomplish the designated task;
- \* Appropriately control his or her emotions; and,
- \* Possess and demonstrate sufficient intellectual ability to perform designated tasks.

Individuals having questions about these standards may contact:

**Certification Counsel**  
**Nebraska Department of Education**  
**P. O. Box 94933**  
**Lincoln, NE 68509-4933**  
**Phone: (402) 471-0732**

### **Role Model**

Teachers serve as role models for students and their actions and conduct reflect on the school as a whole. Teachers are in all respects to conduct themselves in a professional manner. In no situation should any student ever be present when teachers are discussing disagreements with school policy, administrative regulations, or other professionally- or personally-related issues.

### **Relationships**

It is important for teachers to maintain an effective working relationship with the administration and all co-workers, including other teachers and support staff. Teachers are also to maintain appropriate relationships with

students. Appropriate relationships are established by extending social courtesies, following through on commitments and promises, complying with administrative directives and board policies, being honest and consistent, and not intruding into personal matters outside the scope of duties or gossiping or spreading rumors about others.

### **Professional Attire**

It is important for teachers to project a professional image to students, parents and co-workers. Appropriate attire and grooming are one of the means of projecting a professional image. Teachers are expected to maintain conservative and professional attire and grooming when on duty. As professionals, teachers are expected to be aware of the standard to be maintained. As a minimal guide, teachers should not wear clothing which students would not be permitted to wear at school. Building administrators may establish more detailed guidelines for individual teachers, individually or collectively, should that be necessary.

### **Private Tutoring**

Teachers are employed to provide individual assistance to students as a regular part of their duties. Teachers who engage in private tutoring for pay (compensation of any kind from a source other than the district) are subject to the following rules:

1. The teacher may not arrange to provide private tutoring for any child enrolled in the teacher's class.
2. The teacher is not to provide private tutoring in a school building.
3. The teacher is not to provide private tutoring during duty time.
4. The teacher is not to advertise or promote the teacher's private tutoring services in the school or in the school's communications systems except with the express permission of the superintendent or designee.

### **Outside Employment**

Teachers shall not perform duties unrelated to district employment during duty hours. In addition, teachers shall not engage in employment which conflicts with their school duties. Teachers are not required to notify the district of outside employment except: (1) teachers who are also employed by another Nebraska school district in order to comply with Nebraska State Retirement System regulations and (2) teachers who have a work-related injury in order to comply with workers' compensation requirements.

### **Board Meeting Protocol**

Teachers are welcome to attend meetings of the Board of Education. As employees of the district, it is important to understand and observe proper protocol for such attendance and/or participation in board meetings:

1. According to state statute and Board policy, the Board meeting is a business meeting during which the Board conducts the official business of the district.
2. Each meeting has an agenda. Items may be placed on the agenda by contacting the superintendent. In order that Board members may have adequate notice of agenda items, please request inclusion on the agenda by the Wednesday of the week preceding the meeting.
3. Board meeting attendees may address the board during the public forum portion of the meeting or when invited to do so by the board president or other official leading a particular section of the meeting.
4. Teachers typically have input into the business of the meeting through their work on school committees.
5. Please follow the appropriate chain of command prior to bringing issues to the Board of Education. For instance, it is improper to address a concern at a board meeting if you have not utilized the proper channels in your building and district.

## Article 6 – ACADEMIC MATTERS

### **Purpose and Goals of Academic Achievement**

The Madison Public Schools Board of Education is committed to providing a quality education for all Madison Public Schools students consistent with the school’s mission statement. Effective, quality instruction by teachers is an essential means of meeting the district’s mission of providing a quality education.

### **Teaching to Student Understanding to Assure Learning**

Each teacher is responsible for teaching in a manner to meet the mission of the district and to assure student understanding and learning of the principles and concepts presented to students within the curriculum adopted by the district. Teachers will model classroom instruction on the educational model implemented by the district and reflected in the teacher evaluation instrument adopted by the Board of Education. Teachers are responsible for familiarizing themselves with the instructional model and the principles of instruction set forth in the evaluation instrument. The administration may provide periodic in-services regarding the instructional model.

Teachers shall instruct students in the curriculum, including the use of curriculum materials, adopted and implemented by the Board of Education and as directed by the administration. In the event there is a desire to modify the approved curriculum of the district, the teacher should discuss such changes with the Curriculum and School Improvement Committee.

State and federal laws and regulations have been enacted which require that students with certain needs be provided instruction and services consistent with those special needs. Examples include students who have been verified as in need of special education, students with other disabilities that impact the educational program (504 students), and limited English proficient students (LEP or ELL students). The district’s policy is to comply with the state and federal laws and regulations in all respects. Teachers who are assigned special education, 504, or LEP/ELL students are required to provide instruction and services consistent with legal requirements and the requirements of Board policy and regulation.

### **Measuring and Reporting Academic Achievement**

Grades and Grading: Measuring and accurately reporting the level of each student’s academic achievement is of critical importance to students, parents, staff, the Board of Education, and community. To this end, each teacher shall develop a variety of assessment instruments and techniques to measure student achievement in the curriculum adopted and implemented by the school District, record the results of such assessment, and report such results on Report Cards. Teachers should endeavor to measure student learning and understanding on a frequent basis during each semester to provide an accurate evaluation of each student’s academic achievement for that period. It is recommended that the teacher record at least two grades per week. It is generally preferable to give numerical grades for tests, quizzes, and daily work. Grades are to be recorded in all curricular areas.

Recording Grades. Each teacher shall record grades in the Daily Class Record and/or in Infinite Campus as directed by your building principal. A sufficient number of grades must be recorded in the grade book to justify all semester grades for each student. Please keep consistent and complete records. Teachers must be able to support and justify the grades that each individual student earns.

Grading Scales. Teachers are to use only the grading scales set forth below. The building principal must approve any deviation from the approved grade scales.

#### Grades K-5

As shown on report cards used in primary and intermediate elementary grades.

#### Grades 6-12

A= 94%-100%      B= 86%-93%      C=78%-85%      D= 70%-77%      F= 0%-69%

The preceding grade scales are expected to be used according to the following guidelines:

1. No other grade scales may be used on official records or reports.
2. "Failing," "unsatisfactory" or equivalent terms indicate that student performance does not meet the minimum requirements established for the course. A final mark of "failing" or "unsatisfactory" in a credit-bearing course means that credit hours will not be granted.
3. The mark given at the end of each reporting period is considered an evaluation of the pupil's status at the time (for example, the final mark in a semester course is an evaluation of the pupil's status as of the close of the semester; not an average of two nine-week marks).
4. Teachers may exercise professional judgment in distributing marks. Marks are not expected to be distributed on a normal curve.

Questions raised concerning duly assigned grades will be resolved cooperatively in a conference that includes the teacher(s) involved and the principal. In the event parents or students question a grade, the parents/guardians and/or student may be included in the conference. Failure to resolve the issue will result in a second conference involving the superintendent or designee and the participants in the initial conference described above. The grades designated by teachers will not be changed unilaterally by the superintendent unless the superintendent determines that the grade is not consistent with the requirements of law, Board policy, or the best interests of the district.

A student transferring into the Madison Public Schools at the fifteen-to eighteen-week time period will have all grades on transcripts from an accredited school accepted for semester credit. The principal must approve grades for credit.

Grade reports are produced from information supplied by teachers and distributed to students at school or are mailed to parents at the close of each grading period during the school year.

The end-of-semester reports are directed to parents, not to students. Students probably know quite well how they stand in such areas as citizenship, attitude, cooperation, attendance, preparation of assignments, etc. The parents do not have this knowledge. If any such factors have significant bearing on the student's grades or their relationship with teachers, notes should be sent to parents. Arrangements will be made to place these teacher-written notes with the grade report forms. The notes may call attention to deficiencies, faults, or failures; or they may be commendatory in nature. If carefully prepared, they can be most valuable. Parents need to have information about areas of strengths and areas needing improvement and progress being made by their child. For their instruction, and for our ultimate well being, if and when problems arise, it is essential that the reports be as informative as possible. Teachers should, in all cases, plan to keep on file duplicate copies of the notes that are sent to parents.

Please accept, cooperatively and professionally, the responses that parents may make subsequent to the distribution of term or mid-quarter reports. Parents may not always be helpful or reasonable under these circumstances, but they do need information and direction. Please encourage parents to discuss their student-centered problems with you and give them all possible assistance.

Mid-Semester Progress Reports To Parents. Mid-quarter progress reports are prepared at or near the middle of each grading period. These reports will be mailed to all parents.

## **Parent-Teacher Conferences**

Parent-Teacher conferences are a critical opportunity for teachers to dialogue with parents (or guardians) of students regarding student achievement and learning. To this end, Parent-Teacher conferences will be scheduled and held during the first and second semesters.

Teachers are expected to be prepared for such conferences. Being prepared includes having completed grade books that include all student assignments, work, or tests completed within five (5) days of the date of the Parent-Teacher conference.

## **Use of Audio-Visual Materials**

All ESU #8 materials should be ordered through the library media center.

1. Pursuant to the U.S. copyright law, teachers may not request the taping of TV programs for which there are no videotape and reuse rights for educational use. Teachers will be held personally liable for such acts.
2. Library media center videotape recordings will be used solely for viewing in the course for classroom instruction or related educational activities.
3. Educational films and videos make a unique contribution to the classroom. They make complex processes clear. They make people and events come alive. They can provide a vicarious experience where real experience is impossible. They provide a means of reaching students with verbal and visual learning styles. They have unquestioned appeal for today's students. Consider the selection of these materials carefully before they are used in the classroom. If you have not previewed the material, it should not be shown in your classroom. There are times when video materials represent the true historic events of a violent nature. The school neither condones nor promotes violent behavior. Educators do, however, want to provide the students with an accurate picture of such events, at an appropriate developmental level.
4. Madison Elementary School will not show a movie with a more mature rating than PG. If a PG movie is to be shown, parents will be notified in advance and have the option to remove their child from class for an alternative assignment.
5. Madison Jr.-Sr. High School will not show any movie with a more mature rating than PG-13. When a PG-13 movie is to be shown, parents will be notified in advance and have the option to remove their child from the class for an alternative assignment. Rented movies may be used in the classroom only if they meet all of the following guidelines:
  - a. All videos must be previewed and shown by the teacher.
  - b. All videos must be shown within the school day.
  - c. All videos must be shown in a classroom or place devoted to instructional activity.
  - d. All videos must be part of a regular instructional activity and must enhance the learning activities and work toward identified curriculum standards.
  - e. Use a lawfully made copy.
  - f. Movies shown for entertainment at either the elementary or high school must meet the same rating requirements listed above and must have proper license to be shown.
6. If it is necessary to send more than 4 students from a single classroom to the library media center at one time, the whole class should be scheduled to meet in the library media center with the teacher responsible for supervision of the class. The teacher should schedule the class meeting in the library media center at least one day in advance. Elementary classes will be scheduled for library time. Additional periods need to be scheduled through the office.
7. The use of school equipment for a teacher's own personal use will be kept at a minimum and used only upon permission of the superintendent.

8. Teachers are not to use school equipment and material to help them out in some position they might hold in an organization outside of school unless the school is reimbursed for the material used.
9. Materials (transparencies, etc.) prepared with school supplies, or prepared by the library media center or ESU #8 become the property of the Madison Public Schools library media center.

### **Field Trips**

The principal may authorize field trips and excursions when such events contribute to the achievement of education goals of the school District. The school District will provide transportation for field trips and excursions. Excursions are defined as brief educational trips beyond the boundaries of the school grounds beginning and ending in a single class period.

In authorizing field trips and excursions, the principal shall consider the financial condition of the school District, the educational benefit of the activity, the inherent risks or dangers of the activity, and other factors deemed relevant by the superintendent. Written parental permission will be required prior to the student's participation in field trips. The superintendent's approval will be required for field trips outside the state. Board approval will be required for field trips which involve unusual length or expense.

Field trips and excursions are to be arranged with the principal well in advance. A detailed schedule and budget must be submitted by the employee. The school District will be responsible for obtaining a substitute teacher if one is needed. Following field trips and excursions, the teacher may be required to submit a written summary of the event.

All field trips are to be completed before May 1.

## Article 7 – USE OF SCHOOL FACILITIES AND EQUIPMENT

### **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 unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. The possession, use or distribution of illicit drugs or alcohol, the use of glue or aerosol paint or any other chemical substance for inhalation, and being under the influence of illicit drugs, alcohol, or inhalants, is prohibited in any place while teachers are on duty time. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol on a teacher in the work place or on duty time shall be a violation of the drug-free workplace. The possession or distribution of a look-alike drug or look-alike-controlled substance is prohibited. In addition, teachers are expected to serve as role models for students and will be considered to have violated the district's expectations in the event the teacher commits a criminal drug or alcohol offense off the work place or off duty time.

As a condition of employment teachers will abide by the district's drug-free workplace policies and notify the superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. Disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed for violations of the district's drug-free workplace policies. Sanctions may include the requirement that the teacher complete an appropriate rehabilitation program, a reprimand, and termination of employment. Drug and alcohol counseling and rehabilitation and reentry programs are available through local health agencies.

### **Smoke and Tobacco-Free Workplace**

The use of tobacco products in the district's buildings and on school grounds, all owned or leased facilities and vehicles is prohibited.

### **Weapon-Free Workplace**

The district prohibits any person from being in possession of a weapon at a school attendance facility, on school property, at a school-supervised activity, or at a school-sponsored function. Any teacher found to be in violation of this policy shall be subject to disciplinary action, up to and including termination. The phrase "possession of a weapon" includes, without limitation, a weapon in a teacher's personal possession, as well as in a teacher's motor vehicle, desk, locker, briefcase, backpack, or purse. The term "weapon" means an instrument or object used or which may be used as a means of attack, defense, or destruction, including, without limitation:

- a. Any object which will, or is designed to, or may readily be converted to, expel a projectile by the action of an explosive or other means;
- b. The frame or receiver of any object described in the preceding example;
- c. Any firearm muffler or silencer;
- d. Any explosive, incendiary or gas (a) bomb, (b) grenade, (c) rocket, (d) missile, (e) mine, or similar device;
- e. Any bludgeon, sand club, metal knuckles, or throwing star;
- f. Any knife other than as used for strictly instructional or personal care or eating purposes. A pocketknife with a blade of 2-1/2 inches or more is a prohibited weapon. A switchblade knife is prohibited regardless of size of the blade. A switchblade knife is defined as a knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of a knife, or



- any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement;
- g. Any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun; and
  - h. A teacher may possess mace or other similar chemical agents in quantity and/or concentration typically designed for individual personal defensive purposes shall not be considered as possession of a weapon. Possession of larger quantities and/or concentrations of mace or other similar chemical agents than is typically designed for individual personal defensive purposes will be considered as possession of a weapon. Usage of mace or other similar chemical agents will be considered as usage of a weapon if the usage is found to be for non-defensive purposes. A teacher who is negligent in their possession of mace or other similar chemical agents will be subject to disciplinary action.
  - i. A teacher may possess an item which may be considered a weapon where such item is used for instructional purposes and the teacher has received prior approval of the administration to possess the item, provided it is used in the manner approved and is maintained in such manner as the administration has directed.
  - j. Any other object that is designed for or intended for use as a destructive or injurious device.

### **Use of District Computer Network and Internet**

Teachers have access to the district's computer network and the Internet for the enhancement and support of student instruction. It is important to remember that the equipment and the software are the property of the school district. In using the computers and the Internet, teachers are agreeing to the following:

1. Since copyright laws protect software, teachers will not make unauthorized copies of software found on school computers by any means. Teachers will not give, lend, or sell copies of software to others unless the original software is clearly identified as shareware or in the public domain.
2. If a teacher downloads public domain programs for personal use or non-commercially redistributes a public domain program, the teacher assumes all risks regarding the determination of whether a program is in the public domain.
3. Teachers shall not access material that is obscene, child pornography or otherwise inappropriate matter for educational or work-related uses or contrary to the district's mission. Teachers are not permitted to knowingly access information that is profane, obscene or offensive toward a group or individual based upon race, gender, national origin, sexual orientation, or religion. Further, teachers are prohibited from placing such information on the Internet.
4. Teachers will protect the privacy of other computer users' areas by not accessing their passwords without written permission. Teachers will not copy, change, read, or use another person's files. Teachers will not engage in "hacking" or otherwise attempt to gain unauthorized access to system programs or computer equipment.
5. Teachers will not use computer systems to disturb or harass other computer users by sending unwanted mail or by other means.
6. Teachers will not disclose their passwords and account names to anyone or attempt to ascertain or use anyone else's password and account name.
7. Teachers will not attempt to login to the system as a system administrator.
8. Teachers understand that the intended use of all computer equipment is to meet instructional objectives.
9. Teachers will not waste or take supplies, such as paper, printer ribbons, toner, and diskettes that are provided by the district.
10. Teachers will not use the network for financial gain or for any commercial or illegal activity.
11. Attempts to bypass security systems on computer workstations or servers, or vandalism will result in cancellation of privileges and may result in further consequences. Malicious attempts to harm or

destroy data of another teacher, or data that resides anywhere on the network or on the Internet, or the uploading or creation of computer viruses are forbidden.

12. The district will not be responsible for any liabilities, costs, expenses, or purchases incurred by the use of the district's telecommunications systems such as the Internet. This includes, but is not limited to, the purchase of on line services or products. The teacher is solely responsible for any such charges. The teacher's acceptance of an email account is an acceptance of the teacher's agreement to indemnify the district for any expenses, including legal fees, arising out of the teacher's use of the system in violation of the agreement.
13. The internet will be supplied for your use on an "as is, as available" basis. The district does not imply or expressly warrant that any information you access will be valuable or fit for a particular purpose or that the system will operate error free.
14. The district is not responsible for the integrity of information accessed, or software downloaded from the internet.
15. The district reserves the right to refuse posting of files, and to remove files.
16. The district further reserves the right to inspect a teacher's computer and computer usage at any time. Teachers have no privacy rights or expectations of privacy with regard to use of the district's computers or Internet system.
17. The computer system is not a public forum. It is provided for the limited purpose of advancing the district's mission.
18. A technology protection measure is in place that blocks and/or filters Internet access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, the district may also use other technology protection measures or procedures as deemed appropriate. The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes: (a) who has successfully completed district training by the on proper disabling circumstances and procedures, (b) with permission of the immediate supervisor of the staff member requesting said disabling, or (c) with the permission of a building administrator. An authorized staff member may override the technology protection measure that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes provided the minor is monitored by an authorized staff member.

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

### **Use of School Facilities**

Teachers will be issued keys to the school. Teachers are expected to not lose their keys and to not allow others to have access to or to use their keys. Teachers are permitted to have access to school facilities during non-school time provided such access is for work-related purposes. When teachers leave the building, they are to close all windows, lock their classroom door, arm the security system, and make sure that the entry door is fully closed and locked. This is especially important when teachers are using the school facilities prior to the beginning of the school year and during any weekend or evening usage.

School property is to be used for approved work-related purposes and not for personal purposes or for personal gain or benefit. Use of school supplies (paper, staples, etc.), school equipment (copiers, fax machines, telephones, etc.), and school postage is to be used for approved school-related purposes only. Excess or surplus

supplies or equipment, including items that have been placed in the trash, should not be removed for non-school use without approval from the administration.

### **Care of School Property**

Teachers are responsible for the proper care of all books, equipment, supplies and furniture supplied by the school. If an item is in need of maintenance or repair, report it to the principal. If you learn that a student has damaged school property or equipment, or if you are responsible for damage to school property, promptly report it to the principal so the item may be replaced or repaired if possible and appropriate responsibility for the cost of replacement or repair may be determined. Do not permit students to sit on desks or tables.

### **Use of School and Personal Telephones**

Professional calls: Teachers may use the telephone for professional reasons at any time they are not responsible for teaching or supervising students. All long-distance calls will require a four-digit access code. These codes will be provided at the beginning of the year.

Personal calls: Please make personal calls outside of school time or to a minimum if necessary, during duty time. No long-distance personal calls are to be charged to district phones. Rather, please use your own cell phone or charge the call via a calling credit card.

Student use of phones: Students are not to be allowed to use school phones unless the teacher or office dials the call and the teacher or office supervises the call. Students may not use classroom or public phones during class time.

### **Visitors**

Teachers are not to have visitors on school property except on a short-term basis and only with permission of the principal. Included in the definition of visitors are family members of the teacher. Visitors should follow posted procedures for being on school property. With certain limited exceptions, teachers are not to bring their children to school with them in lieu of taking them to childcare.

### **Salespersons**

Teachers need not allow, and should not permit, any salesperson or representative or agent of any commercial enterprise or theatrical presentation to contact the teacher while engaged in the teacher's duties except for planning time or at such other times as may be designated by the building principal or superintendent.

Teachers shall not use classrooms, buildings or other school property for personal use or profit without specific prior approval from the superintendent. Teachers shall not use time for which the teacher is on duty or paid by the district to engage in any activity for personal financial profit.

### **Security of Desks and Lockers**

Offices, teacher desks, lockers, file cabinets and other such storage devices ("storage devices") are owned by the school and are to be properly cared for and maintained. Appropriate security measures should be used to protect school and personal property kept in storage devices from theft or vandalism and to protect confidential student records.

The school exercises exclusive control over school property and reserves the right to 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. School-related documents or records must remain readily available to administration and other appropriate school staff. Any personal items a teacher wants to have kept private should be kept in a separate personal storage device, such as a brief case, purse or backpack.

The district is not responsible for any personal property teachers may bring to school. Teachers are cautioned not to bring large amounts of money or items of significant value to school.

### **Bulletins and Announcements**

Bulletin Boards and display cases are available for school-related and approved materials to be posted and displayed. Posters to be used in the halls or materials for distribution will need to be approved by the principal's office. Posters are not to be attached to any painted wall surfaces. The person or organization responsible for distributing the posters is responsible to see that all posters are removed within 48 hours after the event.

### **Copyright and Fair Use Policy**

It is the school's policy to follow the federal copyright law. Staff are reminded that, when using school equipment and when completing course work, they also must follow the federal copyright laws. The federal copyright law governs the reproduction of works of authorship. Copyrighted works are protected regardless of the medium in which they are created or reproduced; thus, copyright extends to digital works and works transformed into a digital format. Copyrighted works are not limited to those that bear a copyright notice.

The "fair use" doctrine allows limited reproduction of copyrighted works for educational and research purposes. The relevant portion of the copyright statute provides that the "fair use" of a copyrighted work, including reproduction "for purposes such as criticism, news reporting, teaching (including multiple copies for classroom use), scholarship, or research" is not an infringement of copyright. The law lists the following factors as the ones to be evaluated in determining whether a particular use of a copyrighted work is a permitted "fair use," rather than an infringement of the copyright:

- The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
- The nature of the copyrighted work;
- The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and,
- The effect of the use upon the potential market for or value of the copyrighted work.

Although all of these factors will be considered, the last factor is the most important in determining whether a particular use is "fair." Students should seek assistance from a faculty member if there are any questions regarding what may be copied.

### **Lost and Found**

Teachers who find lost articles are asked to take them to the office, where the owner can claim the articles.

### **Safety**

#### Safety Program

The district has established a Safety and Security Management Plan that includes safety and security plans and procedures, including plans and procedures to address emergency and crisis situations. Teachers are expected to be familiar with and to comply with the Safety and Security Management Plan. The plan may be obtained for review or copy from the principal or the superintendent.

#### Safety Practices

Guidelines for safe work practices that teachers should follow include the following:

1. Never stand on chairs, counters, tables, etc. Only use step stools, ladders and locking stools to stand, climb, etc., to reach high places, put things on bulletin Boards, etc.
2. Always wear protective equipment (i.e., goggles, aprons, gloves, and ear protection).
3. Wipe up spills or report promptly to appropriate personnel. Do not assume someone else will do it.
4. Be aware of your surroundings. Pick up clutter, keep your work area or room clean and free of clutter, debris, etc.
5. Identify and report all hazards (i.e., broken equipment, broken or uneven floor surfaces, non-operating tools, windows, doors, etc.). Follow up if not repaired.
6. Do not use equipment if you are not familiar with it or operate machinery without proper training.
7. Do not carry heavy or bulky objects. Get a cart, dolly or assistance. Know how to properly lift.
8. Report any injuries or medical problems to your supervisor immediately and complete the employee accident report.
9. Wear seatbelts when in vehicles where provided.
10. Do not do repetitive tasks for long periods of time (i.e., keyboarding, dipping cookies, cutting out things, filing, typing, etc.). Take breaks, learn and do stretching exercises, etc. Every accident in the school building, on the school grounds, at practice sessions, or at any athletic event sponsored by the school must be reported immediately to the principal.

As required by law, approved safety glasses will be required of every student and teacher while participating in or observing vocational, technical, industrial technology, science, and art classes. All visitors to these areas must check out a pair of safety glasses when entering any of these areas.

### **Use of School Vehicles**

School vehicles may be used only for approved school activities. Teachers who have occasion to transport students are encouraged to do so in school vehicles. Check with the central office to determine whether a school vehicle is available for planned trips. Reserve use of the vehicle by completing the scheduling form located in the school office. Vehicle keys are located in the building office and are to be returned at the conclusion of the trip. The fuel tank will generally be filled prior to all trips scheduled as described. In the event that additional fuel is needed during the trip, submit a reimbursement request when you return. When the vehicle is returned at the end of the trip, be sure to fill the fuel tank according to the rotation schedule posted in the vehicle or in the school office and submit the charge slip to the business manager. Be sure to complete the vehicle use form at the beginning and end of each trip with all requested information. Finally, be sure that the vehicle is left in good condition for its next user.

### **Use of Personal Vehicles**

Teachers who have occasion to transport students are encouraged to do so in school vehicles. Check with the central office to determine whether a school vehicle is available for planned trips. In the event a school vehicle is not available, please obtain permission from your building principal to use your personal vehicle. Staff will be reimbursed at the government rate for properly approved use of personal vehicles.

### **Accidents**

Every accident that results in a personal injury must be reported to the principal and school nurse immediately. In the event the injury involves a student, the teacher responsible for the student either as teacher, coach or sponsor is responsible for making the report. If the injury occurs in the presence of the teacher, the teacher is also responsible for making a report.

## **Staff Parking Areas**

Please use school-provided parking lots to park personal vehicles. On-street parking is discouraged because of its effect on traffic flow and the potential to inhibit easy access by emergency personnel. Staff are not allowed to park in Visitor Parking spots. Any questions, please refer to your building Principal.

## **Workers Compensation**

Teachers are required to immediately report any work-related injury and/or work-related medical condition to their supervisor and complete all appropriate paperwork.

## **Purchasing Supplies, Materials, Equipment, or Other Items for Instruction or Activities/Athletics**

General Information: The Board of Education sets the official budget for each school year and delegates certain budgetary responsibilities to District administrators. District administrators allocate budgetary amounts to teachers/departments/programs and provide information about processes and allowable expenses to staff.

Procedures: Proper planning is necessary to order materials for timely delivery. Staff desiring to purchase items are advised to discuss such purchases with their supervisor. Staff may request consideration to purchase items through the completion of requisition forms (spring) or purchase orders (during the school year) which do not exceed amounts allocated by the principal, activities director, or athletic director. Completed requisitions or purchase orders for instructional materials are to be submitted to the teacher's principal for initial approval and coding by Wednesday of the week. Orders for activities or athletic items are to be submitted for initial approval to the activities director or athletic director, respectively, by Wednesday of the week. The principal, activities director, and athletic director will then submit tentatively-approved requisitions or purchase orders for final approval to the superintendent by Thursday of each week. Items ordered on approval such as textbook examination copies should be requested via the purchase order process. Please note: items costing over \$5000 must be based on a minimum of 2 quotes and must then receive board of education approval prior to ordering. Properly submitted and approved orders will generally be placed by the business manager, generally on Fridays. Staff members who do not follow these approved procedures may not be reimbursed the cost of items ordered or purchased.

Petty Cash Account: Items of minimal value or of more immediate need may be purchased through the petty cash account. To utilize the petty cash account, please contact your building principal prior to making the purchase. Use of the petty cash account is not intended to circumvent the normal requisition/purchase order procedures described above.

Purchasing Locally: Staff are requested to obtain pricing information from and to purchase from local vendors when items are comparable in terms of quality and cost. Also, please contact the business manager when planning to purchase from Hobby Lobby, Menards, Shopko, Target, or WalMart as we have tax-free certificates that need to accompany the purchase order.

Printer cartridges and office supplies: we typically order these items from Eakes because of various discount and incentive programs. Please contact Mrs. Filsinger when these supplies are needed.

## Article 8 – STATE AND FEDERAL PROGRAMS

### Notice of Nondiscrimination

The Madison Public Schools do not discriminate on the basis of race, color, national origin, gender, marital status, disability, religion, sexual orientation, or age in admission or access to, or treatment of employment, in its programs and activities. The coordinators listed below have been designated to handle inquiries regarding complaints, grievance procedures or the application of these policies of nondiscrimination.

Local complaint or grievance procedures are provided for by the district and set forth in this handbook. If an employee does not feel that a complaint of nondiscrimination has been satisfactorily resolved at the school level, the employee may file a complaint with the appropriate federal or state agency. Complaints are to be filed with the regional Department of Education, Office for Civil Rights where the complaint relates to Title IX (discrimination, harassment or lack of equity based on gender), Title VI (discrimination or harassment based on race, color, or national origin) or Section 504 (discrimination, harassment or failure to accommodate a disability). Complaints are to be filed with the regional U.S. Equal Employment Opportunity Commission (EEOC) if the complaint relates to Title VII (discrimination or harassment based on race, color, gender, national origin, or religion), the Americans with Disabilities Act (discrimination, harassment or failure to accommodate a disability), or the Age Discrimination in Employment Act (discrimination based on age). Contact information for the OCR and the EEOC are:

Office for Civil Rights  
U.S. Dept of Education  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)  
PHONE: 816-268-0550  
FAX: 816-268-0599

The U.S. Equal Employment Opportunity Commission (EEOC)  
1801 L Street, N.W.  
Washington, D.C. 20507  
(800) 669-4000; TDD: (800) 669-6820

### Designation of Coordinators

Any person having inquiries concerning The district's compliance with anti-discrimination laws or policies or other programs should contact or notify the following person(s) who are designated as the coordinator for such laws, policies or programs. The contact address for the coordinator is: Superintendent, Madison Public Schools, Box 450, Madison, NE 68748, 402-454-3336.

<u>Law, Policy or Program</u>	<u>Issue or Concern</u>	<u>Coordinator</u>
Title VI	Discrimination or harassment based on race, color, or national origin; harassment	Superintendent
Title IX	Discrimination or harassment based on sex; gender equity	Secondary Principal
Section 504 of the Rehabilitation Act and the Americans with Disability Act (ADA)	Discrimination, harassment or reasonable accommodations of persons with disabilities	Superintendent
Homeless student laws	Children who are homeless	Superintendent
Safe and Drug Free Schools and Communities	Safe and drug free schools	Superintendent

## **Anti-discrimination & Harassment Policy**

Elimination of Discrimination: The Madison Public School District provides this statement of compliance and intent to comply with all state and federal laws prohibiting discrimination or harassment and requiring accommodations. This school District intends to take necessary measures to assure compliance with such laws against any prohibited form of discrimination or harassment or which require accommodations.

Preventing Harassment and Discrimination: The Madison Public Schools are committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination or harassment of any kind by administrators, teachers, co-workers, students or other persons is prohibited. In addition, the Madison Public Schools will try to protect employees and students from reported discrimination or harassment by non-employees or others in the work place and educational environment. For purposes of this policy, discrimination or harassment based on a person's race, color, national origin, gender, marital status, disability, sexual orientation, religion or age is prohibited. The following are general definitions of what might constitute prohibited harassment:

- In general, ethnic or racial slurs or other verbal or physical conduct relating to a person's race, color, religion, disability, or national origin constitute harassment when they unreasonably interfere with the person's work performance or create an intimidating work, instructional or educational environment.
- Age harassment (40 years of age and higher) has been defined by federal regulations as a form of age discrimination. It can consist of demeaning jokes, insults or intimidation based on a person's age.
- Sexual harassment is defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, or physical or verbal conduct of a sexual nature by supervisors or others in the work place, classroom or educational environment. Sexual harassment may exist when:
  - a. Submission to such conduct is either an explicit or implicit term and condition of employment or of participation and enjoyment of the school's programs and activities;
  - b. Submission to or rejection of such conduct is used or threatened as a basis for employment related decisions, such as promotion, performance, evaluation, pay adjustment, discipline, work assignment, etc., or school program or activity decisions, such as admission, credits, grades, school assignments or playing time;
  - c. The conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working, classroom or educational environment.
  - d. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching or brushing against another's body.

Complaint and Grievance Procedures: Employees or students should initially report all instances of discrimination or harassment to their immediate supervisor or classroom teacher. However, if the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student is encouraged to go to the next level of supervision. In the case of a student, the principal would be the next or alternative person to contact. If the employee or student's complaint is not resolved to his or her satisfaction within five (5) to ten (10) calendar days, or if the discrimination or harassment continues, or if you need immediate help for any reason, please report your complaint to the superintendent. If a satisfactory arrangement cannot be obtained through the superintendent, the complaint may be processed to the Board of Education. The supervisor, teacher or the superintendent will thoroughly investigate all complaints. These situations will be treated with the utmost confidence, consistent with resolution of the problem. Based on the results of the investigation, appropriate corrective action, up to and including discharge of offending employees, and disciplinary action up to expulsion against a harassing student,



may be taken. Under no circumstances will any threats or retaliation be permitted to be made against an employee or student for alleging in good faith a violation of this policy.

### **Grievance Procedure for Persons with a Disability**

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act address discrimination, harassment or failure to provide reasonable accommodations to persons with a disability. The following grievance procedure shall be used for resolution of complaints of alleged violations of the ADA or Section 504:

1. Complaints shall be filed with the ADA and Section 504 Coordinator. Complaints shall be made in writing, unless the Complainant's disability prevents such, in which event the complaint can be made verbally.
2. Complaints shall set forth: (a) the name of the complainant, (b) the address and telephone number or other such information sufficient to enable the coordinator to contact the complainant, (c) a brief description of the alleged violation, and (d) the relief requested by the complainant.
3. Complaints shall be investigated by the coordinator or the coordinator's designee. Investigations shall be thorough, but informal, and the complainant shall be given a full opportunity to submit evidence relevant to the complaint.
4. The coordinator shall make a decision on the complaint within thirty (30) days of the filing of the complaint, unless such time period is extended by agreement of the complainant. The decision shall be made in writing, shall set forth the coordinator's proposed resolution of the complaint, and shall be forwarded to the complainant.
5. The complainant shall have ten (10) days from the date the coordinator's decision is sent to the complainant to accept or reject the coordinator's proposed resolution and shall be deemed to have accepted the proposed resolution unless the complainant rejects the proposed resolution within such time period. In the event the complainant rejects the proposed resolution, the complainant shall be given the opportunity to file a request for reconsideration within the ten (10) days from the date the coordinator's decision is sent to the complainant. The request for reconsideration shall be filed with the coordinator. The coordinator shall consider any additional information provided in the request for reconsideration and make a decision on the request for reconsideration within 10 (ten) days after the request for reconsideration was filed.

### **Confidentiality of Student Records (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) gives parents and students over 18 years of age rights of access and confidentiality with respect to education records. Employees are expected to provide access rights and maintain the confidentiality of education records in accordance with FERPA and board policy. Further information about FERPA and the district's policies under FERPA are found in board policy and in the student handbook.

### **Disclosure of Student Information to Military Recruiters and Colleges**

The No Child Left Behind Act of 2001 requires the district to provide military recruiters and institutions of higher education access to secondary school students' names, addresses, and telephone listings. Parents and secondary students have the right to request that the school not provide this information (i.e., not provide the student's name, address, and telephone listing) to military recruiters or institutions of higher education, without their prior written consent. Employees are expected to follow these requirements.

## **Disclosure of Staff Qualifications**

The No Child Left Behind Act of 2001 gives parents/guardians the right to get information about the professional qualifications of their child's classroom teachers. The district designates the following information as "directory information" and will give parents/guardians such information upon request:

1. Whether the teacher has met state qualifications and licensing criteria for the grade levels and subject areas in which the teacher provides instruction.
2. Whether the teacher is teaching under an emergency or provisional teaching certificate.
3. The baccalaureate degree major of the teacher, along with information about other graduate certification or degrees held by the teacher, and the field of discipline of the certification or degree.
4. Whether the parent/guardian's child has been assigned, or has been taught for four or more consecutive weeks, by a teacher who does not meet the requirements of the NCLB.

## **Student Privacy Protection**

The No Child Left Behind Act of 2001 requires the district to protect the privacy of students. Further information about student privacy and the district's policies with regard to student privacy are found in board policy and in the student handbook. In general, employees are expected to comply with these provisions of the NCLB and related board policy, as follows:

1. Student surveys created by and administered by either the United States Department of Education or a third party (a group or person other than the district)—give parent/guardian the opportunity to inspect the survey upon request before the survey is administered or distributed to the students;
2. Student surveys that involve "sensitive" matters—make suitable arrangements to protect student privacy (that is, do not include the name or other identifying information about a particular student) and give parents the opportunity, in advance, to "opt-out" their child from the survey. Sensitive matters include:
  - a. Political affiliations or beliefs of the student or the student's parent;
  - b. Mental or psychological problems of the student or the student's parent;
  - c. Sexual behavior or attitudes;
  - d. Illegal, anti-social, self-incriminating or demeaning behavior;
  - e. Critical appraisals of other individuals with whom the student has close family relationships;
  - f. Legally-recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
  - g. Religious practices, affiliations, or beliefs of the students or the student's parent;
  - h. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).
3. Instructional materials—permit parents upon reasonable request to inspect any instructional material used as part of the educational curriculum for their child. The term "instructional materials" does not include academic tests or academic assessments for purposes of this parent inspection requirement. If you receive such a request, direct the parent to contact your building principal and also inform the building principal yourself about the request to get instructions.
4. Collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information. District policy is to not gather such information for such purposes.

## **Parental Involvement**

The district's policy is to welcome parental involvement in the education of their children. As a part of this policy, employees are expected to:

1. Provide parents timely information about their child's progress, including use of quarterly report cards, active and constructive attendance at parent-teacher conferences, and more frequent parent contacts where warranted by the student's academic and behavioral needs;

2. Make textbooks, completed tests and other curriculum materials available for review by parents upon request;
3. Permit parents access to their child's records according to law and school policy;
4. Encourage parents to attend courses, assemblies, counseling sessions and other instructional activities with prior approval of the proper teacher, counselor or administrator, provided that such parent attendance is educationally appropriate and not disruptive to the educational program;
5. Assure that testing occurs to assure proper measurement of each child's educational progress and achievement;
6. Permit parents to excuse their child from testing, classroom instruction and other school experiences when possible and educationally appropriate;
7. Notify parents of student surveys in accordance with district policy, obtain parental permission for surveys where required by district policy or law, and allow parents to opt-out of such surveys in accordance with district policy and law; and
8. Encourage parents to express their concerns, share their ideas and advocate for their child's education.

### **Title I Parental Involvement**

The district has a separate policy established pursuant to the No Child Left Behind Act of 2001 relating to parental involvement applicable to parents of children enrolled in Title I programs. The policy requires that parents of Title I children be given the opportunity to participate in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring:

1. that parents play an integral role in assisting their child's learning;
  2. that parents are encouraged to be actively involved in their child's education at school;
  3. that parents are full partners in their child's education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and,
  4. the carrying out of other activities, such as those described in the parental involvement policy.
- Employees are expected to comply with the Title I parental involvement policy.

### **Homeless Students**

The No Child Left Behind Act of 2001 requires that homeless students not be stigmatized or segregated on the basis of their status as homeless. Homeless children generally include children who lack a fixed, regular, and adequate nighttime residence. The superintendent serves as the district's designated Homeless Coordinator and should be contacted for questions relating to a homeless student.

### **School Nutrition Programs (Breakfast and Lunch)**

The district participates in the National School Nutrition Program. Employees are expected to keep information about the participation of students in the program confidential.

### **Confidentiality of Protected Health Information**

It is the policy of the district to develop and implement all necessary practices, policies, and procedures to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) where and to the extent applicable and to maintain the privacy of protected health information (PHI), as that term is defined by HIPAA, that it receives, obtains, or transmits for employees and students. The district designates the superintendent as its HIPAA privacy officer. Student and employee records containing PHI shall be accessible only to those who require such information to carry out their duties.

# Madison Public Schools

**Justin Frederick**  
*Interim Superintendent*

**Jim Crilly**  
*HS Principal*

**Reid Ehrisman**  
*MS Principal/EL*

**Karla Kush**  
*Elementary Principal*

700 So Kent St.  
P.O. Box 450  
Madison, NE 68748  
District Phone (402) 454-3336 Fax (402) 454-2238  
Elementary Phone (402) 454-2656 Fax (402) 454-3978

**Travis Jordan**  
*Director of CAI*  
**Landonn Mackey**  
*Athletic Director*  
**Celine Filsinger**  
*Office Manager*

**The mission of Madison Public Schools is to prepare students to be competent, confident, productive, and responsible citizens.**

Date: 8/1/2023

Re: **Notice of Title IX Policy**

From: **Justin Frederick, Interim Superintendent**

Dear Madison Public Schools Employees:

The Madison Board of Education has adopted policy 3057 regarding Title IX, the prohibition against discrimination on the basis of sex, and grievance procedures for complaints. This policy is attached to this Memo.

Pursuant to this policy, the district does not discriminate on the basis of sex in any education programs, which extends to admission and employment. Inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district's Title IX Coordinator, the assistant Secretary for Civil Rights of the United States Department of Education, or both.

The Title IX Coordinator is Secondary Principal, **Jim Crilly** who may be contacted in person, by mail, by telephone, or by electronic mail at P.O Box 450 Madison, NE 68748, (402)-454-3336, [jcrilly@esu8.org](mailto:jcrilly@esu8.org)

The assistant Secretary for Civil Rights of the United States Department of Education may be contacted at: U.S. Department of Education, Office for Civil Rights, Washington, D.C. 20202-1100.

Sincerely,

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Interim Superintendent Frederick

3057  
Title IX Policy

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

1. **Title IX Coordinator**

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

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

2.1. **Actual knowledge** means notice of sexual harassment or allegations of sexual harassment to any district employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only district employee with actual knowledge is the respondent (as that term is defined below). "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in subsection 1.1 above.

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

2.3. **Formal complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. The only district official who is authorized to initiate the Grievance Process for Formal Complaints of Sexual Harassment against a respondent is the Title IX Coordinator (by signing a formal complaint). At the time of filing a formal complaint with the district, a complainant must be participating in or attempting to participate in the district's education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact

information required to be listed for the Title IX Coordinator under subsection 1.1 above, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy or under 34 C.F.R. part 106, and will comply with the requirements of this policy and 34 C.F.R. part 106, including subsections 5.1.3–5.1.4 and 34 C.F.R. § 106.45(b)(1)(iii).

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

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

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

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

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

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

2.6.3.1. **Sex Offenses, Forcible**—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

2.6.3.1.1. **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent

because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

2.6.3.1.2. **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.3. **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

2.6.3.1.4. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

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

2.6.3.2.1. **Incest**—Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

2.6.3.2.2. **Statutory Rape**—Non-Forcible sexual intercourse with a person who is under the statutory age of consent

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

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

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

2.6.4.2.1. The length of the relationship.

2.6.4.2.2. The type of relationship.

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

2.6.5. **Domestic violence**, as defined in 34 U.S.C. § 12291(a), which includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who—

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

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

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

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

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

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

2.6.6.2. suffer substantial emotional distress.

2.7. **Supportive measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations,



leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **3. Discrimination Not Involving Sexual Harassment.**

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

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

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

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

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

#### 4. **Response to Sexual Harassment**

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

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

**4.3. Emergency Removal.** Nothing in this policy precludes the district from removing a respondent from the district’s education program or activity on an emergency basis, provided that the district undertakes an individualized safety and risk analysis, and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In the event that the district so removes a respondent on an emergency basis, then the district will provide the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

**4.4. Administrative Leave.** Nothing in this policy precludes the district from placing a non-student employee respondent on administrative leave during the

pendency of a grievance process that complies with section 5 below. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

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

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

### 5.1. **General Requirements.**

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

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

5.1.3. **Absence of Conflicts of Interest or Bias.** The district will require that any individual designated by a recipient as a Title IX Coordinator, investigator, decision-maker, or any person designated by a recipient to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

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

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

- 5.1.4.2. **Title IX Coordinators, Investigators, Decision-Makers, or Informal Resolution Facilitators.** The district will ensure that Title IX Coordinators, investigators, decision-makers, or any person designated by the district to facilitate an informal resolution process receive training on:
- 5.1.4.2.1. The definition of sexual harassment in subsection 2.6;
  - 5.1.4.2.2. The scope of the district’s education program or activity;
  - 5.1.4.2.3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
  - 5.1.4.2.4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- 5.1.4.3. **Decision-Makers.** The district will ensure that decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, as set forth in subsection **Error! Reference source not found..**
- 5.1.4.4. **Investigators.** The district will also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as set forth in subsection 5.5.8.
- 5.1.5. **Presumption.** It is presumed that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- 5.1.6. **Reasonably Prompt Time Frames.** This grievance process shall include reasonably prompt time frames for conclusion of the grievance process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes. The process shall also allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

- 5.1.7. **Range of Possible Sanctions and Remedies.** Following a determination of responsibility, the district may impose disciplinary sanctions and remedies in conformance with this and the district's student discipline policy, and other state and federal laws. Depending upon the circumstances, these policies provide for disciplinary sanctions and remedies up to and including expulsion.
- 5.1.8. **Range of Supportive Measures.** The range of supportive measures available to complainants and respondents include those listed in subsection 2.7.
- 5.1.9. **Respect for Privileged Information.** The district will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

## 5.2. **Notice of Allegations.**

- 5.2.1. **Initial Notice.** Upon receipt of a formal complaint, the district will provide the following written notice to the parties who are known:
  - 5.2.1.1. A copy of this policy.
  - 5.2.1.2. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in subsection 2.6, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, under subsection 5.5.5, and may inspect and review evidence under subsection 5.5.5. The written notice will inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- 5.2.2. **Supplemental Notice.** If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Initial Notice described above,

the district will provide notice of the additional allegations to the parties whose identities are known.

### 5.3. **Dismissal of Formal Complaint.**

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

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

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

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

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

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

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

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

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

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

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

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

references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

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

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

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

## 5.6. **Determination Regarding Responsibility**

- 5.6.1. **Decision-Maker(s).** The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).
- 5.6.2. **Exchange of Written Questions.** After the district has sent the investigative report to the parties pursuant to subsection 5.5.8, but before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.
- 5.6.3. **Written Determination.** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) will apply the preponderance of the evidence standard. The written determination will include:



- 5.6.3.1. Identification of the allegations potentially constituting sexual harassment as defined in subsection 2.6;
  - 5.6.3.2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - 5.6.3.3. Findings of fact supporting the determination;
  - 5.6.3.4. Conclusions regarding the application of the district's code of conduct to the facts;
  - 5.6.3.5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
  - 5.6.3.6. The district's procedures and permissible bases for the complainant and respondent to appeal.
- 5.6.4. The district will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
  - 5.6.5. The Title IX Coordinator is responsible for effective implementation of any remedies.

5.7. **Appeals.** The district will offer both parties the opportunity to appeal from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, on the grounds identified below.

- 5.7.1. **Time for Appeal.** Appeals may only be initiated by submitting a written Notice of Appeal to the Office of the Superintendent of Schools within ten (10) calendar days of the date of the respective written determination of responsibility or dismissal from which the appeal is taken. The Notice of Appeal must include (a) the name of the party or parties making the appeal, (b) the determination, dismissal, or portion thereof being appealed, and (c) a concise statement of the specific

grounds (from subsection 5.7.2 below) upon which the appeal is based. A party's failure to timely submit a Notice of Appeal will be deemed a waiver of the party's right to appeal under this policy, 34 C.F.R. part, 106, and Title IX.

5.7.2. **Grounds for Appeal.** Appeals from a determination regarding responsibility, and from the district's dismissal of a formal complaint or any allegations therein, are limited to the following grounds:

5.7.2.1. Procedural irregularity that affected the outcome of the matter;

5.7.2.2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

5.7.2.3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

5.7.3. As to all appeals, the district will:

5.7.3.1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

5.7.3.2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

5.7.3.3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in subsections 5.1.3–5.1.4.

5.7.3.4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

5.7.3.5. Issue a written decision describing the result of the appeal and the rationale for the result; and

5.7.3.6. Provide the written decision simultaneously to both parties.

5.8. **Informal Resolution.** The district will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this section. Similarly, the district will not require the parties to participate in an informal resolution process under this section and may not offer an informal

resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

5.8.1. Provides to the parties a written notice disclosing:

5.8.1.1. The allegations;

5.8.1.2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;

5.8.1.3. That at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and

5.8.1.4. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

5.8.2. Obtains the parties' voluntary, written consent to the informal resolution process; and

5.8.3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

## 5.9. **Recordkeeping.**

5.9.1. The district will maintain for a period of seven years records of:

5.9.1.1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;

5.9.1.2. Any appeal and the result therefrom;

5.9.1.3. Any informal resolution and the result therefrom; and

5.9.1.4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The district will make these training materials publicly available on its website, or if the district does

not maintain a website then the district will make these materials available upon request for inspection by members of the public.

- 5.9.2. For each response required under section 4, the district will create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity. If the district does not provide a complainant with supportive measures, then the district will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

**6. Superintendent Authorized to Contract.** The board authorizes the Superintendent to contract for, designate, and appoint individuals to serve in the roles of the district's investigator(s), decision-maker(s), informal resolution facilitator(s), or appellate decision-maker(s) as contemplated by this policy.

**7. Access to Classes and Schools.**

**7.1. General Standard.** Except as provided in this section or otherwise in 34 C.F.R. part 106, the district will not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex.

**7.1.1. Contact sports in physical education classes.** This section does not prohibit separation of students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

**7.1.2. Ability grouping in physical education classes.** This section does not prohibit grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

**7.1.3. Human sexuality classes.** Classes or portions of classes that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

7.1.4. **Choruses.** The district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

7.2. **Classes and Extracurricular Activities.** The district may provide nonvocational single-sex classes or extracurricular activities as permitted by 34 C.F.R. part 106.

8. **Athletics.** It is the policy of the district that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, club, or intramural athletics offered by the district, and that the district will not provide any such athletics separately on such basis.

8.1. **Separate Teams.** Notwithstanding the foregoing paragraph, the district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport.

8.2. **Equal opportunity.** The district will provide equal athletic opportunity for members of both sexes. Unequal aggregate expenditures for members of each sex or unequal expenditures for male and female teams will not constitute noncompliance with this section.

9. **Certain Different Treatment on the Basis of Sex Permitted.** Nothing herein shall be construed to prohibit the district from treating persons differently on the basis of sex as permitted by Title IX or 34 C.F.R. part 106. For example, and without limiting the foregoing, the district may provide separate toilet, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

10. **Retaliation Prohibited.** Neither the district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, 34 C.F.R. part 106, or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. The district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. § 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of 34 C.F.R. part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to shall be addressed pursuant to Board Policy 2006 (Complaint Procedure).

## 10.1. **Specific Circumstances.**

- 10.1.1. The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by this section.
- 10.1.2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

11. **Notification of Policy.** The district will notify applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district of the existence of this policy. The requirement to not discriminate, as stated in Title IX and 34 C.F.R. part 106, in the district's education program(s) or activities extends to admission and employment, and inquiries about the application of Title IX and 34 C.F.R. part 106 to the district may be referred to the district's Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

12. **Publication of Policy.** The district will prominently display on its website, if any, and in each handbook that it makes available to applicants for admission and employment, students, parents or legal guardians of students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the district, the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator(s).

13. **Application Outside the United States.** The requirements of this policy apply only to sex discrimination occurring against a person in the United States.

14. **Scope of Policy.** Nothing herein shall be construed to be more demanding or more constraining upon the district than the requirements of Title IX (20 U.S.C. § 1681) and 34 C.F.R. part 106. To the extent that the district is in compliance with Title IX and 34 C.F.R. part 106, then all of the district's obligations under this policy shall be deemed to be fulfilled and discharged.

Adopted on:6-13-22

Reviewed on: \_\_\_\_\_

Revised on: \_\_\_\_\_



**RECEIPT OF 23-24 MADISON PUBLIC SCHOOLS CERTIFICATED STAFF HANDBOOK**

This signed receipt acknowledges receipt of the 2023-24 Certificated Staff Handbook of the Madison Public Schools. This receipt further acknowledges that:

- I understand I am to read and be familiar with the handbook;
- I will seek answers to any question I may have about information contained in the handbook;
- I understand the handbook contains a disclaimer of contract;
- I understand that the handbook includes the district’s policies of non-discrimination and equity, and that specific complaint and grievance procedures exist in the handbook which should be used for responding to harassment or discrimination; and,
- I understand that that the facilities, grounds, and vehicles owned and operated by the Madison Public Schools are tobacco-, alcohol-, weapon-, and drug-free locations.

Date: \_\_\_\_\_

\_\_\_\_\_  
Teacher’s Signature

Return on or before Monday, August 14, 2023 to your building principal.