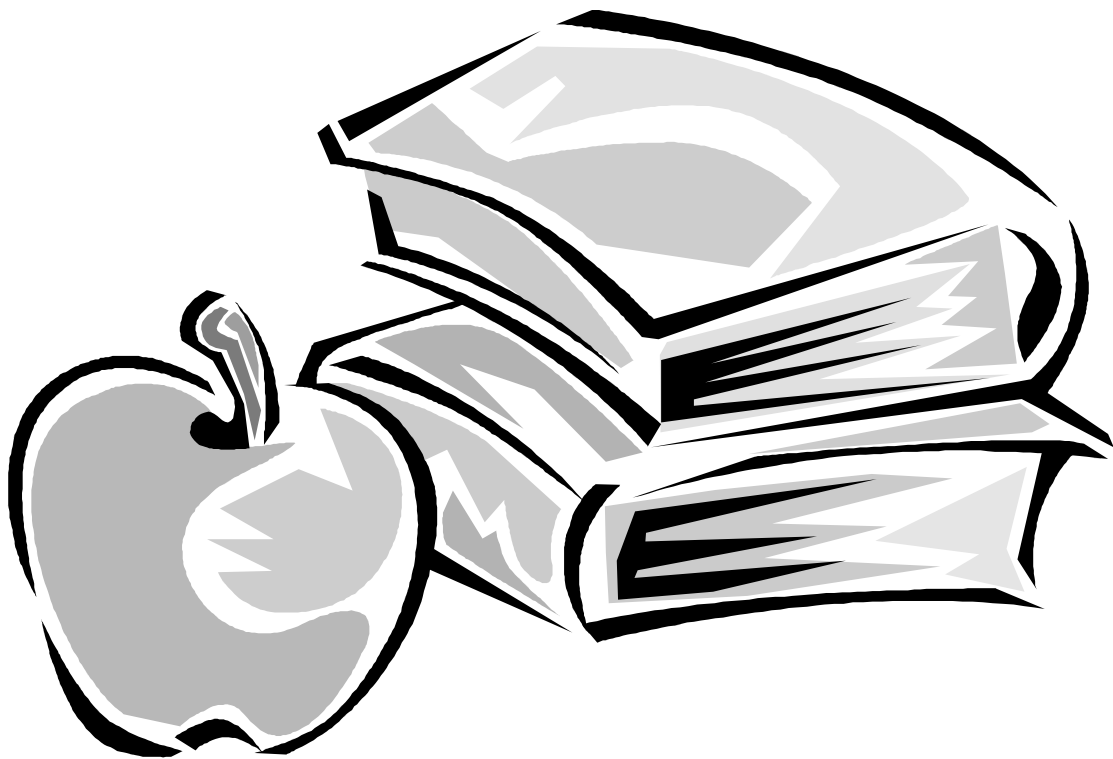


Lincoln Public Schools

# Certificated Personnel Handbook



Revised January, 2016

# **FOREWORD**

January, 2016

Dear LPS Staff Member:

This personnel handbook is intended to provide you with the basic terms and conditions of your employment with Lincoln Public Schools. This handbook will be in effect for the 2015-2016 and subsequent school years unless replaced by a later edition.

This handbook contains information not covered in the Professional Agreement with the Lincoln Education Association and contains items that pertain specifically to certificated employees (other than administrators) of the school district. It is not to be construed as a contract of employment.

This handbook is intended to supplement two other documents that deal with your LPS employment:

- 1) The Professional Agreement between the Lincoln Public Schools and the Lincoln Education Association. All items in this agreement have been agreed upon through the negotiations process and have been ratified by the Board of Education and the Lincoln Education Association. All language that duplicates language in the Professional Agreement has been removed from this personnel handbook. A reference to a specific article and section of the Professional Agreement is made wherever duplicate language was removed. You can access the Professional Agreement on the LPS web site, <http://www.lps.org>.
- 2) The Board of Education Policy Manual. This is a compilation of school district policies and administrative regulations as established by the Board of Education. Your supervisor has a copy of this district policy manual for your reference. You can access all the Board of Education policies on the LPS web site, <http://www.lps.org>. Throughout this document there are references to district policies and policy regulations. Sometimes the section is composed of the entire policy or regulation and other sections contain only a portion of the policy or regulation. Many times a section contains actual policy language intermixed with day-to-day procedures.

In reading this handbook, please understand that where conflict exists, state or federal law, the Professional Agreement, and Board Policy supersede this handbook.

We hope this handbook will be helpful to you. Suggestions for improvement and additional information are always welcome.

Sincerely,

Eric Weber

Associate Superintendent for Human Resources

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**CERTIFICATED PERSONNEL HANDBOOK  
LINCOLN PUBLIC SCHOOLS**

**I. DISTRICT ORGANIZATION**

**A. Employee Classifications (Policy Regulation 4100.1)**

The Human Resources Division determines the job title and the classification of each employee taking into consideration relevant state laws and Nebraska Department of Education regulations. The descriptions below do not include every position within the district but indicate the general separation of employees into the three categories:

1. Certificated employees include teachers and other educators, as well as school psychologists, school social workers and registered nurses. Also included are administrators who perform duties requiring a certificate issued by the Commissioner of Education.
2. Classified employee groups include technicians, office professionals, custodians, maintenance employees, food service workers, paraeducators and transportation employees. Also included are administrators who do not hold certificates issued by the Commissioner of Education.
3. Hourly employees include, but are not limited to, summer crew employees, mentors, substitutes for classified staff, and substitute teachers.

The purpose of this handbook is to describe the general policies and procedures governing certificated employees other than administrators. References are made throughout the handbook to specific sections of the Professional Agreement.

**B. Board Organization**

The controlling body of the school system is the Board of Education. After an employee is recruited and selected through the Human Resources Department, and recommended for employment by the Superintendent of Schools, he/she is elected by the employer, the Board of Education.

The Board establishes policies and determines the rules and regulations which govern the school system. The Board elects a Superintendent of Schools who is responsible for interpretation and administration of these policies and rules within the school system.

Information concerning the Board can be found on the Lincoln Public Schools web site at <http://www.lps.org/about/board/>.

**C. School Board Philosophy Statement (Policy 8000)**

The Lincoln Board of Education is committed to providing the highest quality education for all Lincoln Public Schools students. The board sees the primary mission of the schools to be the development of responsible adults:

- who are productive citizens of a pluralistic community, nation and world;
- who are prepared to learn throughout their lives; and
- who are appreciative of the arts, history and culture.

The board holds the district staff accountable for achieving the schools' mission through the most effective and efficient use of available resources.

The board further recognizes that students in the Lincoln Public Schools are educated for the future and therefore expects the school district to be self-renewing, flexible and capable of adjusting to the needs of its various constituencies.

As the elected governing body of the school district, the board believes in sharing its decision-making processes with parents, students, other citizens and staff members.

**D. Statement of Purpose (Policy 8001)**

The Lincoln Board of Education supports the educational mission of the State of Nebraska. In accordance with this commitment, the board declares that it is the purpose of the Lincoln School District to:

1. Offer each individual the opportunity to develop competence in the basic skills of communications, computations and knowledge of basic facts concerning the environment, history and society;
2. Offer each individual the opportunity to develop higher order thinking and problem-solving skills by means of adequate preparation in mathematics, science, the social sciences and foreign languages and through appropriate and progressive use of technology;
3. Inspire in each individual the ability and desire to continue learning throughout his or her life;
4. Encourage knowledge and understanding of political society and democracy in order to foster active participation therein;
5. Encourage the creative potential of each individual through exposure to the fine arts and humanities;
6. Encourage a basic understanding of and aid the development of good health habits; and
7. Offer each individual the opportunity for career exploration and awareness.

**E. Goals for Students (Policy 6410)**

The students in the Lincoln Public Schools enter school with diverse talents, interests and needs. Throughout the course of their public school education, students will have the opportunity to develop to their greatest potential. It is the intention of the Lincoln Public Schools that all students will achieve the following:

1. Demonstrate competence and fluency in the essential skills of reading, writing, speaking, and listening, in the English language, and mathematics.
2. Think critically and creatively, using higher order thinking skills to make decisions, solve problems, and create new perspectives and possibilities.
3. Understand the important ideas from the arts, humanities, sciences, and mathematics, and understand the relationships among them.
4. Demonstrate the knowledge, skills, and attitudes essential for living in a democracy and becoming a contributing member of society.
5. Understand and celebrate the diversity and interdependence of our pluralistic, multicultural community, nation, and world.
6. Respect and care for themselves and others.
7. Respect and care for the natural environment.
8. Work with others productively and cooperatively.
9. Develop the skills and attitudes essential to enter the work force.
10. Become a lifelong learner.
11. Demonstrate the knowledge and skills essential for achieving lifelong health.

## **F. Board-Classroom Certificated Employee Relationship**

The Board of Education is the school system's policy-making body. The Board of Education administers policy for the schools through the Superintendent of Schools, who is the chief executive officer of the board.

The Board of Education and certificated employees should operate as a team with mutual respect for each other. School Board members may visit classrooms to see how students are taught, and classroom certificated employees should visit Board meetings to see how policies are developed.

The certificated employee should understand that no member or committee of the Board of Education has the power to act for the Board or to imply any action on the part of the Board without specific approval by the Board of Education.

The certificated employee should make an effort to acquire a clear understanding of school policy as set forth by the Board of Education and be ready to offer assistance and counsel to the school administration in the formulation of policy in those areas in which the certificated employee has expertise.

## **G. Administration-Certificated Employee Relationship**

The Board of Education appoints a Superintendent of Schools as its chief administrative officer. He/she has charge or control of all the schools, subject to orders, rules, and regulations of the Board. In this capacity, the Superintendent becomes the professional leader of the staff.

The Superintendent delegates to various staff members responsibility for organizing and administering various divisions and responsibilities. The principal of the school is responsible for the activities and educational program in a particular attendance area or school building. The certificated employee is directly responsible to the principal for all the activities carried on within or for the Lincoln school system. In addition, it is expected that the certificated employee and the building administration will maintain a positive, professional relationship.

## **H. Administration**

### **1. Superintendent of Schools**

The Superintendent of Schools, as the executive officer of the Board of Education and the chief administrative officer for the school system, is responsible to the Board of Education for all aspects of school management. The Superintendent of Schools, in turn, delegates to his/her staff members responsibility for organizing and administering the various departments. In addition, the Superintendent serves as Secretary of the Board of Education.

### **2. Curriculum Office**

The Associate Superintendent for Instruction and curriculum specialists assist the certificated employee and principal in implementing the adopted course of studies. This office coordinates the staff development for certificated staff.

### **3. Business Affairs Office**

The Associate Superintendent for Business Affairs is responsible for administering several district functions including budgeting, accounting and auditing services; purchasing and distribution; food service; maintenance, facilities and custodial services; transportation; and computing services.



4. Human Resources Office

The Associate Superintendent for Human Resources has the responsibility to make recommendations to the Superintendent for the selection, appointment, retention, suspension, assignment and appraisal of all employees. The district's substitute services; staff development services for classified staff; coordination of risk management services; benefit administration; contract negotiations; and affirmative action are functions of the Human Resources Division.

5. Student Services Office

The Director of Student Services and the student services staff assist the certificated employee in providing pupil services which result in improved instruction.

6. Director of Special Education

The Director of Special Education and the special education staff serve to organize, direct and supervise instruction for students verified as disabled.

7. Building Principal

The certificated employee should consider the principal to be an immediate source of help in emergency situations and an educational planner and consultant in formulating the instructional program. Principals serve as the building supervisors of the instructional program and are responsible for the duty assignments and total operation of their own buildings.

Appraisal of the educational services is the principal's responsibility. This appraisal is a cooperative activity with emphasis on self-development and further professional growth. When there is a difference of opinion between the certificated employee and the principal as to the classroom performance of the certificated employee, procedures for resolving the concerns are found in the appraisal manual.

**I. Teacher-Student Relationship**

The teacher-student relationship is a central point in personnel relationships. This relationship is aided by all the materials, physical facilities, curriculum specialists, and administrative personnel that comprise the educational effort. Teachers are considered role models and set an example for students to follow.

**J. Professional Services Available to Certificated Employees**

1. Professional Materials

It is the intent of the district to have good physical facilities that are well maintained. All schools have building media centers that also house additional instructional materials. The certificated staff has access to a professional library and a materials center, which are located in the media area at Lincoln Public Schools District Offices.

2. Professional Publications

Each certificated employee has content area specific objectives, program guides and other materials that are pertinent to the assigned grade level or subject field. These resources are aligned with state and national standards; and best practices and research in the content area. Criterion referenced tests and other district-wide assessments are also aligned to these

resources. It is the expectation of the district that these curriculum materials be used as the basis from which instruction happens in the classroom.

3. Paraeducators

To utilize the certificated employees' primary teaching skills fully, and to direct their energy to this end, the board may provide for paraeducators and part-time office personnel to assist certificated employees with some non-teaching assignments.

4. Practicum and Student Teachers (Policy 4970)

Each semester, certificated employees will be surveyed to determine their interest in accepting practicum student or student teacher placements. Certificated employees who consent to the assignment of a practicum student or student teacher agree to accept the accompanying responsibilities. Assignment of practicum students and student teachers will be facilitated by the Human Resources Division. No institution will be allowed to place practicum students or student teachers without prior approval from Human Resources.

Certificated employees are in charge of and responsible for the practicum and student teachers in their classes. Practicum and student teachers are subject to the same rules, policies, regulations and orders as all certificated employees.

## II. OPERATIONAL POLICIES OF THE HUMAN RESOURCES DEPARTMENT

### A. **Recruitment of Staff** (Policy 4210 and Policy Regulation 4200.1)

The Lincoln Public Schools, through a comprehensive recruitment program, will employ an effective, well-qualified and diverse staff. To that end, the Lincoln Public Schools shall actively recruit well-qualified and diverse certificated, classified and hourly applicants.

There shall be no discrimination against any employee or applicant for employment by reason of race, color, national origin, religion, marital status, sex, age, disability, pregnancy, childbirth, or related medical condition, or sexual orientation.

To attain the goal of selecting the best qualified and diverse employees, the Lincoln Public Schools maintains a comprehensive, aggressive program of staff recruitment. Elements of the program include:

1. Contacts with agencies and institutions which supply personnel.
2. Global advertising of available positions.
3. Staff visits to college campuses
4. Participation in job and career fairs.
5. Regular publication of vacancies.
6. Practicum student and student teacher placements.

For posting of vacancies and voluntary transfer procedures, see Professional Agreement, Article 6.

### B. **Selection of Staff** (Policy 4300)

The process for the selection and assignment of staff is the responsibility of the Human Resources Division. It shall be the duty of the Associate Superintendent for Human Resources or designee to assure that all persons meet the qualifications established by law and the Board of Education for the position. The Lincoln Public Schools shall strive to attract and retain the best qualified personnel available for every position.

The selection procedure is uniformly applied to every candidate. There shall be no discrimination against any employee or applicant for employment by reason of race, color, national origin, religion, marital status, sex, age, disability, pregnancy, childbirth, or related medical condition, or sexual orientation.

Human Resources will maintain a pool of potential applicants for the most frequently filled positions in order to reduce the time needed to fill vacancies.

**C. Screening and Selection of Staff (Policy Regulation 4300.1)**

The Human Resources Division coordinates the applicant screening and selection process. This process is uniformly applied to every candidate for a particular position, but can vary depending upon the position. Candidates may be eliminated from consideration throughout the process.

- a. All persons must complete the appropriate application and requested accompanying documentation prior to consideration for employment.
- b. The Human Resources Division coordinates an examination of the application and supporting material.
- c. The rehiring of a former employee is contingent on a positive performance record. A former employee who was terminated, or who resigned in lieu of termination, for reason of violating a workplace conduct rule or unsatisfactory job performance is not eligible for rehire.
- d. Reference checks are completed.
- e. Structured interviews are coordinated by the Human Resources Division.
- f. A supervisor conducts one or more interviews.
- g. The supervisor makes a recommendation to the Human Resources Division concerning the selection for the position.
- h. The Human Resources supervisor makes a conditional job offer and initiates background checks, including but not limited to criminal history, sexual offenses, child abuse; and any other requirement(s) for the position, i.e. post offer physical, Department of Transportation physical, licensing, etc.
- i. Upon completion of the above checks, the Associate Superintendent for Human Resources recommends acceptable candidates to the Board of Education.
- j. The Board of Education makes the final decision concerning the employment of the candidate.

**D. Job Descriptions (Policy Regulation 4100.2)**

Job descriptions for the various employment positions are developed and maintained by the Human Resources Division. Each job description indicates whether a position is exempt or nonexempt in accordance with the Fair Labor Standards Act (FLSA). Employees must maintain all licensure or certification required by the position as a condition of continued employment. The employee must immediately report the loss or suspension of licensure or certification to the appropriate supervisor in Human Resources.

**E. Assignment of Staff**

The assignment of all staff is the responsibility of the Human Resources Division. There are no rights to specific duties or positions/assignments except as defined in the Professional Agreement.

Assignment of Certificated Employees

In the assignment of certificated employees, first consideration is given to general needs of the school system. These needs include the factors of population shifts, emergency resignations, level of teaching, and subject of teaching. When multiple vacancies exist, personal requests for special assignment are considered. Whenever possible, only properly endorsed applicants are assigned to certificated positions.

All certificated personnel who teach regular classes in the Lincoln Public Schools will be assigned to individual schools by the Human Resources Division. Each person must be assigned under the supervision of the principal who assigns teachers to specific courses or subjects and other duties according to the staffing needs of the building. The course content, materials used, and methods of appraisal are those authorized by the Lincoln Public Schools.

1. Itinerant Assignment

(See Professional Agreement, Article 5, Section 12)

2. Part-Time Certificated Employees

(See Professional Agreement, Article 9, Section 6 and Professional Agreement, Article 13.)

3. Transfer of Assignments

The transfer of staff assignments is a responsibility of the Human Resources Division.

a. Transfers of Professional Staff (Policy Regulation 4300.2)

The following procedure applies to transfers of certificated employees:

1. Staff may request a transfer to an assignment following established procedures and practices.
2. In order to be considered for the position, staff must meet the minimum requirements for the position and be able to perform the essential functions of the position with or without reasonable accommodations.
3. Transfers may be made administratively by the Human Resources Division.
4. With Human Resources approval, supervisors may change assignments within a building or department for similar positions.

b. Voluntary Transfer

(See Professional Agreement, Article 6, Section 4)

The Human Resources Department will conduct two (2) annual seminars assisting certificated personnel with the writing of letters of application, resumes, interviewing techniques, updating files, and follow-up to applications and interviews. Certificated staff applying for transfer shall have full use of LPS/building facilities and equipment to prepare and produce voluntary transfer materials.

4. Changes in Placement – See Professional Agreement, Article 6

a. General Information

(See Professional Agreement, Article 6, Section 1)

b. Placement of Staff

(See Professional Agreement, Article 6, Section 2)

c. Surplusing

(See Professional Agreement, Article 6, Section 3)

d. Voluntary Transfer Procedures

(See Professional Agreement, Article 6, Section 4)

e. Reduction In Force

(See Professional Agreement, Article 6, Section 5)

5. Assignment to Summer School Teaching

a. Staffing

The summer school program may vary substantially from year to year. It offers the opportunity for experimentation, and calls for flexibility in approach.

Preference for staffing shall be given, as feasible, to applicants from staff currently employed, but this shall not preclude the Board from employing outside personnel who, through special qualification, enrich the program. Summer school supervisors will assist the director of summer school and the Human Resources Division in selecting their staff.

b. Payment

(See Professional Agreement, Article 9, Section 5)

**F. Grievance**

(See Professional Agreement, Article 4)

**G. Contracts (Policy 4710)**

Certificated employees will be hired pursuant to a written contract approved by the Board of Education. After board action, all contracts for employees are issued by the Human Resources Division.

Contract Year for Certificated Employees

(See Professional Agreement, Article 5, Section 3)

Notification of Extended Contract Other Than Extra Standard

(See Professional Agreement, Article 5, Section 11)

**H. Meeting District Requirements for Permanent Certificated Employee Status**

Basic Requirements

In order to attain permanent status, an employee must be employed on continuing contract for three years of consecutive service at .8 FTE or more. For service at .50 to .79 FTE, contact Human Resources for the service requirement. Employment which is less than .50 FTE is not counted toward the consecutive service requirement for becoming a permanent employee.

All teachers new to LPS must demonstrate competence in three areas: Instructional Practices; Instructional Practices for the High Ability Learner; and Educational Equity. LPS staff development courses are regularly offered to fulfill this requirement. In some cases, college courses may fulfill the requirements.

**Individuals are advised to complete the LPS tenure-required courses within the first two years of employment on continuing contract. To assure that classes are completed prior to the deadline of December of the third year, requirements should be completed prior to the beginning of the third year on continuing contract.**

**Please refer to the Lincoln Public Schools web site at <http://wp.lps.org/staffdev/tenure-requirements/> for more specific information.**

### Professional Growth Points

Certificated employees are required to accumulate 30 professional growth points during the probationary period. Points must be recorded on the Professional Growth Form available at each school office and reviewed during an annual conference with your principal or supervisor.

Examples of activities fulfilling the requirement include:

- Building-Level Staff Development
- District Staff Development
- School Improvement
- Formal Classwork
- Workshops or Institutes
- Teaching College, Adult Education or LPS In-Service Classes
- Supervising Student Teachers
- Professional Publications
- Attendance at Professional Conferences or Conventions
- Professional Travel
- District-Wide Committee Service

See pages 25-30 for more detailed information about professional growth points.

### **If you have additional questions contact:**

Jadi Miller  
Director of Curriculum and Professional Development  
Phone: 402-436-1634

or

Grady Blase  
Phone: 402-436-1581  
[gblase@lps.org](mailto:gblase@lps.org)

## **I. Staff Appraisal (Policy 4960 and Policy Regulations 4960.1 and 4960.2)**

The Board of Education requires regular appraisal of certificated and classified employees. Leadership of a comprehensive system of staff appraisal is the responsibility of the Human Resources Division.

All appraisals must be completed using the official appraisal forms approved by Human Resources.

Supervisors reserve the right to observe, appraise or evaluate teachers more frequently than required by policy on an as-needed basis. Teachers are expected to participate constructively and positively in the evaluation process and to accept and implement constructive suggestions and improvement strategies developed by the administration.

All certificated summative appraisals will be reviewed by the appropriate Human Resources administrator/supervisor.

Employees will receive an electronic copy of their appraisal document. Official copies will be maintained in the employee's personnel file in Human Resources.

Appraisal of certificated employees is the responsibility of the designated certificated administrator.

The actual appraisal process for certificated employees other than administrators is developed by a joint committee composed of representatives of Lincoln Education Association (LEA) and Lincoln Public Schools. Changes to the appraisal process must be approved by the LEA Board of Directors and the Board of Education, as well as approved by the Nebraska State Department of Education.

(See Professional Agreement, Article 7, and the Teacher Appraisal Manual.)

**J. Employee Records (Policy 4330 and Policy Regulation 4330.1)**

Official personnel records shall be maintained by the Human Resources Division according to state and federal laws.

Personnel files shall be available for inspection by the employee in the presence of an administrator, except pre-employment and job promotion materials including confidential references. Any employee shall, upon his or her request, have access to his or her personnel file maintained by the district and shall have the right to attach a written response to any item in such file. An employee may, in writing, authorize any other person to have access to such file. Such authorization shall be honored by the district.

No other person, except school officials engaged in their professional duties, shall be granted access to such file nor should the contents thereof be divulged in any manner to any unauthorized person.

As an administrative practice, no job performance document will be placed in an employee's personnel file without providing the employee the opportunity to review the document and to acknowledge that he/she has read such document by affixing his/her signature and date on the actual document to be filed. Employees have the right to also attach a written statement in response to the initial document.

The social security number is optional. It will be used by school officials to conduct background checks for employment purposes, for personnel and payroll processing and for mandatory or voluntary employee benefit programs, if employed.

Attorney communications files may also be maintained by the Human Resources Division. These files and the records in them are made and kept for the purpose of facilitating the rendition of professional legal services to the district. Attorney communications files include attorney-client privileged information, or work product of the district and an attorney in furtherance of the rendition of professional legal services, and are not part of employee personnel files.

File maintenance and review

1. The official personnel records of all employees shall be maintained by the district Human Resources Division.
2. An employee's personnel file may contain an application and supporting documentation, personnel action forms, evaluative materials, contracts, and other documents as determined by the Associate Superintendent for Human Resources or designee.
3. Determination of what becomes or remains part of the personnel file is the responsibility of the Associate Superintendent of Human Resources or designee.
4. An employee or authorized representative can only review his/her personnel file by scheduling an appointment with an administrator or supervisor in the Human Resources Division.

5. At the time of the personnel records appointment, the employee will sign acknowledgement of the review.
6. A teacher, administrator, or other employee shall have the opportunity upon request to review the employee's personnel file and to attach a response to any item in the personnel file.
7. Anonymous letters, materials and/or records of anonymous phone calls shall not be placed in an employee's personnel file.
8. The district will maintain other employee records as necessary to conduct business and comply with all state and federal rules, regulations and laws. These records are only available for review by designated administrators and supervisors. Examples of these records may include, but are not limited to, medical records, background checks, Employment Eligibility Verifications (I-9) forms, payroll records, HCRT/ADA and workers' compensation files.

**K. Shredding Consumer Reports (Policy Regulation 4330.3)**

Lincoln Public Schools will take reasonable measures to protect against unauthorized access to consumer information from consumer reports.<sup>1</sup> A consumer report includes criminal background checks performed on applicants or employees by a third party. It does not include criminal checks performed by school staff.

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

1. Shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed. Burning or pulverizing such papers are also options, where appropriate.
2. Destruction or erasure of electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
3. After due diligence,<sup>2</sup> entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material in a manner consistent with this directive.

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

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

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

**L. Social Security Numbers (Policy Regulation 4330.4)**

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

1. Legal Mandates. Compliance with state or federal laws, rules or regulations.
2. Internal Administration. Internal administrative purposes, including provision of employee social security numbers to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the internal administrative uses shall not permit use of employee social security numbers:



- a. As an identification number for occupational licensing.
  - b. As an identification number for drug-testing purposes except when required by state or federal law.
  - c. As an identification number for District meetings.
  - d. In files with unrestricted access within the District.
  - e. In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
  - f. For posting any type of District information.
3. Voluntary Transactions. Commercial transactions freely and voluntarily entered into by the employee with the District for the purchase of goods or services.

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

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

**M. Continued Employment (Policy 4340)**

As per state law, each certificated employee is required to indicate by March 15 or an otherwise announced later date of each year whether or not the employee plans to return as an employee in the Lincoln Public Schools for the next school year. This information will be used to assist in making staffing decisions for the next school year. Failure to notify the District by the established date may serve as a basis for non-renewal or termination of the contract.

**N. Contract Termination, Cancellation or Non-Renewal (Policy Regulation 4400.2)**

Contract terminations, cancellations and non-renewals of certificated employees as defined by state law will be in accordance with procedures set forth in statute and the negotiated agreement.

Supervisors shall notify the appropriate Human Resources supervisor about certificated employees with performance deficiencies or inappropriate behaviors at the earliest opportunity.

The Associate Superintendent for Human Resources or designee recommends contract terminations, cancellations, or non-renewals to the Superintendent and the Board of Education for approval.

References in this Handbook to "termination" are intended to include the action of "cancellation," which is the immediate ending of a certificated employee's contract.

**O. Resignation (Policy Regulation 4400.1)**

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

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

## P. Substitute Teachers

All arrangements for substitute teachers must be made through SubFinder. Teachers are not allowed to secure the services of any substitute teacher, or to make arrangements for the pay thereof. Such matters are strictly within the direction of the Board of Education. Substitutes will be attained through the SubFinder system supervised by the Human Resources Division.

## III. COMPENSATION AND LEAVES

Compensation for all employee classifications is established by the adoption of salary schedules by action of the Board of Education.

### A. Salary Schedules

Separate salary schedules are maintained for administrators and teachers.

#### 1. Placement on Schedule

The placement of all employees on a salary schedule is a function of the Human Resources Division. (See Professional Agreement, Article 9, Section 4)

#### 2. Changing Lanes on Salary Schedule

(See Professional Agreement, Article 9, Section 2 and 3)

#### 3. Granting Salary Advancement Credit for Lincoln Public Schools Courses

(See Professional Agreement, Article 9, Section 3)

### B. Horizontal Advancement on the Salary Schedule

These instructions describe the current procedure to apply for horizontal advancement on the salary schedule. The current Professional Agreement (See Professional Agreement, Article 9, Section 2 and 3) between the Lincoln Public Schools (LPS) and the Lincoln Education Association contains the approved language regarding horizontal advancement.

#### 1. Summary of Process

- ◆ You may advance horizontally on the salary schedule by receiving a masters degree, a doctoral degree or by acquiring required hours for a specific column on salary schedule.
- ◆ You may use any combination of graduate semester college hours and LPS staff development credits to qualify for salary schedule advancement.
- ◆ You may advance at any time during the contract year and advancement will be effective on the **contract day** when all documentation is received by Human Resources. Salary adjustment will appear on the next appropriate paycheck (**September if documentation comes in during the summer**).
- ◆ Please submit all documentation to Human Resources, Box 33, LPSDO.

#### 2. Documentation Required

- ◆ Verifying documentation must be received by Human Resources. It is the obligation of the applicant to provide documentation.
- ◆ Documentation includes: **1)** the completed application form (the form should be available at your school office), **2)** official (not a photocopy) graduate transcript(s) and/or **3)** staff development transcript from LPS Staff Development Office.

- ◆ The completed application and the graduate transcript(s) will be date stamped by Human Resources indicating the date received. The LPS staff development transcript will contain a completion date for each course.

### 3. Graduate Hours

- ◆ Transcript from college or university other than UNL, UNO or UNK must have explanation of course numbering system. Only graduate hours will count toward advancement.
- ◆ Upper division undergraduate hours may count if in major teaching area and approved **in advance** by principal, curriculum specialist and Human Resources.
- ◆ Only graduate hours conferred after masters degree will count toward MA+18 and MA+36.  
Generally, college credit hours to be used for horizontal advancement must be earned through an institution which is approved by a state educational certification agency or accredited through a regional accrediting agency. Applicants may use college credits from institutions not approved by a state educational certification agency or accredited through a regional accrediting agency for horizontal movement only if approved by Human Resources in advance of the applicant enrolling in the coursework.

### 4. Staff Development Credits

- ◆ Maximum of thirty (30) hours of credit may be used.
- ◆ No credit is given for courses taken more than ten (10) years prior to being proposed for salary advancement.
- ◆ Applicant must be a contracted certificated employee when course is taken in order for course to count toward schedule advancement. However, courses taken during the summer immediately prior to first year of LPS employment may be used.
- ◆ Staff development courses may be used only if applicant paid the appropriate tuition at the time of enrollment in the course.
- ◆ Once hours have been used they cannot be reassigned if and when a degree is conferred.

### 5. Who to Call for More Information

- ◆ Please call Human Resources at 436-1594 with specific questions or concerns.

## C. **Additional Salary Payments**

### 1. Overtime and FLSA (Policy Regulation 4600.2)

Lincoln Public Schools complies with the Fair Labor Standards Act (FLSA) to determine eligibility for overtime. Human Resources classifies all employees as either exempt or non-exempt based upon the job description. Certificated employees are professional employees under the Fair Labor Standards Act (FLSA) and are, therefore, exempt from minimum wage and overtime provisions.

The District's policy is to not permit improper deductions from the salary of exempt employees due to absences from work. An employee who feels an improper deduction affecting exemption status has occurred may submit a complaint to the Associate Superintendent for Human Resources or designee, who shall promptly investigate the complaint. Reimbursement shall be made and a good faith commitment to comply in the future will be given in the event it is determined that an improper deduction affecting overtime exemption has been made.

The District's policy is to authorize unpaid disciplinary suspensions of a full day or more for infractions of workplace conduct rules and to apply such policy uniformly to all similarly

situated employees, including all exempt employees. Unpaid disciplinary suspensions of a partial day or of a full day or more may be implemented for infractions of safety rules of major significance. Deductions of pay of a partial day or of a full day or more may be made for Family Medical Leave Act (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.

2. Incentive Pay (Policy Regulation 4600.4)

(See Professional Agreement, Article 10)

Extra assignments for which employees are to be compensated are determined by the Board of Education upon recommendation of the Associate Superintendent for Human Resources or designee.

Specific assignments are recommended by the building principal/supervisor to Human Resources for approval.

Extra-standard pay positions exist only as authorized by the Board of Education. Employees assigned and performing authorized extra-standard pay will be paid in accordance with provisions of the certificated negotiated agreement.

Certificated employees shall be notified in writing of the extra-standard assignment by the 20th student day of the school year.

3. National Board of Professional Teaching Standards (NBPTS) Certification

(See Professional Agreement, Article 9, Section 8)

**D. Wage and Deduction Information** (Policy Regulation 4600.5)

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

**E. Extended Contracts**

(See Professional Agreement, Article 5, Section 11)

**F. Procedures for Salary Payments**

1. Paychecks

(See Professional Agreement, Article 5, Section 1)

2. Advancement of Pay (New Employees Only)

(See Professional Agreement, Article 5, Section 1a)

3. When Paid

(See Professional Agreement, Article 5, Section 1)

4. Payment When Separated from District

In the event that any employee is separated from the district or if there are any irregularities of service during the contract period, the amount of salary due in full shall be based on actual days of service performed as compared to the total number of days required to be performed under the contract.

5. Payment upon Retirement

Certificated employees who retire at the end of a school year receive three payments for June, July and August at the end of June. The estate of employees who die during their term of service shall be paid in full for the services of that employee up to the time of death.

6. Direct Payroll Deposit

Certificated employees have automatic deposit of their payroll check to financial institutions that will accept Automated Clearing House (ACH) deposits. Direct Deposit Authorization forms are available in every school office and from the Payroll Department (436-1710).

**G. Pay Dates**

(See Professional Agreement, Article 5, Section 1)

**H. Temporary Absence from Official Duties**

1. Absences from Work (Policy 4640)

Regular attendance is an essential function of every position in Lincoln Public Schools. Employees are expected to be at work on a regular basis. However, there are legitimate reasons for being absent from work and several types of leaves are provided to employees to accommodate these needs. Employees are expected to be at work or use appropriate leave.

Leaves will be provided in accordance with state and federal laws, and the Professional Agreement.

Employees are required to utilize the appropriate notification and approval procedures for all leaves.

In the case of a communicable disease outbreak, other public health emergency or any situation in which one or more schools must be closed, the Associate Superintendent for Human Resources will determine what applicable paid leaves, if any, may be utilized by staff.

Any employee who needs to be absent from work, has exhausted all applicable paid leave and any applicable FMLA leave, and wishes to remain an employee of the District must request a leave of absence. Human Resources reviews the request and forwards those recommended for approval to the Board of Education. A leave of absence is defined as a Board of Education approved absence from work without pay.

Lesson plans, along with other information which a substitute teacher would need to effectively provide instruction as required by the principal or supervisor should be maintained and kept in a place where it will be readily available in the event of your absence.

A teacher who becomes ill prior to the work day and is unable to work should use the SubFinder System. The SubFinder System may be called at any time. When calling the SubFinder System (436-1870), please enter your pin # (social security number) and follow directions. You can also access the SubFinder System on the LPS Web Page ([www.lps.org](http://www.lps.org)). Click on Human Resources, then SubFinder.

For illnesses or medical situations where the need for the leave can be determined in advance, the teacher is to give as much advance notice of the leave as possible.

(See Professional Agreement, Article 8, and the Teacher Absence Procedures Handbook.)

## 2. Annual Leave

(See Professional Agreement, Article 8, Section 1)

### a. Time of Accumulation

Employees' cumulative annual leave shall be credited with any unused portion of their current annual leave as of August 31 of each year.

### b. Holidays as Annual Leave

Holidays occurring within the period that the employee is absent shall not be charged against current or cumulative annual leave.

### c. Absence When Annual Leave Exhausted

Persons absent due to illness, and using time beyond current annual leave, are required to file with the Human Resources Division a physician's statement setting forth the nature of the illness and the request for continued absence.

Under certain circumstances, an employee may be eligible for twelve weeks of unpaid leave under the Family and Medical Leave Act (FMLA). A FMLA application form and a FMLA medical certification form will be required to be submitted, where appropriate, for this purpose. A similar medical certification may be required periodically after thirty (30) days of absence until the individual returns to work or all of the cumulative annual leave has been used.

Please refer to Appendix C for important information concerning FMLA leave.

### d. Deduction When Annual Leave Is Exhausted

After the total annual leave for the current year is used, pay for absences not covered by accumulated time shall be deductible at the daily rate of pay as computed in accord with the terms of the contract of each employee.

## 3. Return to Work (Policy Regulation 4640.1)

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.

Employees who have an accident (regardless of where or when) resulting in injury or treatment; have a major health issue such as loss of consciousness, heart attack, stroke, etc.; or a major illness must have a release to return to work that details dates of treatment, diagnosis, and whether or not there are any physical restrictions. The release must be presented to Human Resources for approval to return to work.

All health-related absences of five or more days require a written statement from the treating physician stating that the employee is physically able to return to duty. Supervisors may request a release to return to work at any time they deem circumstances warrant. The release must be presented to Human Resources for approval to return to work.

Employees released to return to work with restrictions must provide written documentation to the supervisor in advance of the designated return date. The supervisor will confer with the Health Care Response Team to determine if and when the employee is able to return to work.

#### 4. Clarification of Option B Leave Procedures

(See Professional Agreement Sections 8-1 b. (1) – (3))

The purpose of this memorandum is to clarify procedures as they relate to the use of Option B Leave. The district and the Lincoln Education Association agree that the procedures to implement the **Option B language** in the Professional Agreement shall be as follows:

- a. In order for certificated employees to have used all eleven (11) current leave days for the purposes of dipping into accumulated leave, the eleven days must have actually been utilized and an absence taken place.
- b. In the event the employee cancels the prearranged leave, said leave shall again become available as an Option B Annual Leave Day. Cancellations or rescheduling must take place at least in time for the district to cancel the substitute or to find another location for the substitute.

#### **PROCOM Recommendations**

A. It is suggested that staff limit prearranging to no more than four (4) days, for the purpose of saving those days, because more than four (4) days prevents other staff from prearranging due to substitute ceilings. The four (4) day recommendation is based upon a match with the two (2) Emergency and two (2) Special Leave Days available to Option A staff. In addition, employees are encouraged not to prearrange **all 11 days** in order to just ensure access to accumulated leave.

B. In September 1998, discussion took place regarding the purpose of annual leave, why Option B Leave was created, the "Code of Ethics" for educators created by the NEA and adopted by the Nebraska Professional Practices Commission, and how to curb any potential abuses of the policy which might put into jeopardy the entire plan for all educators. ProCom came to agreement on the following points:

The Lincoln Public Schools and the Lincoln Education Association are committed to delivering a quality education to Lincoln's students. We believe a critical element in quality education is the presence of the professional teacher in the classroom delivering instruction. With a goal of treating Lincoln educators as professionals and reducing the number of times staff are absent, we established the Option B leave plan.

Option B leave days are intended to be used in a manner consistent with the Code of Ethics of the Teaching Profession as established by the Nebraska Professional Practices Commission. The Code of Ethics provides that teachers "shall not use institutional privileges for private

gain." The Code also provides that teachers "shall, with reasonable diligence, attend to the duties of his or her professional position," and "shall use time on duty and leave time for the purpose for which intended." Though it reflects no change in past practice nor the negotiated agreement, the district may (and has been able to in the past) raise concerns and take disciplinary action when leave is used by individuals in ways inconsistent with the Professional Code of Ethics. Possible district concerns include, but are not limited to:

1. Use of leave to conduct another business for profit.
2. Repeated use of leave to extend holidays or weekends, within the same school year.
3. Extensive absences or a pattern of leave usage (not related to illness) which may be affecting job performance in the classroom.
4. Repeated use of leave during the first ten or last fifteen days of the student year for reasons other than medical or emergency purposes.

District or building supervisors who have a concern in this regard shall discuss it with the employee and may take appropriate disciplinary action.

5. Catastrophic Illness Leave

(See Professional Agreement, Article 8, Section 11)

6. Bereavement Leave

(See Professional Agreement, Article 8, Section 5)

7. Adoption Leave

(See Professional Agreement, Article 8, Section 2)

8. Professional Leave (Policy Regulation 4640.8)

(See Professional Agreement, Article 8, Section 8)

Professional leave is defined as time away from an employee's normal work assignment to participate in work-related activities, including, but not limited to professional meetings, staff development, curriculum writing, or supervision at student activities.

Employees may request paid professional leave for the purpose of attending local, state and national professional meetings, activities or conferences. Paid professional leave may be granted if the district or supervisor determines that the attendance at such meeting or conference will directly benefit the district.

Requests by individual staff members for professional leave and related expenses will be submitted to the staff member's immediate supervisor and/or the person responsible for the budget from which expenses, if allowed, will be paid. The request should be submitted with sufficient time to make appropriate arrangements and to secure a substitute where necessary. Reimbursements of expenses will be provided in accordance with procedures provided by the Business Office.

When no substitute is required and arrangements for the absence can be taken care of within the building, short periods of professional leave may be allowed.

Travel expense may be received by an employee absent on professional leave; but if, in addition, a special fee is paid for professional service, deduction will be made by the Board of Education for such absence.

Great care should be taken that absence on professional leave does not adversely affect the assigned work of the employee.



9. Certificated Employee Visitation  
(See Professional Agreement, Article 5, Section 10)
10. Jury Duty  
(See Professional Agreement, Article 8, Section 4)
11. Assault and/or Battery Leave  
(See Professional Agreement, Article 8, Section 6)
12. Voluntary Leave Transfer for Catastrophic Illness  
(See Professional Agreement, Article 8, Section 13)

**I. Extensive Absence from Official Duties** (Policy Regulation 4640.6)

Under certain circumstances, leaves of absence may be granted. These leaves of absence will be in compliance with state and federal statutes and any applicable employee agreements.

Certificated employees returning to work from a part-time or full-time leave of absence of one school year or less will generally return to their former position. If the employee's absences extend beyond one school year, the employee must meet with the appropriate Human Resources supervisor to determine the date of return and assignment. The assignment and date of return will be determined by Human Resources upon consideration of the classroom/work environment and in accordance with state and federal laws and agreements with employee groups.

School year is defined by the calendar established for each position or employee group. Certificated employees anticipating an extended absence from work for health or maternity reasons are encouraged to schedule a conference with the Benefits Specialist in Human Resources to discuss continuation of insurance benefits, financial implications and other matters related to their absence from work.

1. Unpaid Leaves  
(See Professional Agreement, Article 8, Section 9)
2. Exchange Teachers  
(See Professional Agreement, Article 8, Section 7)
3. Military and Family Military Leave (Policy Regulation 4640.2)

Military leave will be granted to the extent required by state and federal law. Employees must notify Human Resources as soon as they receive notification of activation.

Employees will attach a copy of their orders to a district leave request form when they prepare the request for military leave.

Employees requesting to take family military leave under the Nebraska statutes must notify the Associate Superintendent for Human Resources or designee at least 14 days in advance of taking such a leave if the leave will be for 5 or more consecutive days. The employee is to consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the school.

For leaves of less than 5 days, the employee is to notify the Associate Superintendent for Human Resources or designee of the leave request as soon as practicable.

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

4. Leave for Health Reasons (Policy Regulation 4640.1)

Leave for health reasons will be provided in compliance with state and federal laws, including Family Medical Leave Act (FMLA) and Americans with Disabilities Act (ADA), and employee agreements. Employees must follow the normal absence reporting procedures.

Paid leave for personal illness will not be authorized after five days without presenting a statement from the treating physician for approval by Human Resources.

5. Civic Leave (Policy Regulation 4640.4)

1. Paid Civic Leave

A certificated employee appointed to an unpaid position with a city, county or state committee, board or commission, or who is serving as an officer or on a board, excluding advisory or adjunct, in a community organization, may request civic leave with pay on the appropriate form provided by the Human Resources Division. Human Resources reviews the request and forwards those recommended for approval to the Board of Education. The maximum time approved for paid civic leave will not exceed the equivalent of two (2) work days or fourteen (14) hours per month.

A certificated employee requesting or taking leave under this regulation with pay shall be required to keep the school district informed and disclose to the school district any pay or funds received while on civic leave. Failure to comply with this regulation may be considered cause for disciplinary action, including ending employment. A certificated employee on paid civic leave who is paid by another source while on such leave agrees the leave should be unpaid, agrees to reimburse any district pay during such period and agrees the district may deduct from future wages all amounts necessary to fully reimburse any district pay during such period.

2. Unpaid Civic Leave

Any certificated employee elected, appointed or otherwise, to a paid public office contained in Chapter 32 of the Nebraska Statutes, or serving in any other paid civic, political or public office or position may be granted civic leave without pay and may be eligible for participation in group insurance programs in accordance with the contract provisions of the carrier. Depending on the public office, leave may be half time, one semester, or other arrangements as developed between the employee and Human Resources.

Prior to submitting their name for public office, certificated employees shall notify the Associate Superintendent for Human Resources in writing of their intent allowing sufficient time for the Board of Education to be notified.

- a. If the certificated employee wishes to campaign during working hours, a personal leave may be requested.
- b. A certificated employee who is elected to a state legislature or congress shall be entitled to an unpaid leave of absence for the length of term of office.

(See Professional Agreement, Article 8, Section 3 and Article 8, Section 9, c.)

6. Part-time Leave

(See Professional Agreement, Article 8, Section 12)

**J. The Family and Medical Leave Act of 1993 (FMLA)**

The Family and Medical Leave Act of 1993 (FMLA) requires employers to grant up to 12 weeks of job-protected leave in a 12-month period. FMLA may be used for: (1) the birth of a son or daughter, and to care for the newborn child; (2) placement with the employee of a son or daughter for adoption or child care; (3) to care for a spouse, son, daughter or parent with a serious health condition; (4) because of a serious health condition that makes the employee unable to perform the functions of the employee's job; (5) because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty or called to active duty status; and (6) to care for a covered servicemember (this last leave reason permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a 12-month period).

Eligible workers must have been employed for at least one year by LPS and have worked 1,250 hours within the 12-month period prior to the first day of the leave.

Employees will be required to substitute remaining applicable paid leave while taking unpaid FMLA leave. In other words, the total of job protected paid and unpaid leave is 12 weeks. During the unpaid leave the school district will maintain the employee's coverage under any group health plan (which includes health insurance, dental insurance and vision insurance) on the same conditions as coverage would have been provided had the employee not taken FMLA leave.

Employees should notify Human Resources, 436-1593, if you wish to apply for provisions of the Family and Medical Leave Act.

The plan year for FMLA is a rolling year. A rolling year is a 12-month period measured backward from the date of any FMLA leave usage.

Please refer to Appendix B for more details. Any questions regarding FMLA should be directed to Human Resources, 436-1593.

**K. Workers' Compensation Procedures (Policy Regulation 4670.2)**

All employees come under the provisions of the Nebraska Workers' Compensation law.

Employees are required to immediately report any work-related injury and/or work-related medical condition to their supervisor, call Risk Management and complete all appropriate paperwork. The supervisor is to be knowledgeable of the district's procedures and direct the employee to comply with the reporting process. Details of eligibility, benefits, reporting, etc. are found in Human Resources Bulletin #2.

The Risk Management Department, with the aid of other human resources personnel and district legal counsel, is responsible for complying with all state and federal regulations related to workers' compensation and developing risk and cost containment procedures

**L. Employee Benefits (Policy 4610)**

Lincoln Public Schools strives to make a comprehensive benefits package available to eligible employees. Eligibility is reflected by each carrier's underwriting guidelines or plan document. The

costs of the various options are borne either by the District, the employee or jointly as determined by the applicable agreement.

The District will comply with all applicable laws concerning the benefits programs offered.

The Human Resources Benefits Department serves as the official District representative with the insurance carriers and other benefit programs.

It is the policy of this District that participants who terminate employment with the District prior to attaining age 59 ½ with account balance(s) in the District's Elective (and Non-Elective) 403(b) Plan(s) that:

- The District will not authorize a distribution if there is a prearrangement for reemployment at the time of termination of employment or requested distribution.
- The District will not seek to reemploy a former employee within the periods specified by Human Resources, as applicable to the former employee.
- Former employees who receive a distribution from a 403(b) Plan are to be informed of rehiring restrictions by Human Resources prior to distribution(s).

#### **M. Fringe Benefits**

(See Professional Agreement, Article 12)

#### **N. Guidelines and Procedures for \$225 Teacher Allotment**

(See Professional Agreement, Article 9, Section 10)

#### **O. Guidelines for Additional Conference Time**

1. Parent/teacher conferences will be defined as the period of time designated twice yearly by each building staff.
2. Additional compensatory time will be for the number of conference hours beyond the contractual time of six hours of conference time and one hour of planning time.
3. Time will be accrued before or after regular duty hours. (Regular duty hours are 7.5 hours including a 30-minute duty-free lunch as outlined in Article 5, Section 3 of the Professional Agreement.)
4. Time accrued will include:
  - ◆ Additional face-to-face conferences
  - ◆ Telephone conferences in lieu of personal conferences
  - ◆ Duplicate conferences as requested by families
  - ◆ Any additional parent contacts for conference purposes with prior approval of building administrators
5. Additional conferences will take place two weeks before or two weeks after designated conference dates.
6. Conference leave will be granted on a one-for-one basis up to a maximum of 3.5 hours per semester for full-time certificated staff and prorated for staff less than full time. Conference leave may be used in accordance with the negotiated agreement and board policy as **special leave** by Option A teachers and as **annual leave** by Option B teachers.

7. Time accrued will be rounded to the nearest half hour.
8. Any unused conference leave will be rolled over at the end of the contract year as accumulated leave.
9. Any previously approved variance will continue.
10. Reporting of additional hours will be completed on the time log distributed to each certificated staff member, signed by the teacher, and turned in to the building administrator. The administrator will complete an NCR Hourly Time Report designated in the comment section, "Additional Conference Time to Conference Time." The Hourly Time Report and the time log should be sent to the Associate Superintendent for Instruction, Box 22, LPSDO.
11. Conference leave time may be used as soon as it appears on an individual's monthly payment statement.

**P. Payment for Unused Annual Leave**

(See Professional Agreement, Article 8, Section 1, A, 4 and Section 1, B, 4 and 5)

**Q. Death Benefit**

(See Professional Agreement, Article 12, Section 1, e)

Employees are required to complete a beneficiary form when they are hired and are encouraged to review their beneficiary choice should their family status change.

**R. Retirement Benefits**

Certificated employees who are considering retirement are encouraged to schedule a conference with Human Resources early in their planning process. Call Human Resources, 436-1593, for information or to make an appointment. Also, Human Resources schedules a retirement planning orientation session for certificated employees each year during February or March. The purpose of the meeting is to provide information about the retirement process and to answer questions. Employees are not obligated in any way by attending the session.

To begin the retirement process, the employee must first complete a "Request for Change of Status Form."

1. Social Security

All employees are covered by provisions of the national Social Security Act.

2. Nebraska School Employees' Retirement System

The Nebraska School Employees' Retirement System is a cooperative program with all public school employees and the State of Nebraska to provide funds for granting retirement benefits to those who become members of the system and who continue in service (or school employment) for five (5) years or longer. New employees must complete a Membership Registration form.

To become familiar with the provisions of the School Retirement program, you should obtain a copy of the latest brochure from the School Retirement Office, 471-2053, or call Human Resources, 436-1593. Another good source of updated information is the School Retirement Office web site: <http://www.npers.ne.gov/>

Applications for withdrawing retirement funds may be obtained by writing to Nebraska Retirement Systems, PO Box 94816, Lincoln, Nebraska, 68509, or call 471-2053.

If you had employment with another Nebraska governmental entity prior to being employed with Lincoln Public Schools, you have 30 days from your date of employment with LPS to make application for vesting credit. It is your responsibility to have the application for vesting form properly completed and filed. Vesting credit is not included in the calculation of your benefits, and it is not a buy back. Contact Human Resources at 436-1593 for an application for vesting credit. You may also contact the Nebraska Public Employees' Retirement System, 471-2053 for an application for vesting credit or if you have any questions.

**S. 403(b) Program**

An employee-funded 403(b) program is available to all employees. For more information, employees may refer to the Information Center for Employees (ICE) on the LPS web site or call the Benefits Department, 436-1593.

**T. Employee Assistance Program (Policy Regulation 4630.1)**

Lincoln Public Schools recognizes that a wide variety of problems including those not directly associated with one's job function can have an effect on an employee's job performance. In most instances, the employee will overcome such problems independently and the adverse effect on job performance will be negligible. However, for some employees professional assistance will be necessary.

The Lincoln Public Schools, in cooperation with the Continuum Employee Assistance Program, has training programs for supervisory and other appropriate personnel. The training will help supervisors with early recognition of behavior or medical problems adversely affecting job performance and provide supervisory techniques and strategies to assist proper usage of the Employee Assistance Program.

No employee's job security or promotion opportunities will be jeopardized by requesting or receiving assistance or treatment.

Types of Referrals

Referrals to the Continuum Employee Assistance Program will be either by (1) a self-referral by the employee or (2) a supervisory referral.

Mandatory Supervisory Referrals

When an employee's performance at work is negatively impacted by events in their life or the lives of their families, supervisors may refer the employee to Continuum after consultation with the Associate Superintendent for Human Resources.

The employee must comply with any mandatory supervisory referrals for diagnosis and cooperate with prescribed counseling or therapy.

Unacceptable job performance will continue to be addressed regardless of the employee's participation in the employee assistance program.

Leave

Employees may utilize applicable leave for treatment or rehabilitation. The district will not be obligated to pay referral agencies fees.

### Dependents

Since employee work performance can be affected adversely by the problems of his/her spouse or other dependents, the program is available to the families of the employee.

### Confidentiality

All records of employees seeking assistance either through self-referral or supervisory referral shall be kept strictly confidential. Self-referrals will not be noted in any official records or in the employee's personnel file.

## **U. Fitness for Duty (Policy 4910)**

Employees must be physically and mentally capable of performing the essential functions of their assignment with or without reasonable accommodations. The District may, at its discretion, require employees to demonstrate that they are physically and mentally capable of performing the essential functions of their assignment with or without reasonable accommodations. The school district complies with all federal and state laws regarding the collection of health and medical information.

Employees shall be required upon request of the Associate Superintendent for Human Resources or designee to respond or submit to medical inquiries or examinations which are related and necessary, where there is evidence of a job performance or safety problem, and when required or otherwise permitted by law.

Employees are required to disclose any medical restrictions that limit their ability to perform the essential functions of the assigned job to their supervisor or Human Resources and to request a meeting with the Americans with Disabilities Act (ADA) Coordinator and/or the Health Care Response Team to discuss the provision of reasonable accommodations. Supervisors are required to notify Human Resources of any employees with medical restrictions that limit their ability to perform the essential functions of their assignment

## **IV. PROFESSIONAL DEVELOPMENT ACTIVITIES**

### **A. Staff/Professional Development (Policy 4930)**

Professional development facilitates the personal and professional growth of all Lincoln Public Schools employees. The program provides opportunities for professional growth focused on increasing student success. The purpose of professional development is to support the career growth of all individuals in the district to improve their performance in their present job assignment, to increase job satisfaction, and to affect continuous academic improvement for all students.

Current emphases include: school improvement planning and implementation efforts which will include community members and parents; school-based initiatives; instructional improvement; building a community of learners through inclusive practices; multicultural education and integration of teaching and learning. Skill enhancement is the focus for each employee classification, which will result in excellence for all students in Lincoln Public Schools.

Staff development will be made available, at a minimum, in accordance with the terms of the applicable agreements. All employees may participate in district staff development courses.

(See Professional Agreement, Article 5, Section 7)

## **B. Professional Growth Period**

Professional Growth Period refers to the six-year period during which permanent (tenured) certificated employees are required by law to give evidence of professional growth. Professional work taken during the summer just preceding the school year when the person attains tenure status may be counted to apply on the growth period which begins in September of the same year. Work completed during the summer between growth periods may be counted toward either the period just closed or the period which starts in September of the same year.

## **C. Professional Growth Activities**

Professional Growth Activities shall refer to the kinds of professional work or activities herein listed which contribute to professional growth. The conditions and limitations under which such activities are performed and accepted may be reviewed and changed by resolution of the Board of Education from time to time. Unless the Board shall by resolution give direction to the contrary, credit for engaging in a newly approved activity shall be allowed only for work done after the date of approval of the activity. If activities are stricken from the list or conditions made more stringent, such changes shall not be retroactive with regard to work already begun. Changes in professional growth requirements will be implemented in such a way as to cause no penalty to those staff members who are currently working on professional growth requirements of the present period.

Persons contemplating professional growth activities are requested to consult with principals, coordinators, directors, Director of Curriculum and Professional Development, the Associate Superintendent for Human Resources, the Associate Superintendent for Instruction, or the Superintendent of Schools, prior to engaging in the activity, for the purpose of ascertaining the feasibility of the activity being planned. This is especially important if there is doubt about the granting of credit for the activity contemplated.

### Point System for Professional Growth Activities

Evidence of completed professional growth activities totaling 100 points (tenured staff) or 30 points (probationary staff) must be recorded on the Professional Growth Form. During an annual conference, the staff member and principal/supervisor will review the activities recorded for the year. At the end of the six-year professional growth period, the Professional Growth Form will be signed by the principal/supervisor and staff member to verify completion of the requirement. One copy of the form will be submitted to the Human Resources Office, one copy to the teacher and one to the principal/supervisor for the building personnel file.

### Right of Appeal

In case any applicant wishes to appeal a decision rendered by the principal, he/she may make such appeal through the grievance procedures of the Lincoln Public Schools.

Activities acceptable for professional growth credit are:

### Formal Classwork

1. College Credit earned in accredited colleges — 16 2/3 points per semester hour

Applicant must submit a statement from the registrar showing that credit has been earned. This may be in the form of a transcript for credit notice. This statement will be placed in the personnel files after recognition by the building principal.

2. Auditing College Courses — 16 2/3 points per semester hour.



Applicant must submit a statement from an official of the institution showing the number of class sessions attended together with total number held. The number of points allowed shall be the same as the number which would ordinarily be accredited for completing the course in the regular way and the staff member will be expected to complete all course requirements.

3. Formal Staff Development Courses or Staff Development Workshops conducted by Lincoln Public Schools — 16 2/3 points per LPS credit hour.

Applicant must submit a statement from the Office of Staff Development showing that credit has been earned. (Such course will ordinarily be equivalent in time and quality to three-hour college courses.)

4. College Work Done in Specialized Training Schools — 16 2/3 points per semester hour or hours equivalent.

Examples of this type of work would be foreign language institutes or training courses for industrial technology teachers. The applicant must submit a statement from the institution certifying that the work has been done.

5. Classwork—Adult Education Classes — five clock hours time equal one point.

Professional growth credit for taking adult classes will be allowed only under specific conditions and circumstances.

- a. The work to be done must contribute significantly to the professional growth of the person involved and to the assigned position of that person in the Lincoln Public Schools.
- b. The application must have prior approval verified by the building principal, the Associate Superintendent for Instruction, the Associate Superintendent for Human Resources, or the Director of Curriculum and Professional Development.
- c. Credit for taking adult classes will be allowed only once for any one applicant.

#### Workshops or Institutes

1. Curriculum Workshops — five clock hours of time equal two points

Committee work to be accredited for professional growth must involve the planning and development of curriculum guide or specific projects or activities designed for the betterment of the instructional program of the Lincoln Public Schools. Each application must be signed by the chairperson of the committee. It must indicate the nature of the committee's work and the time spent.

2. Special Classes or Workshops — five clock hours of time equal two points

Examples are short-term art workshops, music workshops, departmental meetings under the direction of curriculum specialists or directors from the district offices (LPSDO).

Whenever college credit is granted for special classes or workshops, the basis for evaluation shall be the same as that for formal college work.

If special classes or workshops are established for which there is no college credit given, the basis of evaluation shall be determined by the staff member and building principal.

Each application for professional growth credit for work done in a workshop shall be signed by the leader of the special class or workshop as evidence of work done. It shall indicate the nature of the workshop and the number of hours spent in the workshop.

3. Specific Building Inservice Workshops — five clock hours of time equal two points

Professional growth credit under this classification is given for participation in specific building inservice workshops organized and conducted at the request or suggestion of individual building principals and/or their staff. The exact number of professional growth points to be allowed for each workshop will be determined by the staff member and Director of Curriculum and Professional Development.

#### Teaching — College, Adult Education, LPS Inservice

1. College Teaching in Accredited Colleges — 10 points per semester hour

Applicant must submit a statement from an official of the institution showing that the course taught is of college rank and giving the number of hours credit usually earned by students taking the course.

2. Teaching Approved Adult Education Classes — five clock hours time equal one point

3. Teaching Classes or Conducting Workshops Designed for LPS Staff — 16 2/3 points for 15 clock hours

Applicant must submit a course outline indicating that the course taught is equivalent in time and quality to a three-hour college course.

#### Supervising Student Teachers

1. Supervising Student Teachers — 10 points for each student teacher in an elementary or secondary school subject.

The above standards apply to all student teachers assigned for a quarter.

2. Supervising Teacher Trainees Other Than Student Teachers — five points for each trainee.

Application must be verified by building principal or the Associate Superintendent for Human Resources.

#### Professional Publications

Publication of any piece of professional writing shall entitle the author to a maximum professional growth credit of 15 points.

#### Educational Travel and Attendance at Professional Conferences or Conventions

Professional growth credit under this classification may be allowed under one of three categories:

1. Sponsored tours with academic credit — educational travel to be acceptable under this section must be under the direction of an accredited college or university which grants college credit. The number of professional growth points allowed will be described under "College Credit."
2. Tours without academic credit or independent travel must have prior approval by the Director of Curriculum and Professional Development and shall be evaluated on the basis of educational worth. As a general rule, tours or travel outside the United States and of not less than two weeks duration will be granted up to a maximum of 30 points. Up to 25 points will be granted for travel within the U.S. In order for credit to be allowed for travel within the U.S. the places visited must be shown to have value related to the assignment of the applicant.

A report of how the travel experience will be integrated into the classroom activity or assignment should be made to the Director of Curriculum and Professional Development. The report might take such form as:

- An article accepted for publication.
- Preparation of materials so that it can be used as a unit of instruction.
- Display or exhibit prepared for instructional use.
- Pictorial description of the trip with accompanying notations.
- Other forms of report may be accepted which show clear evidence of educational worth.

3. Attendance at professional conferences or conventions which relate to the area of assignment.

#### Professional Work Directed by Recognized Professional Educational Organizations, Conferences and Conventions

The organizations which come within the scope of this title are the National Education Association or any affiliated organization, the Nebraska State Education Association, the Lincoln Education Association and any other organization whose primary purpose is educational.

To meet the requirements of the Teacher Employment Act, work directed by recognized professional educational organizations must be of professional quality to be considered for professional growth credit.

Acceptable work may include: serving as officers, serving on committees, attending national or regional conventions or conferences or other work of a professional character. An application for credit under this section shall include the following items:

- The period covered by the work and total number of hours served.
- The problem or problems considered.

Time spent typing reports, collecting dues, telephoning or other routine or clerical services do not come within the intent and purpose of the law for professional growth credit.

Five hours of time spent in professional education service will entitle the applicant to two points.

#### District-wide Committees — Number of Points to be Determined

Professional growth credit will be given to individuals serving on district-wide committees. Such individuals will be asked to serve by the central administration and the number of professional growth points allowed will be determined by the length of tenure and the extent of the responsibility involved. For most committees, five points per year would be appropriate.

#### Approved Innovative Projects and Action Research

Innovative projects and action research will receive up to 15 professional growth points, the number of points to be determined by the staff member and the building principal.

#### Other Activities

This section provides for the identification of activities worthy of professional growth which do not come within the scope of the above listing and descriptions. It applies only to professional activities clearly of a high quality which benefit the school district in some way. To insure the approval of the activity, prior to the completion of the activity the certificated employee should submit an application and have the activity approved by the building principal, the Associate Superintendent for Instruction, the Associate Superintendent for Human Resources, or the Director of Curriculum

and Professional Development. The application should include a description of the nature of the work and conditions under which it is to be done.

After the activity is completed, the employee must submit evidence of completion to the appropriate supervisor.

#### **D. Professional Conferences**

It is the policy of the district to provide for staff representation at some educational conferences and for visitation to exemplary programs.

#### **E. General Guidelines for Professional Travel (Policy Regulation 4640.9)**

1. The number of representatives per building attending various conferences or making visitations will be determined by the building principal and his/her staff in terms of the instructional program in the building.
2. Applicants for expense reimbursement must be assigned to administrative, teaching or supervising responsibility in the area of emphasis covered by the meeting. Delegates must be members of the appropriate state and national organization during the current year.
3. Approved applications will not be subject to transfer.
4. Professional leave will not be granted to extend beyond the official dates of the conference or convention, except by specific approval of the Director of Curriculum and Professional Development.
5. It is assumed that any person attending a conference will make a report of the conference to any appropriate group if called upon to do so.
6. Employees requesting reimbursement for traveling expenses must obtain the Business Affairs publication, "Travel and Expense Guide" prior to travel. The employee must comply with these rules in order to receive reimbursement.

#### **F. Professional Travel for Certificated Employees**

Certificated employee travel opportunities shall be provided through one of the following channels:

1. Building Request — Each principal and members of his/her staff may request travel expense in connection with building staff development emphases and as indicated in the building staff development plan submitted annually to the Director of Curriculum and Professional Development.
2. Curriculum Specialist Recommendation — Curriculum specialists may recommend attendance at selected professional conferences or arrange for visitations to exemplary programs for the purpose of improving current LPS programs.
3. Superintendent's Executive Committee Direction — Under certain circumstances, Superintendent's Executive Committee may approve professional travel for individual teachers or groups of certificated employees for specific district-wide purposes.
4. Individual Request — Individual certificated employees may request professional leave for attendance at conferences or visitations to districts other than as described above, according to the following procedure:

Prior to the proposed conference or visitations, the staff member will submit a request for leave form and a request in writing for professional leave to the Director of Curriculum and Professional Development, describing the manner in which such attendance will contribute to his or her district assignment. This request must be accompanied by a supporting statement from the building principal or supervisor, and the curriculum specialist where applicable, subject to the final approval of the Director of Curriculum and Professional Development.

**G. Guidelines for Reimbursement for Professional Travel for Certificated Employees (Policy Regulation 4640.9)**

Employees requesting reimbursement for traveling expenses must obtain the Business Affairs publication, "Travel and Expense Guide" prior to travel. The employee must comply with these rules in order to receive reimbursement.

Indistrict Travel Reimbursement/Use of Personal Vehicles to Transport Students (Policy 4650)

(See Professional Agreement, Article 11 for information concerning staff members teaching in more than one school in a single day)

Some positions within the district require travel between locations and use of a personal vehicle. Employees who are required to travel must carry the automobile liability insurance required by the State of Nebraska. The district does not assume responsibility for vehicles or other property damaged while in the course of travel related to job duties.

Travel reimbursement may be granted when an employee is required to travel to more than one location in a single day. Claims will not be honored unless the travel has been authorized by the appropriate supervisor or director. Travel to meetings, classes, extra standard assignments (i.e., coaching, etc. is not eligible for reimbursement.

Reimbursement for authorized travel will be made in accordance with the procedures provided by the Department of Business Affairs.

Due to the quantity of required in-district meetings and activities, administrators receive a stipend for in-district travel and do not receive mileage reimbursement for such travel.

Employees are not required to use their personal vehicles to transport students and are discouraged from this practice. Employees who volunteer to use their personal automobile to transport students must have a valid driver's license and proof of insurance. If you transport students in your personal vehicle, you are responsible for any injury or accident. All passengers must wear seat belts.

If you plan to transport students in your vehicle, you must first submit the form contained in Human Resources Bulletin #5 located within the district web page.

Field or activity trips may be taken in privately-owned automobiles under the following circumstances:

1. The automobile is driven by a licensed driver and the trip is supervised by an adult.
2. Student participation is not mandatory.
3. Students have written permission from parents to participate with indication to parents the mode of transportation.
4. No charge is made to the student or payment to the driver, except that there may be reimbursement of actual expense incurred.

5. The driver/owner of the automobile carries recommended amounts of liability insurance coverage.
6. The driver completes the appropriate forms required by the district. If you plan to transport students in your vehicle, you must first submit the form contained in Human Resources Bulletin #5 located within the district web site.

Rules and information about the use of district-owned vehicles are found in Appendix “H.”

## **H. Trips (Policy Regulation 6525.1)**

### **Approval of School-Sponsored Trips**

The expenses for student participation in school-sponsored trips must conform to Policy 5520 Student Fees.

All school-sponsored trips that include one of the following elements must have approval of the superintendent or the superintendent’s designee:

1. Overnight stay
2. Non-district provided transportation
3. Outside of the district location
4. Non-district funding
5. Non-routine trips

### **Routine Field Trips**

A routine field trip is a school-sponsored activity that involves travel outside of the school building, is related to the curriculum and is conducted during the school day. Though departure may occur prior to regular school hours or the return time may be after regular school hours, there is no overnight stay on a routine field trip.

Field trips are arranged by the teacher. Prior written notification is to be given by the teacher to the principal’s office. Field trips outside the city of Lincoln must be approved by the principal or the principal’s designee.

Staff members who conduct field trips are responsible for appropriate supervision of students.

Routine field trips may not involve any expense to the student or their parents. Students may not be required to “donate” money to participate in the trip.

### **Extracurricular Activity Trips**

An extracurricular activity trip is an activity that involves travel outside of the school district for those students identified in Policy Regulation 6730.6.

Coaches and sponsors who participate in extracurricular activity trips are responsible for appropriate supervision of students.

Any expenses associated with extracurricular activity trips must comply with Policy 5520 Student Fees.

### **Non-Routine Trips**

A school-sponsored trip is classified as a non-routine trip if it is sponsored by the school and does not meet the definition of a routine field trip or an extracurricular activity trip.

Prior written notification is to be given by the staff responsible for the trip to the principal's office. All non-routine trips must be approved by the principal or the principal's designee. Considerations for granting or denying approval are to include, but not be limited to, the following:

- 1.the length of absences from the classroom, if any;
- 2.the educational value of the trip to the students;
- 3.the ability to protect staff and student participants from harm;
- 4.other opportunities to participate in trips that have been or will be available to students in the program or building;
- 5.the financial cost of the trip to both the District and families; and
- 6.the amount of time to prepare financially, organizationally and programmatically between the submission of the request and the dates of the trip.

All non-routine trips must be submitted for approval of the superintendent or designee at least 60 days prior to the event. Considerations for granting or denying approval will include the same criteria as set forth above for the principals to consider.

Due to the potential costs to the District and families, the Associate Superintendent for Instruction may impose limits on the number of such trips that may occur within each building or program within established time periods.

Coaches and sponsors who participate in non-routine trips are responsible for appropriate supervision of students.

Any expenses associated with non-routine trips must comply with Policy 5520 Student Fees. Students may be required to pay for expenses associated with non-routine trips and may be required to participate in fundraising.

### **Non-School-Sponsored Trips**

Trips that are not school-sponsored trips are not the responsibility of Lincoln Public Schools. Any staff member who arranges or is involved in arranging a trip that is not school sponsored has the responsibility to clearly communicate in all meetings, publications and postings, published electronically or graphically, that the District is not responsible for the trip. Students are sometimes given the opportunity to participate in trips that have an apparent connection to the District but which, in fact, are not school sponsored. Some examples: (1) travel with a club sport team, where the team is coached by the student's high school coach; (2) a band travelling to an out-of-state band contest that is arranged by a Booster Club; or (3) a foreign language teacher taking students abroad during the summer.

These opportunities are often worthwhile and beneficial to students. However, these opportunities are not school-sponsored activities. All arrangements for such trips, including costs, travel, supervision and safety, are the responsibility of the group or person making the trip available to the students. Lincoln Public Schools has no responsibility for such trips.

Anyone who is uncertain as to whether or not a particular opportunity is school-sponsored should contact the building principal or building athletic director. Employees who are involved in such trips have the responsibility to ensure that parents and students are aware that the activity is not school-sponsored.

**I. Liability Insurance**

The district, through its comprehensive insurance plan, provides liability insurance for all employees including administrators.

**J. Change of Address/Name/Phone**

Employees should notify the Payroll Department of any change in name. Name changes must be in writing, and, in order to implement the name change, the employee must provide a social security card with the new name on it. Name change forms are available in the Payroll Templates folder in DocuShare, in the school offices or from the Payroll Department.

Address/phone number changes should be completed by the employee via the Information Center for Employees which is located on the District website, [www.lps.org](http://www.lps.org).

**K. Physical or Mental Impairment**

Any employee who feels they have a physical or mental impairment, which requires a work accommodation, is to contact the American with Disabilities (ADA) Coordinator at 436-1579. You will schedule an accommodation plan meeting to discuss if you have a disability as defined by American with Disabilities Act, and what, if any, accommodations are available. It is the employee's responsibility to provide medical documentation concerning the impairment.

**L. Professional Enhancement Fund and Tuition Credit System**

The Professional Enhancement Fund (PEF) and Tuition Credit System is a program established to assist in the continued professional growth of certificated employees including administrators who support the UNL Teachers College program by working with UNL students. Certificated employees receive tuition credits for their work with students and may utilize these tuition credit points to pay for credit hours at UNL. In order to provide an opportunity for certificated employees who no longer need or want to take UNL classes to be compensated for their efforts, a Professional Enhancement Fund was developed.

The Professional Enhancement Fund is established from money paid by UNL to Lincoln Public Schools for certificated employees to utilize for a variety of activities determined by a joint LEA/LPS committee. A percentage of the Professional Enhancement Fund is available for Professional Enhancement Fund Special Projects.

Please refer to the [Tuition Credit, Professional Enhancement Fund and PEF Special Projects Handbook](#) for more information.

**V. GENERAL STAFF REGULATIONS**

**A. Hours of Work, Meetings and Planning Time (Policy 4730 and Policy Regulation 4730.1)**

1. Hours of Work for Certificated Employees

The Board of Education recognizes that certificated employees' responsibilities to their students and their profession generally involve the performance of duties and the commitment of time beyond the normal working day. The board 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.

All certificated staff are required to be on duty at such times established by their supervisor and in compliance with the negotiated agreement. Professional staff will be available on an as



needed basis to complete their other duties as assigned. Regular, dependable attendance is an essential function of each employee's position.

In the event of a school or community emergency, employees are expected to remain on duty as assigned, unless notified otherwise by their supervisor.

Employees who miss meetings or inservice sessions are required to develop and carry out a plan to gain the information missed.

Schools have different starting and ending times for the student day. The length of a full-time teacher's duty day is seven hours and 30 minutes. Each school 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 seven hours and 30 minutes. Each certificated employee will have an uninterrupted lunch period of not less than thirty minutes each school day, and no certificated employee shall be assigned teaching, supervisory, or other duties during such lunch period. Staff are expected to remain on site the entire day with the exception of the duty free lunch and may leave the building earlier when called to a professional meeting. Check-out procedures shall be followed for leaving the building during the duty day.

Certificated staff is required to serve on playground, lunchroom and hall supervision as designated by the principal. The principal should attempt to make an equitable distribution of such assignments and staff shall assume such duties as part of their work and agreement of employment.

2. Meetings (Policy Regulation 4730.1)

Certificated staff is to attend required staff and professional meetings scheduled before or after school. Attendance at required conferences, Parent-Teacher Association/ Parent-Teacher Organization meetings, open houses, etc., is part of the staff members' professional responsibility in addition to the regular school day.

(See Professional Agreement, Article 5, Section 18).

3. Noon Hour and Dismissal Time

Supervision of halls and play areas shall be a part of regular certificated employee duty.

It shall be the duty of the principal to develop the noon hour organization and procedures. Each certificated employee will have an uninterrupted lunch period of not less than 30 minutes each school day, and no certificated employee shall be assigned teaching, supervisory, or other duties during such lunch period. R.R.S. Nebraska (Section 79-8,107).

4. Elementary School Noon Supervision

Supervision of the noon program is considered to be part of the total school program and a part of every certificated employee's responsibility even though paraeducators are provided to assume some of the work involved.

Supervision of pupils during the lunch period shall be as follows:

In schools serving hot lunches, the lunchroom personnel shares general supervision for the lunch period while the lunchroom is in use. Behavior problems should be referred to certificated personnel on duty.

Supervision of the halls and play areas shall be provided by teachers and/or other employees as a part of their regular duties. It shall be the duty of the principal to make such assignments.

5. Elementary Planning Time

(See Professional Agreement, Article 5, Section 16.A.)

6. Middle School Level Planning Time

(See Professional Agreement, Article 5, Section 16.B.)

7. Secondary Planning Time

(See Professional Agreement, Article 5, Section 16.C.)

8. Counselor Office Time

(See Professional Agreement, Article 5, Section 16.D.)

9. Secondary Grade Timelines

Secondary student grades are due in the principal's office by 4:00 p.m. of the third contract day after the end of the first, second and third quarter. Grades will be due on the last contract day for the fourth quarter. (Refer to teacher calendar(s) prepared by Calendar Committee and approved by Board of Education.)

**B. Professional Boundaries and Staff Relationships with Students** (Policy 4780 and Policy Regulation 4780.1)

Employees are prohibited from establishing an inappropriate personal relationship with students. An inappropriate personal relationship between an employee and a student is defined as including, but not necessarily limited to: dating; any touching of an intimate or sexual nature, sexual contact or sexual relations, any touching otherwise prohibited by law or objected to by the student; giving a gift having a sexual overtone; making comments of a sexual nature or reflecting sexual innuendo to or about a student; or any similar activity.

Any employee who has knowledge or reasonably suspects that another employee may have engaged in prohibited conduct as defined by this policy must immediately report this information to either the employee's supervisor, the student's principal, or the Associate Superintendent for Human Resources.

Failure to comply with this policy shall subject the employee to disciplinary action, up to and including termination.

**Professional Boundaries Between Employees and Students**

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

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

### **Electronic Communication**

- Text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school-related activities, such as the student's homework, class activity, school sport or club or other school-sponsored activity. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).
- Using e-mail to communicate with students in an inappropriate, immoral or unethical manner.
- Engaging in social-networking friendships with a student on a social networking site in an inappropriate, immoral or unethical manner. Material that employees post on social networks that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents or impair the employee's ability to serve as a role model for children (for example, inappropriate, immoral or unethical photos or videos).

### **Other**

- Engaging in any sexual activity, a romantic relationship or dating a student or a former student within one year of the student graduating or otherwise leaving the District.
- Making any sexual advance – verbal, written, or physical – toward a student.
- Showing sexually inappropriate materials or objects to a student.
- Discussing with a student sexual topics that are not related to a specific curriculum.
- Telling sexual jokes to a student.
- Invading a student's physical privacy (e.g., walking in on the student in a restroom), except as appropriate in relation to the child's needs.
- Inappropriate, immoral or unethical physical contact with a student.
- Discussing with the student the employee's problems that would normally be discussed with adults (e.g., marital problems).
- Taking a student on an outing without obtaining prior express permission of the student's parent and school administrator.
- Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.
- Going to the student's home when the student's parent or a proper chaperone is not present.
- Giving gifts of a personal nature to a specific student.

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

Inappropriate, immoral or unethical conduct includes conduct prohibited by NDE Rule 27 (whether such conduct is by a certificated employee or a classified employee) and conduct prohibited in the District's employee handbooks.

**C. Notification of Arrest, Criminal Charges, Licensure or Child Abuse Complaints, Etc.**  
(Policy 4790)

Employees shall notify the Associate Superintendent for Human Resources or designee by the next business day after the employee is (a) arrested; (b) ticketed; or (c) issued any form of criminal charge for committing an offense, crime or infraction.

The above notification and reporting requirement herein apply if:

1. The maximum penalty for the crime equals or exceeds seven days incarceration;
2. The crime relates to abuse, neglect or endangerment of a minor, or a minor was allegedly a victim or a witness;
3. The crime relates to misuse of drugs, alcohol or controlled substances or;
4. Job responsibilities are impacted including offenses that:
  - a. Would constitute a violation of NDE Standards of Conduct and Ethics, Chapter 27 as adopted by Lincoln Public Schools;
  - b. Would impact the employee's ability to operate a motor vehicle if the employee at times needs to travel during duty time or the employee at times drives students; or
  - c. Would impact the employee's Commercial Drivers License if the employee's job requires that the employee have a CDL.
5. The crime relates to alleged violence, force, coercion or sexual misconduct;
6. The arrest or criminal activity occurs while employee is on duty, or at a school attendance facility, on school property, at a school-supervised activity or school-sponsored function or in a school-owned or utilized vehicle.

Employees must also promptly report to Human Resources whenever the employee has been sentenced to be incarcerated for any period of time, even if the offense is not otherwise reportable.

Employees must give full disclosure of the existence and nature of the above proceedings and shall also immediately notify Human Resources of the disposition of any such case or matter.

Employees shall also notify Human Resources by the next business day after the employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee's position. This includes proceedings of the Nebraska Department of Education related to an alleged violation of the NDE Standards of Conduct and Ethics, Chapter 27, and proceedings of the Nebraska Department of Health and Human Services related to an alleged violation of the professional standards of conduct for the employee's position.

Employees shall also notify Human Resources by the next business day after the employee becomes aware that a report of child abuse or neglect has been made against the employee under the Child Protection Act.

Further, employees must give full disclosure of any Child Protection Act investigation that resulted in an "inconclusive" determination that occurred at any time. Current employees must give such disclosure within 10 days following adoption of this Policy. As a condition of employment, applicants for employment must give such disclosure prior to commencement of employment. Any hiring made without such disclosure shall be subject to being immediately revoked in the event the required disclosure was not given.

Legal documents relating to criminal charges, arrests and child abuse complaints shall be treated and maintained as part of the employee's confidential criminal background file.

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

**D. Possession of a Weapon by Employees (Policy 4800 and Policy Regulation 4800.1)**

The district prohibits any employee 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 employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

1. As used in this policy, 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, sandclub, metal knuckles, or throwing star;
  - f. Any knife other than as used for strictly instructional or personal care or eating purposes. A pocket knife with a blade of 2-1/2 inches or more is a prohibited weapon. Maintenance employees may possess a knife with a blade of 2-1/2 inches or more if such a knife is necessary as a tool for the employee's work and if used in a manner for which it was designed. A switch-blade knife is prohibited regardless of size of the blade. A switch-blade 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;
  - h. Any other object that is designed for or intended for use as a destructive or injurious device.
2. An employee may possess mace or other similar chemical agents in quantity and/or concentration typically designed for individual personal defensive purposes and it 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. An employee who is negligent in their possession of mace or other similar chemical agents will be subject to disciplinary action.
3. An employee may possess an item which may be considered a weapon where such item is used for instructional purposes and the employee has received 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.
4. As used in this policy, the phrase "possession of a weapon" includes, without limitation, a weapon in an employee's personal possession, as well as in an employee's motor vehicle, desk, locker, backpack, or purse.

**E. Visitors to Employees (Policy 4810)**

Employees are not to have visitors on school property except on a short-term basis and only with permission of the principal or supervisor. Included in the definition of visitors are family members

of the employee. Visitors should follow posted procedures for being on school property. Staff is prohibited from bringing their children to school with them in lieu of taking them to childcare.

**F. Civility of Employees (Policy 4750)**

All employees shall behave with civility, fairness and respect in dealing with fellow employees, students, parents, patrons, visitors, and anyone else having business with the district. Uncivil behaviors are prohibited.

Uncivil behaviors shall be defined as any that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Such interactions could occur in telephone conversations, voice mail messages, face-to-face conversations, written communications, including email messages.

Any uncivil behavior should be reported to the immediate supervisor or to the Human Resources Division. Employees may be subject to disciplinary action under building and/or district policy or guidelines. Retaliation against a person who reports a claim of uncivil behavior is prohibited.

**G. Certificated Personnel-Professional Performance and Code of Ethics from the Nebraska Department of Education (Policy Regulation 4760.1)**

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

**Preamble**

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

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

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

**Principle I - Commitment as a Professional Educator:**

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

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

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, school patrons, or school board members.
2. Shall not discriminate on the basis of race, color, creed, sex, marital status, age, national origin, ethnic background, or handicapping condition.
3. Shall not use coercive means, or promise or provide special treatment to students, colleagues, school patrons, or school board members in order to influence professional decisions.

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

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

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

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

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

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

#### **Principle IV - Commitment to the Profession:**

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

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

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

#### **Principle V - Commitment to Professional Employment Practices:**

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

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

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

### **H. Parent-Teacher Conferences**

Parent-Teacher conferences are critical opportunities 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 school year. Teacher attendance at Parent-Teacher conferences is mandatory. A teacher may only be excused from attendance at Parent-Teacher conferences in writing by the Principal.

Teachers are expected to be prepared for such conferences. Being prepared includes having up-to-date grade books or reports.

### **I. Professional Attire**

It is important for employees to project a professional image to students, parents and co-workers. Appropriate attire and grooming is one of the means of projecting a professional image. Employees are expected to maintain modest professional attire and grooming when on duty. As professionals, employees are expected to be aware of the standard to be maintained. As a minimal guide, employees should not wear clothing which students would not be permitted to wear at school. The school administration may establish more detailed guidelines for attire.



## **J. Dispensing Medication (Policy 5503)**

Medication will be administered only in accordance with the Medication Aide Act. Medications will not be administered during school hours except as necessary to provide appropriate educational services. Parents/guardians are encouraged to have medications given at home by the parent or by other responsible parties identified by the parent.

The school district reserves the right to review and decline requests to administer or provide medications which are not consistent with standard pharmacological references, are prescribed in daily doses which exceed the dosage recommended by standard pharmacological references or which could be prescribed in a manner which would eliminate the need for giving medication during school hours. The school district may at any time consult with the student's physician with regard to any medication prescribed by such physician.

A physician's authorization and a parent/guardian request and authorization for the provision or administration of medication must be on file with the school prior to school district personnel providing or administering medication to a student. The only exceptions are as follows:

1. Emergencies, defined as situations when there is a need for immediate provision or administration of medication to preserve the health, safety and welfare of a student.
2. Non-prescription medications identified by the Department of Student Services from time to time as not requiring the authorization of a physician for administration or provision by school personnel, but only with prior written parent/guardian consent.
3. Non-prescription topical (non-systemically-acting) products typically used in school health offices as identified by the Department of Student Services as not requiring the prior authorization of parent/guardian or physician for occasional use for first aid and/or personal care purposes.

Medication which is to be provided or administered by school district personnel must be delivered to the school in the manufacturer's or pharmacy container and be maintained in such container at all times. The container must be properly labeled, meaning that it must include the child's name, physician's name, and the name of the drug and directions for provision or administration of the medication.

Employees are not permitted to give any medication to students unless trained under the Medication Aid Act. Students who need to take prescription or over-the-counter medicine must have a signed parent release form on file in the office. Student medications are to be properly labeled, stored in the office, and taken in the presence of the office staff, the nurse, or medication aide. 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). Be careful to keep your own medications secure and away from children.

If a group of students is going on a field trip, the supervising teacher is to notify the Health Office of the trip a minimum of 48 hours in advance. The School Nurse will determine if the medical needs of one or more of the students will require that a health services staff member accompany the students. If it is not necessary for a health services staff member to accompany the students, but one or more of the students may need medication during the field trip, the school nurse will train the teacher about the procedures necessary for medication administration and documentation.

## **K. Student Interactions**

### Student Safety is at Risk

When a situation exists that threatens the safety of students or staff, staff should follow the Standard Response Protocol utilized by the district and the school building.

### Student Searches

Office administration and the student's teacher should be contacted in the event a search of a student or their belongings is needed to be done. Do not conduct such a search yourself without a teacher or administrator being present or having given you clear directions. You may direct a student suspected of having an item in violation of school rules to wait with you until another adult is present, or to follow 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, yourself 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 should 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.

## **L. Reporting Child Abuse (Policy 5504 and Policy Regulation 5504.1)**

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 which 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.

Employees are to inform their principal or supervisor that they intend to make a report. Administrative staff may sometimes choose to make the report for a teacher. However, informing the Principal or supervisor does not end the employee's responsibility; employees are obligated to make certain a report was made if they do not do it themselves.

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 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.

All employees will fully cooperate with the law enforcement agencies and the Office of Social Services with regard to alleged abuse or neglect. Under Nebraska Statutes a person making a report under this section is immune from any liability, civil or criminal, that might otherwise be incurred or imposed except for maliciously false statements. Failure to make the report as required by the Nebraska Statutes with regard to alleged child abuse or neglect does constitute a Class III misdemeanor, which carries a maximum penalty of three-month imprisonment and a \$500 fine. An employee who fails to make a report when required to do so, or to inform a supervisor of the situation in order that a report may be made, shall be subject to disciplinary action, up to and including termination.

**M. Employment of Family Members (Policy 4310 and Policy Regulation 4310.1)**

1. A member of the Board of Education, administrator or other employee with supervisory responsibilities may employ, recommend or supervise the employment of an immediate family member if:
  - a. He or she does not abuse his or her official positions as such "abuse" is defined at paragraph 5 below;
  - b. He or she makes a full disclosure on the record to the Board of Education and a written disclosure to the Superintendent and/or Secretary of the Board; and,
  - c. The Board of Education approves the employment or supervisory position.
2. No immediate family member of a Board of Education, administrator or other employee with supervisory responsibilities shall be employed by the School District:
  - a. Without the school district first having made a reasonable solicitation and consideration of applicants for such employment.
  - b. Who is not qualified for or able to perform the duties of the position.
  - c. For any unreasonably high salary.
  - d. Who is not required to perform the duties of the position.
3. The Board of Education, administrators or other employees with supervisory responsibilities shall not terminate the employment an employee so as to make funds or a position available for the purpose of hiring an immediate family member.
4. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes his or her responsibilities, such Board member, administrator or other employee with supervisory responsibilities shall make a full disclosure of any immediate family member employed in a position subject to this policy.
5. Abuse of an official position includes, but is not limited to, employing an immediate family member:
  - a. Who is not qualified for or able to perform the duties of the position;
  - b. For any unreasonably high salary; or,
  - c. Who is not required to perform the duties of the position.
6. A member of the Board of Education may not be employed to teach in the School District. A member of the Board of Education may not cast a vote in the election of any employee when the Board member is related by blood or marriage to such employee.

**Procedures for employing family members**

1. The Superintendent or superintendent's designee shall provide each board member with copies of state statutes of Nebraska pertaining to conflicts of interest at the organizational meeting of the board. In addition, any newly appointed or elected board member shall be provided such statutes.
2. A notification form identifying family members will be provided to board members and employees for filing with the Secretary of the Board in the event of the applicability of Policy 4310.
3. The Secretary of the Board of Education will maintain an official file of such notifications which will be available for public examination.
4. A copy of the statement of a family relationship of an employee subject to Policy 4310 will be maintained in the newly-hired employee's file. Prior to the board taking action with regard to

employment a statement will be made for the record of such family relationship. The minutes of the meeting will reflect such statement.

## **N. Use of Paraprofessionals & Volunteers**

### Paraprofessionals

Paraprofessionals provide valuable assistance in the educational process and allow teachers to carry out their responsibilities in a more efficient and effective manner. A paraprofessional must not, however, assume teaching responsibilities. The teacher must maintain the role of leadership and responsibility for the students, with the teacher aide in a supportive role. Paraprofessionals 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. Paraprofessionals are to work only on their assigned work days and within their assigned work day. If the teacher desires the paraprofessional to work hours other than the assigned work hours or assigned work day, contact the administration for approval.

### Student Aides

Student aides are to be directly supervised by the teacher and are not to leave the building. Student aides are not to be used to assist the teacher by helping supervise another student. Student aides may assist with grading, but are not to have access to confidential student information. Keys are never to be given to students, whether they are student aides or not. After the end of the regular school day, a student aide should not be present and assisting a teacher without another adult present.

### Volunteers

Lincoln Public Schools encourages the use of volunteers. The Board policy regulation (1240.1) states that the public schools staff should be active in locating and contacting people in many areas of interest to serve as volunteer resource persons in the classroom. The principal shall be kept informed of all volunteers being solicited for the building.

The School District will establish volunteer levels based on contact with students and supervision by Lincoln Public Schools staff and develop a process to register and supervise volunteers based on these levels.

Lists of such individuals should be maintained in each school. An evaluation of the effectiveness of each volunteer should be maintained.

A letter of appreciation should be sent to those members of the community who contribute to the program of the school after each presentation or consultation.

The principal may be asked from time to time to provide the Superintendent with a summary of the extent and effect of the use of volunteers.

## **O. Communication Systems**

### 1. 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, and should timely respond to e-mails which require 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.

2. Teacher Mail Box

Each teacher will be assigned a mailbox. 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 mail boxes are to be limited to communicate regarding school business.

3. Use of School Telephone

Personal telephone calls shall not be made nor accepted during times when the teacher is responsible for students except in the event of an emergency. Long distance calls on school telephones must be made from the office. You will need to promptly log long distance calls and be responsible for any charges which are for personal use.

4. Use of Cell Phones

Teachers shall not use personal cell phones for non-school purposes when the teacher is responsible for students.

**P. Use of School Facilities**

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, 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 which have been placed in the trash, should not be removed for non-school use without approval from the administration.

**Q. School Parking Lot**

The school administration will provide information concerning the use of the school's parking lot. The parking lot is school property and items not permitted in school should not be brought into the parking lot.

**R. 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.

**S. Return of District Property Upon Separation or Leave of Absence (Policy Regulation 4400.4)**

When, for any reason, employment ends, the former employee is to return all district property immediately. If the immediate return of district property is not possible, the employee is to return the property within one working day. District property includes, but is not limited to, building keys, name badges, teacher edition texts and district computer equipment.

Any employee granted a full-time leave of absence should return all district property prior to taking such leave.

#### **T. Security of Desks and Lockers**

Offices, teacher desks, lockers, file cabinets and other such 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 noninvestigatory 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.

#### **U. Video Surveillance (Policy 3999 and Policy Regulation 3999.1)**

The Lincoln Board of Education authorizes the use of video cameras and other passive electronic measures (such as motion detectors) for monitoring transportation and interior and exterior public areas for the purposes of ensuring the health, welfare and safety of staff, students and visitors, safeguarding district facilities and equipment and maintaining student discipline and an appropriate educational and work environment. The devices shall not be placed or operational in locations in which individuals have a high expectation of privacy, such as restrooms and locker rooms. Video recordings are considered student educational records and may be subject to FERPA guidelines.

An annual Board review of the use of video surveillance will occur.

1. Placement. Video cameras and similar devices are authorized to be used on school facilities, school vehicles and other places within the control of the District. The locations in which the devices will be placed and the times the devices will be in use are to be determined by the Superintendent or the Superintendent's designee consistent with the purposes set forth in this policy. The devices shall not be placed or operational in locations in which individuals have a high expectation of privacy, such as restrooms and locker rooms.
2. Notice. Notice of the fact that video surveillance cameras are being utilized shall be given through appropriate mechanisms, such as by posting signs in the building entry and other locations and by including a notice in the student-parent and staff handbooks. If sound recording is deployed, notice of such shall also be given.
3. Viewing Monitors and Video Recordings. Monitors used to view video recordings are to be located and positioned such that only authorized personnel are able to see the images on the monitors, to the extent practicable. Only authorized personnel shall be allowed to view recorded video. Authorized personnel for these purposes are: school administrators, security staff, school staff members with a direct involvement with the recorded contents of the specific video recording and employees or agents responsible for the technical operations of the system (for technical purposes only).

School administrators may allow law enforcement officers to view monitors and recorded video

when such is consistent with school security and discipline and consistent with law.

Students shall not be permitted to view the monitors. Students shall not be permitted to view recorded video except where the individual student is the focus of the recorded video.

4. Use of Video Recordings. Video records may be used as a basis for student or employee disciplinary action and for making reports to law enforcement.
5. Video Recordings as Education Records. Video recordings will be maintained as confidential records to the extent provided for by law.
6. Maintaining Video Recordings. The District shall comply with all applicable state and federal laws related to record maintenance and retention of video recordings. Video recordings that contain personal information shall be securely stored and, when such recordings are no longer needed or required to be maintained, shall be properly disposed of or erased.
7. Maintaining the Integrity of the Video Surveillance System. The building principals or designees shall be responsible for periodically checking the video surveillance system within their building to ensure it is operating properly. Students or staff who vandalize, damage, disable or render inoperable surveillance cameras or equipment or use the video surveillance system in a manner that is not consistent with the purposes set forth in this regulation, shall be subject to appropriate disciplinary action (up to and including expulsion for a student and termination for a staff member) and referral to appropriate law enforcement authorities.

## **V. Plagiarism, Copyrights and Patents (Policy 6442)**

### Plagiarism

Plagiarism by staff or students is considered academic dishonesty, is prohibited and may result in disciplinary action including termination from employment or expulsion from school. Plagiarism is the use or close imitation of the work, language or ideas of another and the representation of them as one's own original work. All staff shall be responsible for informing themselves and reviewing relevant information pertaining to plagiarism. Teachers will instruct students in appropriate research and citation practices.

### Copyrights and Patents

It is the intent of the Lincoln Public Schools to adhere to the provisions of U.S. Copyright Law and the Patent Act. All parties, including administrators, teachers, other staff members and students are prohibited from using, copying or transmitting materials not specifically allowed by fair use, copyright or patent law, licenses or contractual agreements or permission. All staff shall be responsible for informing themselves and reviewing relevant information pertaining to copyright and patent rules, fair use, District licenses or contractual agreements and permissions. Anyone who disregards this copyright and patent policy is in violation, assumes all responsibility for infringement, including possible civil liability and criminal prosecution and may be subject to disciplinary action including termination from employment. The District does not assume any legal responsibility for any infringement of copyrights, patents or other proprietary rights. Copyright and patent information will be provided to assist employees so that they can perform their duties within the intent of the law. The District departments of Library Media Services or Computing Services should be contacted with any questions.

All staff shall also respect the copyright, patent and proprietary rights of any materials accessed through the District's network system or technology resources. Staff may not use or duplicate copyrighted or patented materials, graphics, software (including District-owned or -licensed software) or other proprietary materials without permission from the copyright or patent holder, unless the use falls within fair use parameters, licenses or contractual agreements or permissions, whether for personal use or for the use of others.

The following notice shall be placed on or near equipment capable of duplicating or transmitting copyrighted materials:

“The copyright laws of the United States govern the duplication, retention, transmittal and use of copyrighted material. Anyone using this equipment is responsible for compliance with the law.”

**W. Employee Health Issues (Policy 4920)**

Lincoln Public Schools will not discriminate against any employee due to health conditions. However, there are times when it is in the best interest of staff and students for an employee’s health condition to be disclosed to the district. Such information shall be treated as confidential, as required by state and federal statutes, and will be divulged only to the extent necessary to protect the employee, other staff and students.

Employees with a major health condition are to advise the Associate Superintendent for Human Resources or designee of the condition. A major health condition is defined as a condition, injury or disease affecting the employee’s ability to carry out the essential functions of the position they hold or a communicable or infectious disease that may be transmitted from person to person. Disclosure is necessary to determine whether steps need to be taken to ensure a safe working and learning environment for the employee, other staff and students.

All employment actions will comply with applicable state and federal statutes.

**X. Communicable or Infectious Disease (Policy Regulation 4920.1)**

Communicable or infectious diseases are conditions which can be transmitted from person to person and are capable of producing significant illness in another person. Communicable or infectious diseases include, but are not limited to: HIV/AIDS, Tuberculosis (TB) and Hepatitis B and C. An employee with a communicable or infectious disease is subject to the same working conditions and performance requirements as any other employee.

In the absence of disclosure of a known communicable condition, the provisions of this regulation shall apply to the employee who has open or draining wounds, demonstrates inability to control body fluids or is otherwise reasonably believed to have a communicable condition that places others at risk of exposure of a communicable disease.

The following procedures shall be followed with respect to an employee who is known to have or reasonably suspected of having a communicable or infectious disease.

1. Employees who have or suspect that they have a communicable or infectious disease shall advise the Associate Superintendent for Human Resources or designee. Such information shall be treated as confidential and will not be divulged to other persons or sources except to the extent necessary to ensure a safe working and learning environment for the employee, other staff and students.
2. The Associate Superintendent for Human Resources or designee may require employees to provide current medical information or to submit to a medical evaluation if there is a reasonable suspicion that an employee has a communicable or infectious disease. If additional medical testing is necessary at the request of the district, the employee shall participate in such testing and the district will pay for the testing at the facility designated by the district. The Associate Superintendent for Human Resources or designee will notify the employee of the employee’s job status during the period of time necessary for fact-finding and determination of any possible further employment actions.
3. When individual employees have been diagnosed with a communicable or infectious disease, determination of whether they should be permitted to continue to be employed in their



assignment will be made by a review of each individual case. The Associate Superintendent for Human Resources or designee may enlist the help of the Health Care Response Team (HCRT) and/or the ADA Coordinator for a recommendation concerning possible employment actions. The Associate Superintendent for Human Resources or designee will consider the following factors in making a recommendation:

- a. The employee's work place and interaction with other persons.
  - b. The physical condition of the employee.
  - c. Whether the employee's condition substantially interferes with the performance of the essential job functions with or without reasonable accommodation.
  - d. Whether the employee poses a substantial possibility of harm to others.
4. Based upon the information available regarding the employee's health situation, the Associate Superintendent for Human Resources or designee may determine the following employment actions:
- a. Continue employment in the current or different assignment.
  - b. Use paid leave.
  - c. Afford reasonable accommodations as may permit the employee to perform essential job functions.
  - d. Recommend to the Board of Education:
    - 1) Leave of absence.
    - 2) Reduction in amount of employment.
    - 3) Termination.
    - 4) Any combination of the above
5. If the employee's employment status will be affected, appropriate due process procedures as required by law shall be followed.

An employee's refusal to work with a person with a communicable or infectious disease is not a valid excuse for failure to complete work responsibilities. However, no employee shall be required to work under any condition or perform tasks which unreasonably endangers the individual's health, safety, or well being. Knowledgeable professionals who can discuss the cause of diseases and transmission will be made available to employees with concerns.

This policy shall in all respects be applied consistent with the Americans with Disabilities Act, regulations of the Health and Human Services relating to communicable diseases and other federal and state laws.

**Y. Other Illnesses, Injuries or Conditions (Policy Regulation 4920.2)**

Employees who have or suspect that they have a condition (including pregnancy, childbirth or related medical condition), injury or disease affecting their ability to carry out the essential functions of their position shall so advise the Associate Superintendent for Human Resources or designee. Such information shall be treated as confidential and will not be divulged to other persons or sources except to the extent necessary to ensure a safe working and learning environment for the employee, other staff and students.

1. The Associate Superintendent for Human Resources or designee may require an employee to provide current or additional medical information.
2. The Associate Superintendent for Human Resources may determine that an additional medical evaluation is required.
3. The Associate Superintendent for Human Resources or designee will review the medical information and may enlist the help of the Health Care Response Team (HCRT) to determine the employment status.

- a. Based upon the information available regarding the employee's health situation, the Associate Superintendent for Human Resources or designee may determine the following employment actions:
  - 1) Continue employment in the current or different assignment.
  - 2) Use paid leave.
  - 3) Afford reasonable accommodations as may permit the employee to perform essential job functions.
  - 4) Recommend to the Board of Education:
    - a) Leave of absence.
    - b) Reduction in amount of employment.
    - c) Termination.
    - d) Any combination of the above.
4. If the employee's employment status will be affected, appropriate due process procedures as required by law shall be followed.

**Z. Health Care Response Team (Policy Regulation 4920.3)**

The purpose of the Health Care Response Team (HCRT) is to review information regarding employees' physical or mental conditions which negatively impact their ability to perform the essential functions and duties of the current assignment and provide a report to the Associate Superintendent for Human Resources.

The HCRT is composed of the Director of Risk Management, the Americans with Disabilities Act (ADA) Coordinator, the appropriate Human Resources supervisor, and other members as deemed necessary by the Associate Superintendent for Human Resources or designee.

The Associate Superintendent for Human Resources or designee makes the determination of when it is necessary to convene all or part of the HCRT. The HCRT performs the following:

1. Review existing documentation.
2. Collect additional or new information.
3. Analyze information.
4. Confer with employee, supervisors and appropriate experts.
5. Evaluate the information provided compared to the essential functions and duties of the current assignment.
6. Provide summary information to the Associate Superintendent for Human Resources or designee regarding the employee's ability to perform the essential functions of the position with or without reasonable accommodations.

**AA. Emergency Medical Treatment (Policy Regulation 4920.4)**

In the event an employee becomes ill at school, staff will assess the situation. If staff believes the symptoms and circumstances warrant, 911 will be called. If the staff members in the immediate vicinity of the ill employee are unable to, or do not have the expertise to evaluate the condition of the ill employee, 911 should be called. The employee will not have the option of declining 911. If 911 determines transport by ambulance is not necessary, staff should contact a family member of the ill employee to transport.

It is not recommended that staff transport employees to the hospital/doctor.

An employee returning to work from emergency medical treatment must provide a release to return to work. This form is entitled RM0036 – Release to Return to Work Health Care Response Team and is located in the LPS Form Center of the LPS website.

**BB. Non-District Employment (Policy 4870)**

Employees shall not perform duties unrelated to district employment during their regularly assigned schedule. In addition, employees shall not engage in employment which conflicts with their duties for the District.

Employees employed by another Nebraska school district or other employer which is under the Nebraska School Employees' Retirement System are required to notify Lincoln Public Schools of such employment.

Employees who have a District work-related injury are required to notify the district of any employment outside the district.

Employees who have a non-District work-related injury are also required to notify the district of any employment outside the district.

**CC. Safe Driving Record Standard for Drivers (Policy 3760)**

Standard for Pupil Transportation Vehicle Drivers: Each person who is required to have a permit to operate a pupil transportation vehicle for this School District shall meet all requirements to hold and continue to hold a pupil transportation operator's permit. One of the requirements for obtaining such a permit is that the person has a record of satisfactory driving as determined by Lincoln Board of Education policy. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 10 years; or,
3. Reckless driving or willful reckless, within the immediate prior 10 years; or
4. Accumulation of five or more points under the motor vehicle operators' license point system within the immediate prior two years. In the event the person has accumulated three or four points within the immediate prior two years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

Standard for Drivers of Other School Vehicles: Each person who drives a school vehicle other than a pupil transportation vehicle and does not transport students in the vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. In the event the person's employment position requires driving vehicles as a function of the person's employment, the employment may be terminated in the absence of a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 10 years; or,
3. Reckless driving or willful reckless, within the immediate prior 10 years; or
4. Accumulation of 6 or more points under the motor vehicle operators' license point system within the immediate prior two years. In the event the person has accumulated 3, 4 or 5 points within the immediate prior two years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.

The record of satisfactory driving standards shall apply to all new employees from and after the adoption of this policy. Existing employees shall be subject to the same standards, provided that the Superintendent or Superintendent's designee may determine to permit an exception based on the existing employee's record of satisfactory driving while employed with the District and the nature and proximity of prior driving offenses as such offenses relate to safe transportation.

**DD. Soliciting and Selling (Policy 4830)**

Employees shall not allow salespersons, representatives or agents of any commercial enterprise or theatrical presentation to call upon, secure contracts or student orders and business from employees engaged in their duties except for such times as may be designated by the Superintendent or designee. By law, the hours of no solicitation are between 8:30 a.m. and 5:00 p.m. on all days that school is in session. If an employee is required to be at work earlier than 8:30 a.m., the hours are extended to that earlier time as well.

Employees shall not use classrooms, buildings or other school property for personal use, profit, or commercial enterprise without specific approval from the district. Employees shall not use time for which the employee is paid by the district to engage in any activity for personal financial profit. Any violation of this policy will be held to be willful insubordination.

**EE. Use of Technology Resources and Internet (Policy 6441 and Policy Regulation 6441.1)**

Lincoln Public Schools adopts and shall enforce a policy of making technology resources available only to advance educational goals and objectives, supplement instruction and further school purposes. The operation and use of such technology resources by students, staff and the community shall be consistent with this policy. Technology resources includes, without limitation, computers and related technology equipment, all forms of e-mail or electronic communication and the Internet. The implementation of this policy shall include technology protection measures with respect to computers with Internet access, consistent with district standards, the Children's Internet Protection Act or other law. Students shall be educated in digital citizenship with social networks and cyberbullying awareness and response. The superintendent or the superintendent's designees are authorized and directed, as part of the administration of this district, to establish and enforce regulations, forms, procedures, guidelines and specific district standards to implement this policy. The use of cell phones or any social media by students or staff in a manner that adversely impacts or otherwise interferes with school purposes as determined in the sole discretion of the District is prohibited and may result in disciplinary action including expulsion or dismissal.

School computers and networks, and other technology resources including, without limitation, computers and related technology equipment or networks, all forms of E-mail or electronic communication, websites and all access to the Internet, including all on site or remote access thereto through school accounts, hereinafter referred to singly or collectively as "Computer Use," and all files or information stored therein or thereon are the property of Lincoln Public Schools and shall be regulated by Lincoln Public Schools. Any Minor, Student, Adult, Staff Member or other person who engages in Computer Use as defined herein, is a "Computer User." Computer Users have no privacy rights or expectations of privacy when using the same. Computer Use and all files or information stored therein, thereon or linked thereto may be monitored, tracked, logged, copied, reviewed and accessed at any time without prior notice. Lincoln Public Schools has complete authority to regulate all Computer Use and Computer Users. Computer Use is a privilege and not a property right. Computer Use is not a public forum. Computer Use is made available subject to all board policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time. Computer Use is limited to current Lincoln Public Schools employees and Lincoln Public Schools business uses only. Computer Use shall not be permitted for personal reasons or for purposes that are contrary to the mission of the building site or the Lincoln Public Schools, unless deemed incidental, intermittent or occasional. Any Computer Use for profit is strictly prohibited. All Computer Users are hereby notified that any Computer Use as defined herein shall constitute an agreement by the Computer

User to be bound by all Lincoln Public Schools policies and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

A. Definitions

1. Computer Use — Shall mean and include the use of school computers and networks and other technology resources including, without limitation, computers and related technology equipment or networks, all forms of E-mail or electronic communication, websites and the Internet including onsite or by dial-up or remote access thereto through school accounts, as well as any use which involves visual depictions, audio, video or text, in any form.
2. Computer User — Shall mean and include any Minor, Student, Adult, Staff Member or other person who engages in Computer Use as defined herein.
3. Access to the Internet — A computer shall be considered to have access to the Internet if such computer is equipped with a modem or is connected to a computer network which has access to the Internet, or which accesses the Internet by dial-up or remote access using a school Internet account.
4. Minor — Shall mean an individual who has not attained the age of 19.
5. Student — Shall mean an individual, regardless of age, including a Minor who is receiving educational services and is enrolled in Lincoln Public Schools.
6. Obscene — Shall have the meaning given such term in Section 1460 of Title 18, United States Code.
7. Child Pornography — Shall have the meaning given such term in Section 2256 of Title 18, United States Code.
8. Harmful to Minors — Shall mean any picture, image, graphic image file or other visual depiction that:
  - a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex or excretion;
  - b. depicts, describes or represents, in a patently offensive way with respect to what is suitable for minors, an actual sexual act or sexual contact, actual normal or perverted sexual acts or a lewd exhibition of the genitals; and
  - c. taken as a whole, lacks serious literary, artistic, political or scientific value as to minors.
9. Hacking — Shall mean Computer Use or using the Internet to attempt to gain unauthorized access to proprietary computer systems.
10. Technology Protection Measure — Shall mean and refer to a proxy server managed by Lincoln Public Schools that blocks and/or filters Internet access.
11. Authorized Adult Staff Member — Shall mean and refer to an adult staff member of Lincoln Public Schools.
12. Adult — Shall mean and refer to all Lincoln Public Schools employees or staff members and any other individual, whether an employee of Lincoln Public Schools or

not, age 19 or older, except a Student as defined herein, who is a user of school computers or engages in Computer Use.

B. Computer Use and Access to Internet by Minors or Students

Minors or students accessing Internet services or engaging in Computer Use as defined herein shall be subject to the following rules and regulations, along with any additional building guidelines, use agreements, handbook provisions and all administrative orders or directives as issued from time to time:

1. Minors or students shall not access information or material that is obscene, child pornography, harmful to minors or students or otherwise inappropriate matter for educational or school-related uses.
2. Minors or students shall not engage in Computer Use which involves hacking or attempts to otherwise compromise any proprietary computer system's security or other unlawful activities by minors or students online or otherwise.
3. Minors or students shall not use electronic mail, chat rooms and other forms of direct electronic or computer communications without approval of an authorized adult staff member.
4. Minors or students shall not disclose, use or disseminate personal identification information or personally identifiable information of themselves or others while engaging in Computer Use or while otherwise using or on the school account, computer, network or Internet.
5. Minors or students shall not engage in illegal activities on the Internet.

C. Computer Use and Access to Internet by Adults

Adults accessing Internet services or engaging in Computer Use as defined herein shall be subject to the following rules and regulations, along with any additional building guidelines, use agreements, handbook provisions and all administrative orders or directives as issued from time to time:

1. Adults shall not access material that is obscene, child pornography or otherwise inappropriate matter for educational or work-related uses or contrary to the School's mission.
2. Adults shall not engage in Computer Use which involves hacking or attempts to otherwise compromise any proprietary computer system's security or other unlawful activities by Adults online or otherwise.
3. Adults shall not engage in illegal activities on the Internet.

D. Technology Protection Measure

Lincoln Public Schools shall use a technology protection measure 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, Lincoln Public Schools may also use other technology protection measures or procedures as deemed appropriate.

1. 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 Department of

Instructional Technology 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.

2. 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 during which time the minor will be monitored directly by the authorized staff member or his/her designee.

E. Adult or Minor Websites

Lincoln Public Schools has complete authority to regulate school property websites along with all content and posted link therein. This includes authority to shut down or remove any such website or posted link therein. All school property websites are bound by and must comply with all Lincoln Public Schools policies and regulations, these regulations, building guidelines, use agreements, handbook provisions and all administrative orders or directives as issued from time to time.

F. Violations of Rules

Any violation of Lincoln Public Schools policies and regulations, these regulations, building guidelines, use agreements, handbook provisions or administrative orders or directives as issued from time to time on Computer Use by any Computer User as defined herein, including access to the Internet may result in removal of privileges, reporting to law enforcement agencies and additional disciplinary action, including possible expulsion for minors or students or termination of employment for staff members or employees.

G. Objections

Objections to technology protection measures or related matters shall be handled under Regulation 6440.4 using the same procedures as are used for objections to the use of curriculum materials.

H. Severability

If any portion of this regulation or any section, sentence or word is held invalid for any reason, the remainder shall not be affected thereby.

**FF. Use of Internet-Based Social Media**

Within the last few years, the opportunities to interact through internet-based social media (Facebook, Snapchat, Twitter, Instagram, etc.) have increased dramatically. Due to the explosion of this new media, it is impossible to formulate one rule relating to staff usage of this technology. However, Policy 4780 and Policy Regulation 4780.1 address professional boundaries between employee and students with respect to electronic and other forms of communication and Policy 6441 prohibits the use of any social media that adversely affects or otherwise interferes with school purposes as determined in the sole discretion of the district.

A popular way for people to communicate is to “friend” each other in a Facebook or similar web sites. Due to the many possible negative ramifications, LPS employees should not be “friends” with students within social media.

Other means of communicating with students via technology, such as texting, must also be given serious consideration. Sending text messages to an individual student on a topic that does not relate to your professional responsibilities may be detrimental to your responsibility to serve as a good

role model for students and may reflect a failure to maintain professional boundaries with students. Such conduct may affect your continued employment.

Remember that students, parents and community members may use a search engine, such as Google, to glean information concerning you and your personal life. Personal information (photos, videos, posts on blogs, etc.) contained on the internet may affect your ability to do your job effectively and even lead to disciplinary consequences, up to and including termination. Before posting anything to the internet, think carefully about all of the possible audiences viewing the information.

For an in-depth analysis of the proper usage of internet-based social media, click [here](#).

#### **GG. Personal Effects Not Replaced (Policy 4840)**

Employees are discouraged from bringing personal items to work. Reimbursement by the district for stolen or damaged items will not be authorized.

#### **HH. LPS Staff Members Acting as Consultant Outside the District**

Staff members who are granted professional leave to serve as consultants to outside organizations may do so under the following provisions:

1. The requesting agency may reimburse travel, meals, and lodging expenses to the staff members.
2. If the staff member receives a stipend above expenses, the Lincoln Public Schools must be reimbursed the cost of his/her substitute.
3. Staff members serving on a 12-month basis are required to use accrued vacation for consultative purposes.

#### **II. Inclement Weather Days**

(See [Professional Agreement](#), Article 5, Section 5)

Staff members who are on a leave status the day before the storm emergency and continue in that same status the day after the emergency will be considered on leave during the emergency day. A person on leave the day before the inclement weather day and who reports back to work the day after the inclement weather will not be charged a leave day for the emergency.

The decision to close schools due to extreme weather is normally made before 6:00 a.m. Local radio and television stations are notified. School closing announcements will be posted to the Lincoln Public Schools' website and employees will receive an automated telephone call from the Superintendent via Connect-Ed.

#### **JJ. Employee Safety and Security**

##### **1. Occupational Blood Exposure Procedure**

The district health services and Risk Management office have developed an employee blood exposure procedure for the district. If you have not received a brochure containing information concerning the district's exposure control plan, please contact your health office or the district Health Services. Employees should read and follow the procedures contained within the brochure.

##### **2. Drug-Free Workplace (Policy 4900 and Policy Regulation 4900.1)**



The school district recognizes that the use, possession, or being under the influence of illicit drugs or alcohol constitutes a hazard to the positive development of students and employees and a substantial interference with school purposes.

- a. The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any district property or district sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace.
- b. The possession or distribution of a look-alike drug or look-alike controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the district's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time.
- c. As a condition of employment, employees will abide by the district's drug-free workplace policies and notify the Associate Superintendent for Human Resources or designee of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- d. Disciplinary sanctions up to and including termination of employment and referral for prosecution will be imposed upon employees who violate the aforementioned standards of conduct. Sanctions for violation thereof may include the requirement that the employee complete an appropriate rehabilitation program, reprimands, and non-renewal, cancellation, or termination of employment.
- e. Employees shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.
- f. Employees shall be furnished with a copy of this regulation.

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

The district's regulations and practices comply with the Federal Drug-Free Schools and with the Omnibus Transportation Employee Testing Act of 1991.

3. Tobacco Products on School Property (Policy 4890 and Policy Regulation 4890.1)

The use of tobacco products is prohibited on school district property, at a school-sponsored activity, within school vehicles, and on property leased or contracted for educational services. Smoking shall also be prohibited in any area where school staff, students or members of the public may be present or may be affected by smoke including, without limitation, the stands and bleachers of outdoor athletic fields and near the entry of school buildings. For purposes of this policy, tobacco means any tobacco product (including, but not limited to, cigarettes, cigars and chewing tobacco), vapor products (such as e-cigarettes), alternative nicotine products, tobacco product lookalikes and products intended to replicate tobacco products either by appearance or effect. Staff members may use nicotine patches as part of a tobacco cessation program, but the patches may not be visible. Violation of this policy by employees will result in disciplinary action, up to and including termination.

All staff members in school buildings share the responsibility of adhering to and enforcing the policy prohibiting the use of tobacco products. Employees are expected to inform persons smoking on school property that they are in violation of district policy.

4. LPS Workers' Compensation Safety Committee and Injury Prevention Program (Policy Regulation 4670.3)

This school district is committed to providing and maintaining a safe and healthful work environment and recognizes its responsibility in protecting and conserving its human and financial resources. Employees of the school district are responsible for the safety of fellow employees, students and members of the public to prevent losses of these resources.

LPS has a district workers' compensation safety committee to address employee accidents, injuries and work place conditions. A representative from each bargaining group plus representatives appointed by administration serve on the committee. The committee meets four times during the school year and minutes are distributed to the employee representatives for disbursement to employees.

Employee representatives are appointed by their respective employee groups. If you have a desire to serve on the committee, you should contact your employee group president.

Employees can make suggestions and/or report concerns to the safety committee in the following ways: 1) contact your employee group representative, 2) contact your employee group president, or 3) by writing to the Safety Committee in care of Risk Management, Box 14, LPSDO. All signed concerns will receive a written response from the committee.

See Appendix F for general safety guidelines for employees.

5. Hazard Communication Program

Lincoln Public Schools has developed a Hazard Communication Program for the safety and protection of its employees.

The program provides employees of the Lincoln Public Schools their "Right-to-Know" information concerning the hazards and identities of the hazardous materials they may be exposed to while working. Also, the measures that the employee can take to protect themselves against these hazards are identified. Chemical exposures can occur in most any work environment.

Employees are at a significant risk of adverse health effects without proper and adequate knowledge of how to deal with hazardous materials. Chemicals can contribute to a number of hazards to workers, from mild health effects, such as irritation, to death. Chemicals can also create physical hazards by contributing to fires and explosions.

Safety programs are successful when modification of employer and employee behavior takes place. Becoming familiar with the Lincoln Public Schools Hazard Communication Program and its training procedures is the best way an employee can become a part of a healthful and safe working environment.

The safety of the students, staff and patrons is of paramount importance. Thus, employees should not bring any hazardous material, such as mercury, to school. Employees are also not to bring any cleaning products, paint, pesticides, herbicides, or other chemicals to school.

To get information on the current Hazard Communication Program for Lincoln Public Schools, contact the Director of Facilities at the Maintenance Department (extension 1072).

6. Code Red / Crisis Situations

The district is using a new, plain language response to crisis situations. Standard Response Protocol (SRP) has replaced the Code Red system. Information about SRP is available on the security page on the LPS web site. Information about SRP can also be found on the I Love U Guys Foundation webpage at [iloveuguy.org](http://iloveuguy.org).

7. Threat Assessment

The goal of the Threat Assessment Process is to provide an integrated and coordinated process for identifying and responding to students, staff and other individuals who may be at risk of harming themselves or others – knowing that promoting and creating a safe and secure environment in our school district helps create the most appropriate foundation for enhancing student learning and student success. Find out more about the process of reporting concerning behavior at <http://home.lps.org/threat/>.

8. Accidents

Every accident which results in a personal injury must be reported to the Principal immediately. In the event the injury involves a student, the certificated staff member 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 certificated staff member, the certificated staff member is also responsible for making a report. Human Resource bulletins describing the accident procedures and reporting requirements are available on the LPS website at <http://www.lps.org/hr/risk/>.

9. Teacher Facilities

The District will make efforts to ensure staff has work environments safe and conducive to learning. The district will make efforts to supply staff with adequate furniture and supplies to enhance their ability to complete their job duties.

In order to assist the professional staff member the district shall provide:

A filing cabinet — minimum two drawers — preferably four drawers with locks.

Space to adequately store instructional materials and supplies.

A teacher work area containing equipment and supplies to aid in the preparation of instructional materials.

A furnished and maintained room for use by staff as a faculty lounge.

Staff rest rooms, separate for each sex and apart from student rest rooms, in facilities where possible and in all new facilities and future modification plans.

A private dining area separate from the student dining area.

A serviceable desk and chair.

A lockable closet or drawer large enough for storage of personal articles.

Reasonable access to a telephone for private communication.

10. Building Access

Upon request, teachers shall be issued keys or electronic identification cards to an exterior door, the interior hallway doors and gates, and the faculty lounge of their base school at the

beginning of the contract period. Keys will be returned on the last working day of contracted duty. In addition, procedures to gain access to workrooms shall be developed.

#### 11. Classroom Temperature

Temperature extremes in the classroom are factors that may adversely affect the learning taking place. Because of the variables affecting the temperature within a building, it is difficult to establish a district policy with explicit directions for individuals to follow.

If a staff member believes that the environment is not conducive to learning, the staff member should notify the principal and/or the indoor air quality (IAQ) representative. The building principal will have the final decision on the appropriate alternatives and will determine the activities of the staff for the remainder of the day.

### **Student Conduct and Discipline** (Policy 5400, Policy Regulation 5400.1, and Policy Regulation 5400.2)

It is the responsibility of the principal of each school to inform students and their parents or legal guardians about rules and regulations of the school.

All rules and regulations which may form the basis for discipline of students shall be distributed to students and their parents/guardians at the beginning of each school year, or at the time of enrollment if during the school year, and shall be posted in conspicuous places in each school.

Corporal punishment is not authorized in the Lincoln Public Schools.

### **Principal's Responsibility for Student Conduct**

1. The Principal shall provide a school environment which promotes the instructional program and which encourages good student conduct and self-discipline.
2. The principal shall review and interpret Lincoln Board of Education disciplinary provisions:
  - a. Prior to the opening of school each year,
  - b. At intervals during each school year, and
  - c. With students and faculty members.
3. The principal or designee shall be responsible for informing students about applicable rules and regulations and changes.
4. The principal shall have copies of rules and regulations available to parents/guardians upon request.
5. The principal shall be responsible for the maintenance of records related to behavior problems.
6. The principal shall be responsible to post in conspicuous places in the school building, rules and regulations of the school.

### **Certificated Employees' Responsibility for Student Conduct**

1. The principal shall be notified of actions for which a student shall be temporarily removed from the classroom.
2. The student shall be subject to the denial of certain classroom privileges.
3. The certificated employee shall be responsible for using reasonable measures necessary to maintain control:
  - a. In the classroom,
  - b. In the school building, and
  - c. On the school grounds.
4. Certificated employees shall be responsible for reporting all violations of school policies, rules, and regulations to the principal.

**KK. Personal Freedom (Policy 4850)**

Lincoln Public Schools recognizes that all employees have the right to hold personal beliefs. Employees may express opinions concerning school district issues as well as other local, state and federal issues and will not be unlawfully discriminated against based on the protected exercise or expression of such beliefs or opinions.

While recognizing individual personal freedoms, these rights must be balanced with the mission of the school district. As such, personal freedoms may not be exercised in a manner which negatively affects working relationships or which negatively affects the ability of employees who work with students to serve as effective role models for our students. Instruction on political, religious, and other sensitive issues is to be provided in a manner which allows students the opportunity to form or adhere to their own views; students must not be required to accept the views of school employees. In addition, the political accountability laws restrict use of school resources in the promotion of political views. In addition, the political accountability laws restrict use of school resources in the promotion of political views. As such, while a school employee may express a position with regard to political issues, employees may not use school personnel, resources, property or funds for such purposes or engage in such activity during hours in which the employee is being paid to work or when otherwise engaged in performance of school duties.

**LL. Academic Freedom (Policy 4860)**

Academic freedom shall be accorded to staff members, subject to the requirement that the staff member performs the assigned duties and, in the case of instructional staff, teaches the assigned curriculum using district-approved materials and research-based techniques.

When issues are presented, staff members will make an effort to effect a balance of biases, divergent points of view, and provide an opportunity for exploration by the students into various sides of the issue(s).

The staff member will encourage students to express their own views, assuring that it be done in a manner that gives due respect to one another's rights and opinions.

The staff member will respect positions other than their own.

Students will be encouraged, through class discussions and independent inquiry, to reach their own conclusions regarding controversial issues.

**MM. Work Made for Hire (Policy 4865)**

The District seeks to provide an environment in which administrators, teachers and staff can discover and transmit the knowledge and wisdom which will help to improve the quality of education. The rights of the District concerning production, ownership and use of inventions, patentable and copyrightable materials or other intellectual property or proprietary materials shall be controlled by this policy.

Under federal law, any work prepared by an employee within the scope of his or her employment is considered a “work made for hire.” Work made for hire is the exclusive property of the employer. Work for hire includes work prepared during duty time, after duty time and when school is in or not in session. Work made for hire includes, but is not limited to, teaching materials, curriculum, business management systems, individual staff web pages or information or material posted on the Internet through the District’s system, computer programs or other educational tools or materials and revisions and updating of manuals and textbooks and other publications.

Each District employee, by continuing in employment, agrees to assign to the District such employee's entire right, title and interest in and to such works made for hire.

Employees shall not use the District's work made for hire for any commercial use without the express written approval of the Superintendent of Schools or the Superintendent's designee.

#### **NN. Class Size and Teacher Load**

The Superintendent annually shall submit to the Board of Education recommendations for staffing goals for the following year. Principals are responsible for organizing the staff within their respective schools according to the staffing guidelines provided by the Superintendent's Office.

Wherever feasible under the circumstances (availability of staff and facilities), in both elementary schools (including kindergarten) and secondary schools, most classes will be within the range of 20 to 35 pupils.

Special education classes shall vary in number in accordance with Board of Education policy governing the composition and size of such classes.

The Board's standards are subject to modification for educational purposes, such as the avoidance of split-grade classes or half-classes, or specialized or experimental instruction (music, team teaching, typing classes, physical education).

Staff allocations are assigned by a point system. All certificated employees shall have the opportunity to contribute to decisions regarding the utilization of staffing resources within their buildings as allocated.

Duties such as study hall, noon hour supervision, and other assigned duties which are scheduled during the regular school day shall be considered by the principal in determining the total load assigned to a certificated employee.

Assignments for the sponsorship of extra-curricular activities shall be left to the discretion of the building principal. These duties shall be considered in determining the total load assigned to certificated employees.

Class Size Appeal Process - (See Professional Agreement, Article 5, Section 15)

#### **OO. Covering Class or Combining Classes in the Absence of a Substitute**

(See Professional Agreement, Article 5, Section 9)

#### **PP. Private Tutoring (Policy 4660 and Policy Regulation 4660.1)**

Certificated employees engaged in private tutoring shall be subject to the following rules:

1. A certificated employee may not tutor any child enrolled in his or her class for compensation of any kind from a source other than the district.
2. No tutoring for which a certificated employee receives compensation will be carried on in a school building nor during the certificated employee's duty hours.
3. Certificated employees who accept outside tutoring engagements make their own arrangements with the parents for the fees to be assessed.
4. Certificated employees should tutor only in areas for which they are endorsed or for which they have adequate training.

The District does not maintain an approved list of tutors.

Staff members affiliated with an organization or private teaching entity with nonprofit status who wish to advertise the opportunity to students:

1. The staff member wishing to advertise an outside-of-school educational opportunity to students should submit the written information to be distributed to students to the curriculum specialist, director or supervisor of the curriculum area most closely aligned with the teaching activity.
2. The curriculum specialist, director or supervisor will then meet with the Assistant to the Superintendent for General Administration and Government Relations to discuss the benefits of the program to students. The Assistant to the Superintendent for General Administration and Government Relations will either approve or disapprove distribution of the materials to students.
3. Following approval of materials for distribution, the distributor may:
  - a. Opt to purchase space in “Community News” for distribution to all elementary students.
  - b. Prepare flyers if the advertising is to be distributed in three or fewer schools only.
  - c. Prepare flyers if the advertising is to be distributed in middle and high schools.

The distributor may not use school mail to deliver flyers to schools.

Staff members affiliated with a for-profit teaching or tutoring entity or who provide independent tutoring services for compensation:

1. May not advertise to Lincoln Public Schools students using any district facilities or staff members.
2. May not use school facilities, equipment or records to obtain mailing lists of students.
3. May not use professional affiliation with Lincoln Public Schools for personal gain or private advantage.

#### **QQ. Relocation of Teachers**

(See Professional Agreement, Article 9, Section 7)

#### **RR. Relationships with Employee Associations (Policy 4500)**

The Board of Education officially recognizes associations of employee groups and works positively and constructively with them toward district goals.

#### **SS. State and National Offices (Policy 4820)**

Lincoln Public Schools encourages staff to participate in job-related professional organizations. Approval for release time for state or national offices must be obtained in advance from Human Resources. Determination as to whether the release time will be paid will be based on current budget constraints.

## **TT. Agreement with Lincoln Education Association**

The Board of Education and the Lincoln Education Association will continue to work cooperatively on projects, programs, and changes that seek to make improved and more productive use of professional time.

The Board of Education expects the teaching staff, to conduct the affairs of the district in a manner that provides for wide participation in decisions affecting curriculum and working conditions. The Board does not intend nor does it expect decisions to be made unilaterally.

The Board recognizes that members of the teaching profession are particularly qualified to assist in the formulation of policies and programs designed to improve professional standards and working conditions within their profession.

Changes in the Certificated Personnel Handbook shall not be made without advice from the handbook advising committee composed of Association members appointed by the LEA President, Executive Director of LEA, the Associate Superintendent for Human Resources and other administrative personnel.

### Recognition

(See Professional Agreement, Article 1)

## **UU. Variance Procedure**

The Lincoln Public Schools and the Lincoln Education Association recognize that there can be deterrents to school improvement. These deterrents may occur in Nebraska Department of Education Regulations, School Board Policy, Administrative Regulations or the Professional Agreement. In order for sites to overcome these deterrents, a Site Variance Process has been developed. The site variance process may only be changed with the consent of the LPS Board of Education and the Lincoln Education Association Board of Directors. Appendix D contains the Preliminary Variance Proposal Form and the Formal Variance Form.

## **VV. Reconsideration of Student Grades (Policy Regulation 6570.5)**

The grades designated by teachers within their assignment will not be changed unilaterally by any administrator or other staff member. Questions raised concerning duly assigned grades will be resolved cooperatively in a conference which includes the teacher(s) involved and the principal. In the event a grade is questioned by parents or students, 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 Director of Student Services and the participants in the initial conference described above. Subsequently the issue may be referred to the superintendent or designee.

## **WW. Administration of Assessments (Policy 4775)**

The District utilizes national, state and local student assessments as needed to determine the academic growth of students. Data and decisions based on that data are influenced by both assessment quality and the quality of the assessment process. District employees are critical to the quality of the assessment process. Assessments are to be administered under standardized, secure conditions that help ensure accuracy and comparability of the data for students and student groups. The assessment administration guidelines outlined below help ensure that every student has an equal opportunity to demonstrate his/her knowledge and skills.

In fulfillment of the obligation to the student and the educator's contractual and professional responsibilities, the educator will:



1. Read the assessment administration instructions prior to administration and follow the instructions each time the assessment is administered.
2. Prepare the students for assessments through teaching of the District curricula.
3. Familiarize students with the format of the assessment through the use of assessment preparation practices. The teacher shall not use actual assessment items to plan instruction or to conduct assessment preparation sessions.
4. Review appropriate general assessment-taking strategies with the students.
5. Review the purpose and importance of the assessments with the students prior to administering these assessments and encourage the students to perform their best.
6. Carefully monitor students and assure that they complete the assessment individually without any aid of notes, books, or other people (with the exception of documented and allowable accommodations).
7. Provide students with allowable accommodations as specified in their IEP's/504 Plans or as determined by the ELL team.
8. If appropriate, score the assessment per District guidelines.
9. Maintain necessary assessment security.
10. Report any cheating or possible cheating by students or any deviation from the assessment administration instructions to the principal or her/his designee.
11. Not possess any secure materials at any time other than during actual administration of the assessment.
12. Not discuss, disseminate, reproduce, or otherwise reveal the contents of the assessments to anyone.
13. Not change answers on a student's assessment sheet or otherwise participate in the submission of false or misleading assessment results.
14. Adhere to Nebraska's NeSA Security Procedures and report breaches in security to the Superintendent or the Superintendent's assessment designee for report to the Nebraska Department of Education.

## **XX. State Assessments (Policy 6603)**

### **State Assessments**

The Lincoln Public School District has adopted an assessment plan and has aligned the curriculum with the state-approved content standards. The assessment plan includes a schedule and procedures for all District-wide assessments, including the assessment of state standards.

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

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

Assessment results are to be reported by the teachers in the manner and within the time directed by the administration or designee. The assessment data are to be used to gauge the extent to which

students are meeting state standards, to provide students and parents with information about student progress, to enhance school improvement planning and to improve instruction. The assessment data are to be evaluated by teachers to monitor student learning and to improve instruction and to ensure students are being given the opportunity to meet standards.

### **Achieving Valid Assessments**

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

For purposes of this policy, student assessments include both large-scale standardized assessments and classroom assessments. Large-scale standardized assessments would include state NeSA assessments, norm-referenced tests and evaluations conducted for special education eligibility. Classroom assessments are tools designed to gather information about what students know and/or are able to do as a result of classroom instruction. These tools can use a variety of assessment methods including selected response, constructed response and personal communication. The results of classroom assessments can be used formatively or summatively as deemed appropriate.

The following specific assessment expectations and rules apply:

#### **A. Integrity of the Assessment Instrument**

1. Large-Scale Standardized Assessments. Standardized assessment instruments are not to be made available to students at any time before the student takes the assessment. The assessment instrument is to be maintained in a secure manner.
2. Classroom Assessments. Classroom assessment instruments are to be periodically modified to ensure alignment with current curriculum and instruction.

#### **B. Teaching for Success on Assessments**

It is appropriate for educators to prepare students to do well on assessments. This is to be accomplished in a manner that assures that the assessment results accurately reflect the students' knowledge and skill and are not simply an artifact of test preparation.

1. Teach the curriculum. Educators are to prepare students to do well on assessments by teaching the curriculum. Educators are not to “teach to the test” by teaching based solely on the content of the assessment. The curriculum is to be delivered to the students over an appropriate amount of time prior to the assessment. Review of the curriculum previously taught before assessment is to be taken is appropriate. Compacting delivery of curriculum just before the assessment is to be taken is not appropriate.
2. Practice Tests. Educators are to prepare students by teaching appropriate test-taking skills in a manner that is integrated with regular classroom instruction. Classroom assessments, particularly those whose primary purpose is formative, can be used as an opportunity to discuss and model test-taking strategies. Educators are not to conduct reviews (drills) using earlier versions of the same test, using parallel forms of the same test or using actual items from the current version of a test that will be administered to students. Reviews will be most effective when a variety of assessment methods are employed (for example – using both selected and constructed response).

#### **C. Conditions for Successful Assessments**

1. Communications. Educators are to communicate to students and parents when assessments will be administered, the purpose of the assessment and how the assessment

results will be used. Educators are to motivate students to do their best on assessments. Educators are to read and be familiar with assessment administration directions in advance and communicate the rules to students accurately and clearly.

2. Administration Conditions. Educators are to have sufficient assessment materials available on the day of administration. The classroom and surrounding environment is to be arranged to minimize distractions and decrease the likelihood of cheating.
3. Security. Educators are to monitor students while administering assessments to ensure students are complying with standards of academic integrity. Students who violate standards of academic integrity are to be reported to the administration.

D. Full Participation

Educators are to make every effort to have all eligible students take the assessments including the provision of appropriate make-up opportunities.

E. Assistance During Assessments

1. Large-Scale Standardized Assessments. Educators are only to provide assistance that is consistent with test administration guidelines for a particular test. Educators are not to provide hints or clues about correct/best responses including access to materials that are not allowed. Educators should implement the allowable accommodations that are outlined in a student's IEP or 504 Plan. Educators should also implement appropriate accommodations for English Language Learners.
2. Classroom Assessments. Students should be allowed access to materials or resources that are deemed appropriate and consistent with the stated purpose of the assessment in question.

All employees are to adhere to Nebraska's NeSA Security Procedures and report breaches in security to the Superintendent, the Superintendent's designee or the building principal for report to the Nebraska Department of Education. Professionalism, common sense and practical procedures provide the framework for testing ethics.

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

**YY. Employee Responsibilities and Duties (Policy 4720)**

Any person employed with the Lincoln Public Schools agrees to perform the responsibilities and duties as assigned in a safe and efficient manner.

All employees must follow all Lincoln Public Schools policies, regulations, assessment and curriculum guidelines, testing procedures and protocols, division bulletins or directives, work rules, professional agreements, employee handbooks and procedural handbooks/manuals. All employees shall obey all lawful and proper orders, instructions and directives issued by a supervisor either orally or in writing.

Employees are accountable for the proper use and care of District equipment and supplies.

## **ZZ. Student Activities - Concussions (Policy 6283)**

### 1. Training.

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

### 2. Education.

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

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

### 3. Response to Concussions.

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

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

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

- c. Parent Notification. If a student is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an athletic activity per the preceding paragraph, the parent or guardian of the student shall be notified by the Superintendent or designee of the date and approximate time of the injury suffered by the

student, the signs and symptoms of a concussion or brain injury that were observed and any actions taken to treat the student.

- d. Return to Learn. The Superintendent or designee shall develop a return to learn protocol for students who have sustained a concussion. The return to learn protocol shall recognize that students who have sustained a concussion and returned to school may need informal or formal accommodations, modifications to curriculum and monitoring by medical or academic staff until the student is fully recovered.

#### 4. Responsibility of Coaches.

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

#### 5. Students and Parents.

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

### **AAA. State and Federal Programs**

#### **Notice of Nondiscrimination**

Lincoln Public Schools does not discriminate on the basis of race, color, national origin, gender, marital status, disability, religion, age, pregnancy, child birth, or related medical condition, or sexual orientation in admission or access to, or treatment of employment, in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The Coordinators listed in the following section 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). The contact information for the OCR and the EEOC in this regard are:

Office for Civil Rights  
601 East 12<sup>th</sup> Street, Room 353  
Kansas City, MO 64106  
816-368-1019  
FAX: 816-426-3686;  
TDD: 800-537-7697

The U.S. Equal Employment Opportunity Commission(EEOC)  
Gateway Tower II  
400 State Ave, Suite 905  
Kansas City, KS 66101  
(800) 669-4000; TYY: (800) 669-6820

A publication provided by the federal government concerning rights of non-discrimination is attached as Appendix G to this handbook.

## 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 each coordinator is: Lincoln Public Schools, 5905 O Street, Lincoln, NE 68510. The telephone numbers are provided below.

Law, Policy or Program	Issue or Concern	Coordinator
Title VI	Discrimination or harassment based on race, color, or national origin; harassment	Russ Uhing—Equity Administrator—436-1650, duhing@lps.org (Students) Thomas Christie—Multicultural Administrator—436-1604, christt@lps.org (Students) Employees should contact Dr. Eric Weber, Associate Superintendent for Human Resources—436-1575, eweber@lps.org
Title IX	Discrimination or harassment based on sex; gender equity	Dr. Eric Weber, Title IX Officer and Associate Superintendent for Human Resources—436-1575, eweber@lps.org
Section 504 of the Rehabilitation Act and the Americans with Disability Act (ADA)	Discrimination, harassment or reasonable accommodations of persons with disabilities	Marla Styles, ADA Coordinator—436-1579, mstyles@lps.org Russ Uhing—504 Coordinator—436-1650, duhing@lps.org
Homeless student laws	Children who are homeless	Russ Uhing—Homeless Coordinator—436-1650, duhing@lps.org (Students)
Safe and Drug Free Schools and Communities	Safe and drug free schools	Russ Uhing—Director of Student Services—436-1650, duhing@lps.org

### **Anti-discrimination & Harassment Policy (Policy Regulation 4880.1)**

#### Elimination of Discrimination

Lincoln Public Schools is committed to providing a workplace and learning environment free of discrimination and harassment for students and employees. Accordingly, discrimination or harassment of any kind by supervisors or coworkers is prohibited. In addition, the District will endeavor to protect employees from reported discrimination or harassment in the workplace by students and other non-employees. Discrimination or harassment based on a person’s race, color, religion, national origin, sex, disability, age, marital status, veteran status, pregnancy, child birth, or related medical condition, or sexual orientation is specifically prohibited by Lincoln Board of Education policy and/or federal and state law.

#### Preventing Harassment and Discrimination

All persons employed by or acting on behalf of Lincoln Public Schools are expected to:

- A. Demonstrate at all times a respect for others regardless of race, color, religion, gender, disability, handicap, age, pregnancy, child birth, or related medical condition, sexual orientation, national origin, citizenship status, economic status or other personal attribute. Any verbal or physical conduct which unreasonably interferes with the person’s work performance or creates an intimidating work environment constitutes harassment or discrimination.
- B. Refrain from actions or the use of language, including ethnic or racial slurs, which is

disparaging or demeaning to an individual's appearance, ability, beliefs or other personal attributes.

- C. Refrain from unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication constituting sexual harassment. Sexual harassment may take many forms including, but not limited to:
  - 1. Verbal harassment or abuse including unwelcome sexually oriented communication;
  - 2. Subtle pressure or requests for sexual activity;
  - 3. Unnecessary touching of an individual, e.g., patting, pinching, hugging, repeated brushing against another person's body;
  - 4. Requesting or demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or student's status;
  - 5. Requesting or demanding sexual favors accompanied by implied or overt promise of preferential treatment with regard to an individual's employment or student status; or
  - 6. Sexual assault.
  
- D. Report any incident of harassment or discrimination of or by any employee, student or non-employee within or which affects the school environment.

### **Complaint and Grievance (Policy Regulation 4880.2)**

All employees are responsible for helping to prevent discrimination or harassment. Employees who believe they have been subjected to, or believe they have witnessed discrimination or harassment should follow these procedures:

- 1. Directly inform the person engaging in the discrimination or harassment that such conduct is offensive and must stop.
- 2. Contact your principal or supervisor or the principal or supervisor of the offending person, or contact the Title IX Officer, the Associate Superintendent for Human Resources, if you do not wish to communicate directly with the person whose conduct is offensive or if direct communication with the offending person has been ineffective.
- 3. Report the matter to the Title IX Officer, the Associate Superintendent for Human Resources, if the offending conduct continues or has not been resolved to your satisfaction after you have reported the matter to a principal or supervisor.
- 4. Report to the principal or the supervisor of the school or to the Title IX Officer, the Associate Superintendent for Human Resources, if you are the adult to whom the student has made a report so that the matter can be properly resolved.

Allegations of harassment or discrimination shall be investigated and if substantiated, corrective or disciplinary action taken, up to and including dismissal from employment if the offender is an employee, or suspension and/or expulsion, if the offender is a student. Retaliatory action will not be taken against an employee for reporting discrimination or harassment.

The Discrimination/Harassment Complaint Form is contained in Appendix E.

### **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 division 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 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.

All requests for student information from recruiters and institutions of higher learning are to be referred to the building principal.

### **Disclosure of Staff Qualifications (Policy Regulation 4330.2)**

The No Child Left Behind Act 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 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. External Research (Policy Regulation 6621.1)

The Director of Evaluation will be responsible for reviewing and approving requests to conduct external research in the Lincoln Public Schools. A Lincoln Public Schools Research Review Committee will be established to assist in the review process. The purpose of the review is to insure that external research proposals do not unduly interfere with instruction and that the rights of students, parents and staff are adequately protected. In the review process, priority will be given to research that is of interest to Lincoln Public Schools staff or that has direct application for the improvement of educational practice. Based on the review the proposal will either be approved or disapproved.

External research is defined as research being conducted by individuals or by institutions other than the Lincoln Public Schools or Educational Service Unit 18 on behalf of the Lincoln Public Schools. Research conducted by district employees as part of their job responsibilities is considered to be district research and is not covered by this policy. However, research conducted by employees to meet course or graduation requirements of an institution of higher education is classified as external research.

Participation in research is defined as using instructional time on research-related activities including the collection of data; providing information about Lincoln Public Schools students, the district or a school; and the completion of surveys distributed through school channels and interviews conducted during the school day. It does not include the completion of surveys received through the U.S. mail by individual teachers or administrators, or interviews conducted after normal school hours.

Participation of schools and individual staff in approved external research is voluntary. The building principal can decide whether or not his/her building and staff will participate in an approved external research project.

Requests to conduct research in the Lincoln Public Schools must be submitted in writing to the Director of Evaluation Services or the director's designee at least 30 days before the study is scheduled to begin. The request must include (1) the name, address, telephone number, agency affiliation (if there is one) and signature of the primary investigator(s); (2) a brief description of the study that addresses objectives, rationale, procedures, and timelines; (3) detailed information on what is expected of the Lincoln Public Schools; (4) copies of all data collection instruments, parent/guardian/participant consent forms, and materials to be used with students.

Prior written consent of a parent or legal guardian will be required for student surveys, evaluations, questionnaires, opinionnaires, interviews or other assessments which include one or more questions regarding, or which may reveal information concerning the following protected areas ("protected information survey") if the survey is funded in whole or part by a program of the U.S. Department of Education (ED):

1. political affiliation or beliefs of the student or the student's parent;
2. mental and psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom the student has close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Parents/guardians and students shall be given notice of their right to opt out or not participate in other external research studies that concern:

1. A protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

All surveys, questionnaires, opinionnaires, interviews and other assessments administered during such evaluation and external research studies will be available for review by parents/legal guardians, and in the consent forms and annually in the same manner parents/guardians and students are informed of rights under the Family Educational Rights and Privacy Act.

All such external surveys, assessments and other data collection instruments shall be made available to parents and legal guardians for review prior to their use with students. The instruments will also be available for review for a reasonable period of time following their use with students. The researcher shall be required to make the instruments available to parents and legal guardians upon the school's request.

The approximate dates of research and evaluation activities shall be throughout the school year. A schedule of known dates of activity shall be made available to students and parents and can be obtained at each school building or from the Director of Evaluation Services or the director's designee (Phone: (402) 436-1000 or Director of Evaluation Services, 5905 "O" Street, Lincoln, Nebraska 68510).

Upon completion of the study, the primary investigator shall provide the Director of Evaluation Services or the director's designee with a summary of findings and, upon request, provide a complete report of procedures and findings. The primary investigator shall also provide the Director of Evaluation Services or the director's designee with advance copies of all articles and all presentations at national or regional conferences based on research either conducted exclusively in the district or in which the district is identified.

## **Parental Involvement** (Policy 6443 and Policy Regulation 6443.1)

### General - Parental/Community Involvement in Schools

Lincoln Public Schools welcomes parental involvement in the education of their children. We recognize that parental involvement increases student success. It is Lincoln Public Schools' policy to foster and facilitate, to the extent appropriate and in their primary language, parental information about, and involvement in, the education of their children. Policies and regulations are established to protect the emotional, physical and social well-being of all students.

- A. Parental involvement is a part of the ongoing and timely planning, review and improvement of district and building programs.

- B. Parents are encouraged to support the implementation of district policies and regulations.
- C. Parents are encouraged to monitor their student's progress by reviewing materials sent home from school by staff, online student information and quarterly report cards and attending parent-teacher conferences.
- D. Textbooks, tests and other curriculum materials used in the district are available for review by parents upon request.
- E. Parents are provided access to records of students according to law and school policy.
- F. Parents are encouraged to attend courses, assemblies, counseling sessions and other instructional activities with prior approval of the proper teacher or counselor and administrator. Parents' continued attendance at such activities will be based on the students' well-being.
- G. Testing occurs in this school district as determined to be appropriate by district staff to assure proper measurement of educational progress and achievement.
- H. Parents submitting written requests to have their student excused from testing, classroom instruction and other school experiences will be granted that request when possible and educationally appropriate. Requests should be submitted to the proper teacher or administrator within a reasonable time prior to the testing, classroom instruction or other school experience and should be accompanied by a written explanation for the request. A plan for an acceptable alternative shall be approved by the proper teacher and administrator prior to, or as a part of, the granting of any parent request.
- I. Participation in surveys of students occurs in this district when determined appropriate by district staff for educational purposes. Parents will be notified prior to the administration of surveys in accordance with district policy. Timely written parental requests to remove students from such surveys will be granted in accordance with district policy (6620, 6620.1, 6621, 6621.1). In some cases (see regulation 6621.1), parent permission must be given before the survey is administered.
- J. Parents are invited to express their concerns, share their ideas and advocate for their children's education with Lincoln Board of Education members, administrators and staff.
- K. School district staff and parents will participate in an annual evaluation and revision, if needed, of the content and effectiveness of the parental involvement policy.

It is also the policy of Lincoln Public Schools to implement programs, activities and procedures for the involvement of parents in Title I programs consistent with the Title I laws, as amended by the No Child Left Behind Act of 2001. Such programs, activities and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

#### Parental Involvement in Title I Programs

The policies set forth in this regulation apply to parents of students in Title I programs and have been established in order to implement programs, activities and procedures for the involvement of parents in Title I programs consistent with the Title I laws, as amended by the No Child Left Behind Act of 2001.

#### Expectations for Parental Involvement

It is the expectation of Lincoln Public Schools that parents of participating children will have opportunities available for parental involvement in the programs, activities and procedures of the district's Title I program. The term "parental involvement" means the participation of parents in regular, two-way and meaningful communication involving student academic learning and other school activities, including ensuring (A) that parents play an integral role in assisting their child's learning; (B) that parents are encouraged to be actively involved in their child's education at school; (C) 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 (D) the carrying out of other activities, such as those described in this parental involvement policy. The district intends to meet this expectation through the following activities:

- A. Involving parents in the joint development of the district's Title I plan and the processes of school review and school improvement.
- B. Providing coordination, technical assistance and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance.
- C. Building the schools' and parents' capacity for strong parental involvement.
- D. Coordinating and integrating parental involvement strategies under Title I with parental involvement strategies under other programs.
- E. Conducting, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under the Title I program, including identifying barriers to greater participation by parents in Title I programs, with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy or are of any racial or ethnic minority background, and use the findings of such evaluation to design strategies for more effective parental involvement and to revise, if necessary, the parental involvement policies of the district.
- F. Involving parents in the activities of the schools served under Title I.

**Homeless Students (Policy Regulation 5110.6)**

The No Child Left Behind Act 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 Homeless Coordinator should be contacted for questions relating to a homeless student.

**Breakfast and Lunch Programs**

The district participates in the National School Lunch Program. Employees are expected to keep information about the participation of students in the free and reduced lunch 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 Benefits Specialist 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.

**Public Health Emergencies (Policy 2501)**

In the event of communicable disease outbreak, epidemic or other public health emergency or disaster, the Superintendent or his/her designee will determine the role and activities of the district in coordination with community planning by the local and state public health authorities. As needed, the Superintendent may cancel extracurricular activities, close one or more schools, designate facilities and personnel for purposes related to community response to epidemic and/or institute other measures as appropriate for the public safety and wellbeing.

## **APPENDIX A**

### **Election of Federal Continuation of Coverage (COBRA)**

Within 14 days after notice of a qualifying event is received, federal law requires Lincoln Public School (LPS) to send you or your dependents written notice of the right to continue health, dental and/or vision insurance if enrolled in one or more of these plans through LPS. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law.

Qualifying events are:

- A reduction in your work hours which causes you to be ineligible;
- Termination of your employment;
- You are discharged from your job for misconduct (other than gross misconduct);
- Your death;
- Your covered child loses dependent status;
- Your covered spouse and children lose coverage due to divorce or separation; or
- Your covered spouse and children lose coverage as the result of you becoming entitled to Medicare.

In the case of a divorce or legal separation, or if a child loses dependent status, you must notify LPS of this qualifying event within 60 days after the later of the event or the date the coverage would be lost. You or your covered dependent(s) must make written request to continue insurance by no later than 60 days after the day group insurance would otherwise end, or 60 days after the notice is sent by LPS.

Continued coverage may only begin on the day after group insurance under the policy would otherwise end. You or your dependents must pay the required premium, including any retroactive premium, from the day the coverage would have otherwise ended. The premium must be paid within 45 days after the day continued coverage is elected. Succeeding premiums must be paid within 30 days of the premium due date. LPS will initially inform you or your dependents of the monthly premium to be paid and where such premium shall be paid.

An insured person's continued insurance will end at midnight on the earliest of:

- The day LPS ceases to provide the group insurance to any employee;
- The day the premium is due and unpaid;
- The day an insured person first becomes covered under any other group plan (after the COBRA election), which does not exclude or limit any pre-existing conditions or to whom such an exclusion is not applicable due to creditable coverage;
- The day an insured person again becomes covered as an employee or dependent under the policy;
- The day the continued insurance is converted to conversion coverage;
- The day an insured person becomes entitled to benefits under Medicare; or
- The day insurance has been continued for the maximum period of time allowed which is 18 months, 29 months (in the case of a disability as determined by the Social Security Administration) or 36 months.

COBRA law requires that you be afforded the opportunity to maintain continuation coverage for 18 months in the case of termination of employment or reduction in hours. Otherwise the continuation coverage is for 36 months. In the event more than one continuation provision applies, the periods of continued coverage may run concurrently, but never for more than 36 months.

Following the end of the continuation of coverage period, conversion privileges to a non-group contract may be available for health coverage.

If you have any questions about COBRA, have a change in marital or family status, or if a child loses dependent status, please contact the Human Resources Benefits Department as soon as possible, 436-1593.

**APPENDIX B**  
**HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996**  
**Public Law 104-191 (H.R. 31030); August 21, 1996**

- SEC. 2741. GUARANTEED AVAILABILITY OF INDIVIDUAL HEALTH INSURANCE COVERAGE TO CERTAIN INDIVIDUALS WITH PRIOR GROUP COVERAGE
- (a) GUARANTEED AVAILABILITY —
- (1) IN GENERAL — Subject to the succeeding subsections of this section and section 2744, each health insurance issuer that offers health insurance coverage (as defined in section 2791(b)(1) in the individual market in a State may not, with respect to an eligible individual (as defined in subsection (b)) desiring to enroll in individual health insurance coverage
- (A) decline to offer such coverage to, or deny enrollment of, such individual; or
- (B) impose any preexisting condition exclusion (as defined in section 2701(b)(a)(A)) with respect to such coverage.
- (2) SUBSTITUTION BY STATE OF ACCEPTABLE ALTERNATIVE MECHANISM — The requirement of paragraph (1) shall not apply to health insurance coverage offered in the individual market in a State in which the State is implementing an acceptable alternative mechanism under section 2744.
- (b) ELIGIBLE INDIVIDUALS DEFINED — In this part, the term “eligible individual” means an individual —
- (1) (A) for whom, as of the date on which the individual seeks coverage under this section, the aggregate of the periods of creditable coverage (as defined in section 2701(c)) is 18 or more months and
- (B) whose most recent prior creditable coverage was under a group health plan, governmental plan, or church plan (or health insurance coverage offered in connection with any such plan);
- (2) who is not eligible for coverage under (A) a group health plan, (B) part A or part B of title XVIII of the Social Security Act, or (C) a State plan under title XIX of such Act (or any successor program), and does not have other health insurance coverage;
- (3) with respect to whom the most recent coverage within the coverage period described in paragraph (1)(A) was not terminated based on a factor described in paragraph (1) or (2) of section 2712(b) (relating to nonpayment of premiums or fraud);
- (4) if the individual had been offered the option of continuation of coverage under COBRA continuation provision or under a similar State program, who elected such coverage; and
- (5) who, if the individual selected such continuation coverage, has exhausted such continuation coverage under such provision or program.

NOTE: Certificated employees who have questions about this law should direct their questions to Employee Benefits Office in Human Resources, 436-1593.

# APPENDIX C

## EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

### Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

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

### Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

**\*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

### Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months\*, and if at least 50 employees are employed by the employer within 75 miles.

**\*Special hours of service eligibility requirements apply to airline flight crew employees.**

### Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

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

### Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.**



For additional information:  
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627  
[WWW.WAGEHOUR.DOL.GOV](http://WWW.WAGEHOUR.DOL.GOV)

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 - Revised February 2013

## APPENDIX D

### Preliminary Variance Proposal

The purpose of this process is to enable sites to remove deterrents to school improvement. These deterrents may occur because of Nebraska Department of Education Regulations, School Board Policy, Administrative Regulations or the Professional Agreement. After determining that the obstacle or deterrent can't be overcome informally, sites shall prepare a proposal to secure a variance from whatever policy or contract provision is in the way. **In order to use this process a site must have a written description of the decision making plan for their building. The written site decision making plan shall be attached to this form.**

Complete the form by providing the information requested. You may attach more information if you believe you require more space. Please remember this is intended to provide a **brief overview** of your requested variance. Copies of the completed form should be submitted to the Associate Superintendent for Human Resources (ASHR) and the LEA President. ProCom may identify concerns or additional questions regarding the proposal. They may also offer an opinion as to what would need to be in place for the variance to be approved. ProCom also has the authority to determine a variance of the nature requested is not possible. It should be noted that ProCom operates on a consensus basis and does not vote on issues. ProCom shall have the authority to establish a subcommittee for this purpose should they deem it necessary.

**The site or group must complete the following form and submit it to ASHR and the LEA President. This form must be signed by the site administrator and the LEA Faculty Representative from the site submitting the proposal.**

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

Building/Site: \_\_\_\_\_

Primary Contact Person(s): \_\_\_\_\_

1. Briefly identify the variance you believe is needed (Identify specific contract provisions, policies or regulations).
  
2. Briefly state why you believe this will lead to improved student learning.
  
3. Identify how staff at your site will be impacted by this variance.
  
4. Identify anticipated budget implications of this variance.

Note: For purposes of the variance process a site is defined as the building, multiple buildings, or sub-group of a building that would be affected by the variance. Agreement on who is affected must be reached by the administrator and the LEA Faculty Representative. ProCom shall have the authority to modify the decision of the Administrator and FR should they deem it necessary.

Signature \_\_\_\_\_  
(Site Administrator)

Signature \_\_\_\_\_  
(LEA Faculty Representative)



## Formal Variance Form

This form shall be submitted only after ProCom has indicated the process may continue and when the site believes it has met all the criteria indicated. If the Professional Committee determines the basic requirements have been met, a ratification election will be authorized.

**Directions: Your proposal shall address the following basic requirements:**

1. Proposals are consistent with the belief statement (see below).
2. Proposals shall describe improvement to be implemented.
3. Sites must demonstrate that (external and internal) impacted groups have participated in developing the plan.
4. Sites must demonstrate that the community has been informed of the process and how to participate.
5. Proposals shall provide evidence of how student learning will be improved.
6. Proposals shall describe an evaluation/revision plan.
7. Proposals shall include a timeline identifying the duration of the variance. The evaluation and revision plan will be of primary importance in securing a renewal of the variance.
8. Proposals shall identify needed resources. Any budgetary impact shall be indicated.
9. Plans should be developed within existing resources when possible.
10. Plans shall identify any additional resources needed within the budgetary timelines identified by the LPS Board.
11. Plans shall identify timelines for implementation.
12. In the event the proposal requires a contract variance, the ratification guidelines must be met (See 1-5 below).
13. When appropriate, plans should address ways for staff to opt out of participation or secure a transfer to another site.

**Contract Variance Ratification Guidelines**

Before a ratification vote can be held, the Building Administrator and LEA Faculty Representative shall be in agreement that the plan has met all the concerns raised by ProCom and is ready for implementation if it is approved. Proceeding with a ratification vote is an acknowledgment by all concerned parties that they will abide by the outcome of the ballot. The Building Administration and Faculty Representative must be in agreement as to the group who participates in the ratification vote. **The scope of the electorate and the ballot language must be approved by ProCom prior to the ratification vote taking place.** The ratification vote shall be conducted under the following procedures and guidelines:

1. Written proposal available to all staff 2 weeks prior to the ratification vote.
2. Secret ballot with a YES/NO vote prepared (Approved by ProCom).
3. If the proposal provides a way to opt out of participation, the variance must be approved by a vote of 50% plus one of personnel voting.
4. If the proposal does not provide a way to opt out of participation, the variance must be approved by a vote of 85% of the personnel voting.
5. Faculty Representatives and Principals will certify the results of the ratification vote and forward them to ProCom.

**Proposals that fail to meet any of the criteria indicated on this form will be denied. Final approval of the plan comes from ProCom.**



### *A Statement of Beliefs*

**In Lincoln we believe all decisions and actions should support students and their learning.**

- ◆ Decisions about teaching and learning, and the conditions that support these, should be made by those closest to the students, classrooms, schools and community.
- ◆ School improvement is best sustained when all components of the school district are working together.
- ◆ Consensus through collaboration is the preferred process for making decisions.
- ◆ We are committed to the maintenance and enhancement of high quality public education for all students.

**To these ends we are committed to:**

- ◆ Creating a framework for shared decision making.
- ◆ Joint training and facilitation of building level teams making decisions which support students and their learning.
- ◆ Removal of barriers to school improvement.

# APPENDIX E DISCRIMINATION/HARASSMENT COMPLAINT FORM

Department of Human Resources  
Lincoln Public Schools

Name	Home Phone
Street Address	City, State & Zip Code
Department/Location	Job Title

Please check all areas that apply to your reason for submitting this complaint:

**Discrimination based on:**

- Race
- Sex
- National Origin
- Age
- Color
- Disability
- Religion
- Marital Status
- Sexual Orientation
- Pregnancy, Childbirth or Related Medical Condition
- Other (Specify) \_\_\_\_\_

**I am being harassed by:**

- A co-worker
- My supervisor
- Other \_\_\_\_\_

(Please also complete and attach the ADA Complaint Form available through the Human Resources Office.)

Date(s) that discrimination took place \_\_\_\_\_

Give the name(s) of the person(s) against whom you are complaining: \_\_\_\_\_

Relief requested: \_\_\_\_\_

Where I may be contacted: \_\_\_\_\_

Others who may have information about my complaint (witnesses) and where they may be contacted: \_\_\_\_\_

Please state the nature of your complaint. Please attach extra sheets where you provide date(s) and time(s) of incident(s) where possible. \_\_\_\_\_

I have received and understand the district's Anti-Harassment and Discrimination Policies. I state that the above information is all true and accurate and I consent to the complaint being investigated.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## APPENDIX F

### GENERAL SAFETY GUIDELINES FOR EMPLOYEES RISK MANAGEMENT DEPARTMENT

**Every employee of Lincoln Public Schools has an obligation to protect the resources of the district. As a part of this obligation, employees have a responsibility to work safely and protect yourself from injury. The following are general safety guidelines for all employees. Specific safety guidelines unique to a particular position are provided by the supervisor.**

1. Do not 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 utilize personal protective equipment provided by the district - 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. Review HR #2 to familiarize yourself with the district's workers' compensation process and procedures.
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.

Any employee who believes that the task they are asked to do is not safe and will endanger them or others can decline to do the task. They should immediately inform their supervisor who will then contact Risk Management.

## APPENDIX G

# Equal Employment Opportunity is THE LAW

### Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

#### RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

#### DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

#### AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

#### SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

#### GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

#### RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

#### WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at [www.eeoc.gov](http://www.eeoc.gov) or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at [www.eeoc.gov](http://www.eeoc.gov).

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### Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

#### RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

#### INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

#### DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

#### RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at [OFCCP-Public@dol.gov](mailto:OFCCP-Public@dol.gov), or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

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### Programs or Activities Receiving Federal Financial Assistance

#### RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

#### INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

# APPENDIX H

## GUIDELINES FOR DRIVING LPS VEHICLES

If you drive a district-owned vehicle, you are required to be familiar with and follow the: (1) the Guidelines for Driving LPS vehicles and (2) the reporting process for a collision or a ticket. This Appendix sets forth the guidelines and procedures and gives information on the Driving Review Committee.

### A. DRIVER REQUIREMENTS

Employees driving LPS vehicles will be subject to the following:

1. Providing proof of a current driver's license with no restrictions which would affect the ability to operate an LPS vehicle, and providing proof of insurance.
2. Annual review of driving abstracts to determine whether the employee has a "satisfactory driving record." The "satisfactory driving record" standard for drivers of LPS vehicles means a record which reflects the absence of any of the following offenses or circumstances:
  - a. Motor vehicle homicide;
  - b. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 10 years; or,
  - c. Reckless driving or willful reckless, within the immediate prior 10 years; or
  - d. Accumulation of 6 or more points under the motor vehicle operators' license point system within the immediate prior two years. In the event the person has accumulated 3, 4 or 5 points within the immediate prior two years, the determination of whether the person has a satisfactory driving record shall be made by the Superintendent or Superintendent's designee based on the nature and proximity of the offense as it relates to safe transportation.
3. Participation in training and defensive driving programs.
4. Annual physicals for drivers required to have a school driver's permit. Physicals may be required of other drivers if it is determined that an employee appears to have a condition which could impair their ability to perform the essential functions of their position. Employees who drive an LPS vehicle are to report to their supervisor any physical or mental condition which would impair their ability to safely operate a motor vehicle as soon as they learn of the condition.
5. Review of all collisions, tickets and complaints while in an LPS vehicle.
6. Employees required by DOT law to possess a CDL license are subject to drug and alcohol testing.

### B. PRE-TRIP AND POST-TRIP INSPECTION OF VEHICLE

All vehicles are to be inspected before a driver takes them for the first time on any given day, and also at the end of use of the vehicle each day. If damage or a safety concern is observed, it should be reported immediately to transportation and a report filled out even if you do not know how the damage occurred. If there is a safety concern with the vehicle (e.g., brakes do not work properly), employees are not to use the vehicle until it has been inspected and/or repaired by transportation. Any other damage which occurs while operating a vehicle (i.e. glass breakage) should also be reported. This inspection process will protect the employee who had that vehicle checked out in that they will have checked and logged all damage. The inspection and reporting is the responsibility of the employee who is in control of the vehicle and may not be delegated to another person.

## C. SAFE DRIVING PRACTICES

Employees driving LPS vehicles must follow safe-driving practices, including:

1. Wear seat-belts when available.
2. Not smoke in an LPS vehicle.
3. Not operate a vehicle while under the influence of alcohol or illegal drugs or any medication which could impair driving performance. Employees are to notify their supervisor if they are on prescription drugs which carry warnings related to not driving.
4. Not operate a vehicle while fatigued or otherwise not in a condition which may cause the driver to not be a safe driver.
5. Not use the vehicle for private use unless clearly authorized by supervisor.
6. Not wear headphones while operating an LPS vehicle.
7. Not operate a cellular phone while driving or otherwise engage in distracted driving. Employee should pull over and park in a safe place to use phone.
8. Project a professional image (no cussing, hand gestures, honking horn except for defensive or safety purposes, or other such actions).
9. Follow all rules of the road and applicable Board policies and supervisor directives.
10. Attend to the safety of any student occupants, including use of safe evacuation procedures in the event the vehicle is in an accident or disabled, and not leave students in a vehicle unaccompanied by a responsible adult.

## II. ACCIDENT OR TICKET REPORTING PROCEDURES

If you are in an accident while driving an LPS vehicle or while engaged in the course and scope of your job, you are to:

1. Notify your supervisor immediately. An investigator will be dispatched.
2. Fill out the Vehicle Collision Report. Print legibly and fill in all blanks. Submit to investigator at time of investigation.
3. Do not fill out the portion of the state report regarding insurance. Central office will handle this. A state report is required if there is \$1,000 or more damage or personal injury.
4. Give information to police personnel related to name, address, insurance carrier, etc.
5. Do not make any statements to other parties regarding liability.
6. Direct all inquiries to the risk management office of the Lincoln Public Schools, 436-1759 or to legal counsel for Lincoln Public Schools.

If you are issued a ticket while driving an LPS vehicle or while engaged in the course and scope of your job, you are responsible for payment. You must report any ticket received to your supervisor immediately.

## III. LINCOLN PUBLIC SCHOOLS DRIVER REVIEW COMMITTEE

### A. BACKGROUND ON THE DRIVER REVIEW COMMITTEE (DRC)

**Composition:** Supervisor of transportation, supervisor of maintenance, superintendent of distribution center, Director of Risk Management, shop manager, safety trainer, two driver representatives from transportation, one maintenance representative, and one distribution center representative. Legal counsel is an advisory member.

**Objective:** It is the objective of the DRC to achieve a reduction in the number and severity of vehicle collisions involving LPS drivers and vehicles and make confidential reports to insurance and legal counsel. This will be achieved through driver training programs, evaluations of vehicle collisions, maintenance of equipment, evaluation of driving abstracts, evaluation of phone call complaints and evaluation of driver's physical/mental condition when necessary.

**Actions.** The DRC meets on a monthly basis to review the previous months' collisions. The committee will review all collisions and complaints for each employee. The committee will recommend disciplinary/corrective action as determined appropriate for each case. If the employee had a collision in the previous month that they wish to comment on, they can send written

correspondence to the committee. They will be notified of any action the committee takes with regards to their collision.

## **B. GENERAL GUIDELINES FOR DISCIPLINE/CORRECTIVE ACTION**

### **1. Possible Disciplinary or Corrective Actions:**

The DRC may recommend the following disciplinary or corrective action for drivers of LPS vehicles who fail to meet the district's expectations: verbal reprimand; written reprimand; training or testing; reassignment; suspension; or termination. This listing of disciplinary or corrective action which the DRC may recommend is non-exhaustive (other actions may be taken) and are not listed in priority or sequence. Termination or other discipline may be imposed without cause and without progressive discipline being followed and consideration by the DRC is not a necessary step before any employment action is taken. The DRC will review any official reprimands issued for reason of a driving offense.

### **2. Incidents which May Result in Disciplinary or Corrective Actions:**

- A. Having a collision. The disciplinary or corrective action to be taken will take into account fault and severity of the collision.
- B. Getting a ticket as the result of a collision.
- C. Getting a ticket for any other reason in an LPS vehicle. Issuance of a ticket will result, at a minimum, in a written reprimand to be placed in the employee file. Accumulation of more than one reprimand may lead to recommendation of termination.
- D. Failure to report a collision or ticket. This conduct will result, at a minimum, in a written reprimand to be placed in the employee's file.
- E. Failure to report damage to an LPS vehicle. This conduct will result, at a minimum, in a written reprimand to be placed in the employee's file.
- F. Telephone complaints against the driver.
- G. Altering a vehicle.
- H. Damaging a vehicle
- I. Smoking in a vehicle.
- J. Not wearing a seat belt or failing to require that occupants use a seat belt, when provided.
- K. Use of a cell phone while driving or engaging in other forms of distracted driving.
- L. Failure to pass state or district testing procedures.
- M. Failure to follow through on recommendations of the DRC.
- N. Consuming or being under the influence of alcohol or drugs, having the odor of alcohol or drugs, or issuance of a ticket for a DWI or similar offense. This conduct is also a violation of the district's drug and alcohol policy and will ordinarily result in a recommendation of termination of employment.
- O. Issuance of a ticket (including a ticket issued due to non-work driving) where the employee's driving record would fail to meet the "satisfactory driving record" standard if the driver were to be found guilty. Employees who receive such tickets will not be allowed to operate LPS vehicles and may be recommended for termination of employment. Issuance of such a ticket must be reported to your supervisor immediately.
- P. Loss of license (including suspension, revocation, failure to renew prior to expiration, or withdrawal) for any reason (including by reason of loss of points due to non-work driving), must be reported to your supervisor immediately. Employees who have lost their Nebraska drivers license will not be allowed to operate LPS vehicles. Failure to report such on a timely basis will result, at a minimum, in a written reprimand. If an LPS vehicle is driven without a current and valid license, a recommendation of termination will be made.
- Q. Unauthorized use of vehicle (for example, using an LPS vehicle without proper permission, or using an LPS vehicle for purposes other than authorized, such as driving for person, non-work purposes).

### **C. General Practices of the DRC**

1. All collision reports are reviewed by the transportation supervisor and the Director of Risk Management for any actions that need immediate resolution. These findings are reported to the DRC.
2. All telephone complaints will be written down by whoever receives the call. They will be reviewed by the appropriate departmental supervisor and the driver will be contacted by the supervisor regarding the complaint. Telephone complaints will be reviewed by the DRC. Complaints where patrons have left names will be considered more seriously than anonymous complaints. The name of the caller will not normally be given to the driver, but the DRC will be provided the name when it is appropriate.
3. All inquiries from insurance representatives from other parties involved in the collision should be directed to Risk Management, 436-1759. Employees do not respond to questions unless authorized by risk management to do so.
4. Meetings with employees and the LPS insurance representative or legal counsel will be arranged through risk management.



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