

BOX BUTTE COUNTY SCHOOL DISTRICT #07-0010

HEMINGFORD PUBLIC SCHOOLS

BOARD OF EDUCATION MEETING AGENDA

Monday, May 10, 2021

South Campus

The Board of Education of School District 07-0010 will meet on Monday, May 10, 2021 in the South Campus as duly advertised in the Hemingford Ledger.

- I. Pledge of Allegiance
- II. NOTICES
- III. Call Meeting to Order
 - III.A. ROLL CALL
 - III.B. Excuse Absent Board Member(s)
- IV. Approval of Agenda
- V. Regular Meeting Agenda
 - V.A. Public Participation (MAXIMUM OF 30 MINUTES ALLOTTED FOR THIS PORTION)
 - V.B. Correspondence
 - V.C. Consent Agenda
 - Approve minutes for April 12 and April 20, 2021 meeting
 - Approve Treasurer's Report
 - Approve School Activity Fund Report
 - Approve Receipts Summary Report
 - V.D. Payment of Claims
 - V.E. Policy 1005.12 - Title 1 Parent and Family Member Engagement
 - V.F. Policy 1005.01 - Public Complaints
 - V.G. Certified Hire
 - V.H. Bank of West
 - V.I. Nurse
 - V.J. Elementary Windows
- VI. Discussion/Possible Action Items
 - VI.A. Random Drug Testing
- VII. Administration Reports
- VIII. Superintendent Report
- IX. Report from Board Committee
- X. VIIA. Policy Review
- XI. Items For Next Board Meeting
- XII. Adjournment

XIII. Posting:

Hemingford Ledger

Posted: 5/5/2021

BOX BUTTE COUNTY SCHOOL DISTRICT 07-0010
HEMINGFORD PUBLIC SCHOOLS
HEMINGFORD, NEBRASKA
April 12, 2021

A regular meeting of the Board of Education of School District 07-0010 was called to order at 7:00 PM in the Hemingford High School Library by Ansley. Notice of the meeting was given in advance through the Hemingford Ledger. Board members were notified in advance of the meeting.

Members Present: Ansley, Cullan, Horstman, Randolph, Schumacher, Turek
Absent:

Motion by Turek to approve the agenda as presented. Second by Horstman. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Motion by Turek to approve the Consent Agenda. Second by Randolph. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Motion by Horstman to approve claims for \$95,236.08 be approved. Second by Schumacher. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Motion by Cullan to approve the Technology Plan and Budget for 2021-2022. Second by Randolph. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Mr. Dean presented the technology budget for the 2021-2022. Mr. Dean also shared with the board the technology plan for the next couple years.

Motion by Schumacher to approve the change to Policy 904.02 – Lease, Sale or Disposal of School District Property as presented, waive second reading. Second by Cullan. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Motion by Randolph to approve the contract for Josh Redden to serve as a business teacher starting with the 2021-2022 school year. Second by Ansley. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Motion by Turek to approve the contract with Tamara Bila to serve as a 7-12 English teacher starting with the 2021-2022 school year. Second by Horstman. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Motion by Cullan to accept the resignation, with regrets, of Patrick Jespersen as the school nurse effective at the end of the 2020-2021 school year. Second by Randolph. Roll Call: Ansley-Aye; Cullan-Aye; Horstman-Aye: Randolph-Aye; Schumacher-Aye; Turek-Aye—6-0-0—Motion carried

Discussion was held on the parking situation at the south parking lot.

The administration shared with the board the evaluation system for certified staff. The new system would be implemented next year. The effective teacher model has been presented by the ESU.

The administration is gathering information on implementing drug testing for students. More information and discussion will be held in May. Discussion was on what activities should be the focus. The board advised Superintendent Isom to visit with legal to discuss policy and legalities.

PK - 6 Principal - Mr. Arneson

Prodigy numbers for March: 27,839 with 84% of those answered correctly.

ACT is finished

NSCAS Pilot is on its way

Kindergarten round-up on April 15 (We are estimating in the mid-20s for Kindergarten next year)

7-12 Principal - Mr. Kluver

*Spring sports are underway - 27 out for HS Track, 28 out for JH Track, and 10 out for Golf (40% of the

student body 7-12)

*ACT scores are in - did better than most of us anticipated

*Scheduling for classes next year are underway - getting requests put in the computer so I can put their individual schedules together

*Splitting up English assignments next year - Ms. Backous will teach 7th, 9th, and 11th grade and Mrs. Bila will teach 8th, 10th, and 12th grade.

SPED - Mrs. Plog

LB 529 - Behavioral Awareness and Intervention

LB 529 was introduced by Senator Lynne Walz and prioritized by the Education Committee.

There are many parts to LB 529, but three important parts are:

(1) A redistribution of lottery proceeds dedicated for educational purposes;

(2) the creation of a mental health training grant program administered by NDE for grants to schools and ESUs; and

(3) the creation of a behavioral awareness and intervention training program for school personnel.

LB 529 passed general file on 3/24/21. If it passes select file and is signed by the governor, beginning in school year 2023-24, each school district must ensure that each administrator, teacher, paraprofessional, school nurse, and counselor receives behavioral awareness and intervention training.

The training must include:

*Recognition of detrimental factors impacting student behavior, including, but not limited to, signs of trauma;

*Positive behavior support and proactive teaching strategies, including, but not limited to, expectations and boundaries;

*Verbal intervention and de-escalation techniques; and

*At least 30 minutes of interactive training dedicated exclusively to understanding the duties, rights, and responsibilities outlined in the Student Discipline Act and case law addressing student behavior related to the classroom, extracurricular activities, school transportation, and other time on school property.

The bill includes a requirement that teachers have a basic understanding of the Nebraska Student Discipline Act, Section 79-258. Our Crisis Prevention and Intervention Training (CPI) would meet the requirements of this bill with the addition of the 30-minute training on the Student Discipline Act, which could be easily added. Currently, all our K-12 staff, including paras, are trained in CPI, so we are already doing this at Hemingford. This is a good bill and something that will be good for all school districts. We have more and more students coming to us with significant Mental Health needs, and as a public school, we are required to educate all of them.

Superintendent Report

Graduation - May 15 - 2 PM - who will be there?

LB 323 - Pandemic Hold Harmless

LB 143 - DHHS Notification

LB 364 - Tax Credit Bill - Tax credit for donating to private schools LB 135 - SPED reimbursement--80% by 2026-2027

LB 147 - Omaha Schools retirement program taken over by State, but not combined with NPERS. Retired teachers can sub up to 8 days.

Policy review – Changes to 1105.01 and 1105.12. Next month is 1005.05 through 1007.00

Meeting adjourned at 8:52 PM.

Mary Curtis
Board Clerk

Blanche Randolph
Board Secretary

Next regular meeting is scheduled for May 10, 2021 at 7 PM.

SELECTED Data

Current Cash Balance Report

Arranged by:

Date: 04/01/21 thru 04/30/21

Group ID and Activity Number

Activity Number and Name	Beginning Cash	Receipts	Disbursements	Adjustments	Cash Balance
A ATHLETICS					
1010 Athletics	19,373.18	0.00	2,674.00	0.00	16,699.18
1020 Athletic Club / Concession Stand	12,508.71	0.00	0.00	0.00	12,508.71
1030 Cheerleaders	3,309.46	0.00	0.00	0.00	3,309.46
1040 Volleyball	-1,174.80	0.00	0.00	0.00	-1,174.80
1050 CC Fundraiser	778.40	0.00	0.00	0.00	778.40
A ATHLETICS Totals:	34,794.95	0.00	2,674.00	0.00	32,120.95
B CLUBS AND ORGANIZATIONS					
3010 DC Trip-World Stride	-128.13	0.00	0.00	0.00	-128.13
3020 Dramatics	-3,603.19	0.00	0.00	0.00	-3,603.19
3030 FFA	16,251.65	0.00	0.00	0.00	16,251.65
3035 SHOP MATERIALS	1,830.00	0.00	0.00	0.00	1,830.00
3040 FCCLA	1,457.96	0.00	0.00	0.00	1,457.96
3050 Honor Society	-539.55	0.00	1,409.50	0.00	-1,949.05
3060 Football	12,245.49	0.00	0.00	0.00	12,245.49
3070 Music	5,392.86	0.00	645.00	0.00	4,747.86
3080 Scholarships	0.00	0.00	0.00	0.00	0.00
3090 StuCo - Middle School	4,351.94	0.00	0.00	0.00	4,351.94
3100 Student Council	3,236.60	0.00	0.00	0.00	3,236.60
3110 Health Professions Club	989.17	0.00	0.00	0.00	989.17
3120 Yearbook	18,468.02	0.00	0.00	0.00	18,468.02
3200 Science	266.96	0.00	0.00	0.00	266.96
B CLUBS AND ORGANIZATIONS Totals:	60,219.78	0.00	2,054.50	0.00	58,165.28
C MISCELLANEOUS					
4010 Courtesy Fund	1,228.37	0.00	0.00	0.00	1,228.37
4020 Elementary Teachers	10,920.41	0.00	0.00	0.00	10,920.41
4025 High School Teachers	6,280.59	0.00	266.80	0.00	6,013.79
4040 Miscellaneous / Student Stuff	2,793.85	0.00	0.00	0.00	2,793.85
4045 Bookfair	1,617.98	0.00	0.00	0.00	1,617.98
4050 Art	926.90	0.00	0.00	0.00	926.90
C MISCELLANEOUS Totals:	23,768.10	0.00	266.80	0.00	23,501.30
D CLASSES					
2021 Class of 2021 - Seniors	2,012.42	0.00	0.00	0.00	2,012.42
2022 Class of 2022 - Juniors	5,188.23	0.00	695.00	0.00	4,493.23
2023 Class of 2023 - Sophomores	2,361.28	0.00	0.00	0.00	2,361.28
2024 Class of 2024 - Freshman	738.06	0.00	0.00	0.00	738.06
2025 Class of 2025 -- 8th Grade	539.00	0.00	0.00	0.00	539.00
2026 Class of 2026 - 7th Grade	469.00	0.00	0.00	0.00	469.00
D CLASSES Totals:	11,307.99	0.00	695.00	0.00	10,612.99
Report Totals:	130,090.82	0.00	5,690.30	0.00	124,400.52

FINANCIAL REPORT
HEMINGFORD SCHOOLS
5/10/21

GENERAL FUND

BALANCE	4/15/2021		\$	25,593.16	
	INTEREST	\$	18.79		
	ST of NE	\$	154,147.00		
			\$	154,165.79	
BALANCE			\$	179,758.95	10-Apr-21
	TAX RECEIPTS	May			
	BOX BUTTE	\$	1,290,923.11		
	DAWES	\$	-		
	SHERIDAN	\$			
			\$	1,290,923.11	
	BILLS		\$	47,461.85	
	PAYROLL		\$	436,722.22	\$ 436,722.22
	TOTAL EXPENSE		\$		\$ 484,184.07
FUNDS AVAILABLE			5/10/2021	\$	986,497.99

BUILDING FUND

	4/15/2021		BALANCE	\$	1,222,414.19	15-Apr-21
TAX RECEIPTS	May					
BOX BUTTE	\$	124,750.07				
DAWES	\$	-				
SHERIDAN	\$	-				
		\$	124,750.07			
INTEREST		\$	227.19			
			\$	-		
BILLS						
			BALANCE	\$	1,210,555.67	10-May-21
CD'S			INTEREST TO DATE			
18 MONTH	\$	120,000.00	\$	1,427.84	\$	121,427.84
24 MONTH	\$	150,000.00	\$	2,324.06	\$	152,324.06
30 MONTH	\$	150,000.00	\$	2,324.06	\$	152,324.06
				TOTAL CD'S	\$	426,075.96
NLAF						
BALANCE	\$	401,244.20				
INTEREST	\$	5.28				
				TOTAL NLAF	\$	401,249.48
FUNDS AVAILABLE	5/10/2021			\$	2,037,881.11	

BOX BUTTE COUNTY SCHOOL DISTRICT 07-0010
HEMINGFORD PUBLIC SCHOOLS
HEMINGFORD, NEBRASKA
April 20, 2020

A special meeting of the Board of Education of School District 07-0010 was called to order at 8:00 AM in the Conference Room-South Campus by Justin Ansley. Notice of the meeting was posted in advance of the meeting. Board members were notified in advance of the meeting.

Members Present: Ansley, Horstman, Randolph, Schumacher, Turek
Absent: Cullan

Motion by Randolph to excuse Cullan. Second by Horstman. Roll Call: Ansley-Aye; Horstman-Aye; Randolph-Aye; Schumacher-Aye; Turek-Aye—5-0-0—Motion carried

Motion by Schumacher to approve the Agenda. Second by Randolph. Roll Call: Ansley-Aye; Horstman-Aye; Randolph-Aye; Schumacher-Aye; Turek-Aye—5-0-0—Motion carried

Motion by Randolph to accept the resignation of Jonathan Bowling-with regrets-effective at the end of the 2020-2021 school year. Second by Turek. Roll Call: Ansley-Aye; Horstman-Aye; Randolph-Aye; Schumacher-Aye; Turek-Aye—5-0-0—Motion carried

Meeting adjourned at 8:03 AM.

Mary Curtis
Board Clerk

Blanche Randolph
Board Secretary

GENERAL FUND BILLS FOR MAY 2021		
VENDOR	FOR	AMOUNT
Bernies	VoAg Supplies	\$ 17.95
Bloedorns	Maintenance Supplies	\$ 2,023.35
Chadron Public Schools	Sped Services	\$ 168.40
CPI	Training	\$ 150.00
Crossroads Music	Music Supplies	\$ 493.50
Culligan Water	Softwater Maint	\$ 195.17
DAS State Accounting	Internet Fee	\$ 232.49
Elan Visa	Supplies/Travel	\$ 2,747.29
ESU 10	Science Olympiad	\$ 35.00
ESU 13	Sped Services	\$ 7,652.29
GoldenWest	Offsite Backup	\$ 595.00
Allen Gross	Safety Plan Review	\$ 372.00
H & H	Roll Off Box	\$ 90.00
Hemingford Coop Telephone	Telephone Service	\$ 1,018.72
Hemingford Utilities	Utility Service	\$ 5,156.99
Hill Top	Maintenance Supplies	\$ 782.00
Innovative	Toner	\$ 725.26
Keating and Associates	125 Plan Fee	\$ 200.00
KSB	Legal Fees	\$ 234.00
Mobius	Fees	\$ 2,390.75
NASB	Fees	\$ 1,125.75
NCSA	Fees	\$ 195.00
Perry Law Firm	Legal Fees	\$ 75.00
Panhandle Sales	Locks	\$ 385.00
Phillips F&T	Fuel	\$ 169.20
Quill	Office Supplies	\$ 185.48
Rabens	Supplies	\$ 1,092.41
R&J	South Campus	\$ 5,013.00
School Speciality	Supplies	\$ 89.00
Scottsbluff Corporate	Custodian Supplies	\$ 7,471.12
Tritle Plumbing	Maintenance Supplies	\$ 325.00
Synchrony Bank Amazon	Library Books	\$ 202.00
Westco	Fuel	\$ 4,853.73
Western Trails Conference	Dues	\$ 1,000.00
	TOTAL BILLS	\$ 47,461.85

TITLE 1 PARENT AND FAMILY MEMBER ENGAGEMENT

The district commits to meeting all requirements of the ~~No Child Left Behind Act of 2001~~ including Every Student Succeeds Act (ESSA) as it applies to all Title 1 programs conducted within the District. For the purpose of this policy “parents and family members” means “parents and persons in a parental relation to the student.” This Policy will be distributed to all parents annually, in a language that parents can understand.

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

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

Approved _____ Reviewed _____ Revised _____

PUBLIC COMPLAINTS

The board recognizes that concerns regarding the operation of the school district will arise. The board further believes constructive criticism can assist in improving the quality of the education program and in meeting individual student needs more effectively. The board also places trust in its employees and desires to support their actions in a manner that frees them from unnecessary or unwarranted criticism and complaints.

Procedures for dealing with complaints concerning programs or practices should be governed by the following principles:

- where action/investigation is desired by the complainant, or where it seems appropriate, the matter should be handled as near the source as possible;
- complaints should both be investigated and, if possible, resolved expeditiously;
- complaints should be dealt with courteously and in a constructive manner; and,
- individuals directly affected by the complaint should have an opportunity to respond.

The board, consistent with its board policy-making role, will review the action taken to resolve complaints concerning specific schools, programs or procedures only after the usual channels have been exhausted. Complaints regarding employees or complaints by students will follow the more specific policies 403.05 and 504.01 respectively.

When a complaint requiring attention is received by the board or a board member it will be referred to the superintendent. After all of the channels have been exhausted, the complainant may appeal to the board by requesting a place on the board agenda ~~or during the public audience portion of the board meeting~~. If the complainant appeals to the board, the appeal shall be in writing, signed and explain the process followed by the complainant prior to the appeal to the board.

However, the board will only directly consider appeals dealing with policies, procedures and programs. Any appeals involving employee issues will be passed on to the board's legal counsel to determine whether district policies and procedures were followed by the administrator in attempting to resolve the conflict.

Cross Reference: 204.12 Public Participation at Board Meetings
 403.05 Public Complaints about Employees
 504.01 Student Due Process Rights
 606.03 Objection to Instructional Materials

Approved _____ Reviewed _____ Revised _____

ACR GLASS
1004 EAST 10TH ST
ALLIANCE NE 69301
(308)762-3526 Fax:(308)762-5981
Tax# 47-0709685

Quote: 6353
Date: 03/03/2021

Customer

HEMINGFORD PUBLIC SCHOOLS
 PO BOX 217
 HEMINGFORD NE 69348

Ph:(308)487-3328 Fax:(308)487-5215

Csr: MR Tech: P Terms: NET 30

Acct:4873328

<u>Qty</u>	<u>Part / Description</u>	<u>Material</u>	<u>Labor</u>	<u>Item Total</u>
8	24" X 48" NWRPLWNDC2100 - C2100 Aluminum Slider Window Exact Size white or Silver Low E	497.07	0.00	3,976.56
10	32" X 48" NWRPLWNDC2100 - C2100 Aluminum Slider Window Exact Size P62 Glass white or Silver Low E	567.57	0.00	5,675.70
23	42" X 48" NWRPLWNDC2100 - C2100 Aluminum Slider Window Exact Size white or Silver Low E	610.45	0.00	14,040.35
32	39" X 48" NWRPLWNDC2100 - C2100 Aluminum Slider Window Exact Size white or Silver Low E	591.57	0.00	18,930.24
1	29" X 48" NWRPLWNDC2100 - C2100 Aluminum Slider Window Exact Size white or Silver Low E	528.57	0.00	528.57
1	CITY DISPOSAL - Debris Disposal Fee	0.00	2,000.00	2,000.00
1	MISCREPLAB - Misc. Repair Labor Flashing & Trim	2,000.00	2,000.00	4,000.00
1	INSTALLA - Installation Labor Demo and install	0.00	45,000.00	45,000.00

Notes: Hemingford Grade School needs an estimate on replacement windows, appx 53, in the Grade School bldg. Per Jim Miles. Call first, to arrange with Jim discussions of what they're expecting for materials/window types.

ALTERNATE #1 FOR WINDOW REPLACEMENTS GRADE SCHOOL

PLEASE NOTE THIS IS AN ESTIMATE ONLY, WITH OUT ANY MATERIAL SPECIFICATIONS OR DETAILED JOB INSTALLATION PARAMETERS OR DEMOLITION SPECIFICATIONS CONFIRMED. THE MAIN GOAL IS A MEDIUM TO MEDIUM HIGH DUTY LONGER TERM, AND SERVICEABLE, WINDOW CHOICE THAT CAN BE INSTALLED WITHOUT REMOVAL OF

**ACR GLASS
 1004 EAST 10TH ST
 ALLIANCE NE 69301
 (308)762-3526 Fax:(308)762-5981
 Tax# 47-0709685**

**Quote: 6353
 Date: 03/03/2021**

Customer

HEMINGFORD PUBLIC SCHOOLS PO BOX 217 HEMINGFORD NE 69348
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Ph:(308)487-3328 Fax:(308)487-5215

Csr: MR	Tech:	P	Terms: NET 30
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THE FIXED INSULATED PANEL SYSTEM THAT WAS INSTALLED WITH THE CURRENT WINDOW REPLACEMENTS, AND WITHOUT DISTURBING THE CURRENT WRAP ON THE EXTERIOR WOODWORK, AND WITHOUT DISTURBING THE SUSPENDED CEILING RETURNING TO THE PANELS ON THE INTERIOR. NO DISASSEMBLY HAS BEEN PERFORMED TO TEST OR CONFIRM THESE GOALS AS OF THE WRITING OF THIS ESTIMATE. ALSO, IN THE CURRENT CLIMATE OF UNCERTAIN MATERIALS SUPPLY, TIME ESTIMATES ARE EQUALLY UNCERTAIN.
--

Tax Info:	ALLIANCE CITY TAX "A "	0.00
	STATE TAX "A "	0.00

THIS ESTIMATE/QUOTATION IS BASED UPON ITEMS MOST COMMONLY NEEDED FOR THE STATED REPAIRS BASED UPON VISUAL SURFACE INSPECTION AND THE INFORMATION SUPPLIED TO US ABOUT THE ITEMS TO BE REPAIRED/INSTALLED. ADDITIONAL/DIFFERENT ITEMS OR PROCEDURES MAY BE FOUND TO BE REQUIRED ONCE DISASSEMBLY/WORK IS COMMENCED. ESTIMATES VALID FOR A MAXIMUM OF 90 DAYS.

ALL CUSTOM FABRICATED ORDERS REQUIRE A 50% DOWN PAYMENT PRIOR TO ANY MATERIALS BEING ORDERED.

SIGNATURE BELOW AUTHORIZES ACCEPTANCE OF TERMS.

Signature _____

<u>Material</u>	<u>Labor</u>	<u>Tax</u>	<u>Total</u>	<u>Payments</u>	<u>Balance</u>
45,151.42	49,000.00	0.00	94,151.42	0.00	94,151.42

ACR GLASS
1004 EAST 10TH ST
ALLIANCE NE 69301
(308)762-3526 Fax:(308)762-5981
Tax# 47-0709685

Quote: 6410
Date: 05/06/2021

Customer

HEMINGFORD PUBLIC SCHOOLS
 PO BOX 217
 HEMINGFORD NE 69348

Ph:(308)487-3328 Fax:(308)487-5215

Csr: MR Tech: P Terms: NET 30

Acct:4873328

<u>Qty</u>	<u>Part / Description</u>	<u>Material</u>	<u>Labor</u>	<u>Item Total</u>
8	24" X 48" NWRPLWNDC900 - C900 Side Sliding Window white Low E	441.62	0.00	3,532.96
1	29" X 48" NWRPLWNDC900 - C900 Side Sliding Window white Low E	468.65	0.00	468.65
32	39" X 48" NWRPLWNDC900 - C900 Side Sliding Window white Low E	524.77	0.00	16,792.64
23	42" X 48" NWRPLWNDC900 - C900 Side Sliding Window white Low E	554.00	0.00	12,742.00
10	32" X 48" NWRPLWNDC900 - C900 Side Sliding Window white Low E	557.40	0.00	5,574.00
1	CITY DISPOSAL - Debris Disposal Fee	0.00	2,000.00	2,000.00
1	MISCREPLAB - Misc. Repair Labor Flashing and Trim	2,000.00	2,000.00	4,000.00
1	INSTALLA - Installation Labor demo and install	0.00	45,000.00	45,000.00

Notes: ALTERNATE #2 FOR WINDOW REPLACEMENTS.

PLEASE NOTE THIS IS AN ESTIMATE ONLY, WITH OUT ANY MATERIAL SPECIFICATIONS OR DETAILED JOB INSTALLATION PARAMETERS OR DEMOLITION SPECIFICATIONS CONFIRMED. THE MAIN GOAL IS A MEDIUM TO MEDIUM HIGH DUTY LONGER TERM, AND SERVICEABLE, WINDOW CHOICE THAT CAN BE INSTALLED WITHOUT REMOVAL OF THE FIXED INSULATED PANEL SYSTEM THAT WAS INSTALLED WITH THE CURRENT WINDOW REPLACEMENTS, AND WITHOUT DISTURBING THE CURRENT WRAP ON THE EXTERIOR WOODWORK, AND WITHOUT DISTURBING THE SUSPENDED CEILING RETURNING TO THE PANELS ON THE INTERIOR. NO DISASSEMBLY HAS BEEN PERFORMED TO TEST OR CONFIRM THESE GOALS AS OF THE WRITING OF THIS

**ACR GLASS
1004 EAST 10TH ST
ALLIANCE NE 69301
(308)762-3526 Fax:(308)762-5981
Tax# 47-0709685**

**Quote: 6410
Date: 05/06/2021**

Customer

HEMINGFORD PUBLIC SCHOOLS
PO BOX 217
HEMINGFORD NE 69348

Ph:(308)487-3328 Fax:(308)487-5215

Csr: MR Tech: P Terms: NET 30

ESTIMATE. ALSO, IN THE CURRENT CLIMATE OF UNCERTAIN MATERIALS SUPPLY, TIME ESTIMATES ARE EQUALLY UNCERTAIN.

Tax Info: ALLIANCE CITY TAX "A " 0.00
STATE TAX "A" 0.00

THIS ESTIMATE/QUOTATION IS BASED UPON ITEMS MOST COMMONLY NEEDED FOR THE STATED REPAIRS BASED UPON VISUAL SURFACE INSPECTION AND THE INFORMATION SUPPLIED TO US ABOUT THE ITEMS TO BE REPAIRED/INSTALLED. ADDITIONAL/DIFFERENT ITEMS OR PROCEDURES MAY BE FOUND TO BE REQUIRED ONCE DISASSEMBLY/WORK IS COMMENCED. ESTIMATES VALID FOR A MAXIMUM OF 90 DAYS.

ALL CUSTOM FABRICATED ORDERS REQUIRE A 50% DOWN PAYMENT PRIOR TO ANY MATERIALS BEING ORDERED.

SIGNATURE BELOW AUTHORIZES ACCEPTANCE OF TERMS.

Signature _____

<u>Material</u>	<u>Labor</u>	<u>Tax</u>	<u>Total</u>	<u>Payments</u>	<u>Balance</u>
41,110.25	49,000.00	0.00	90,110.25	0.00	90,110.25

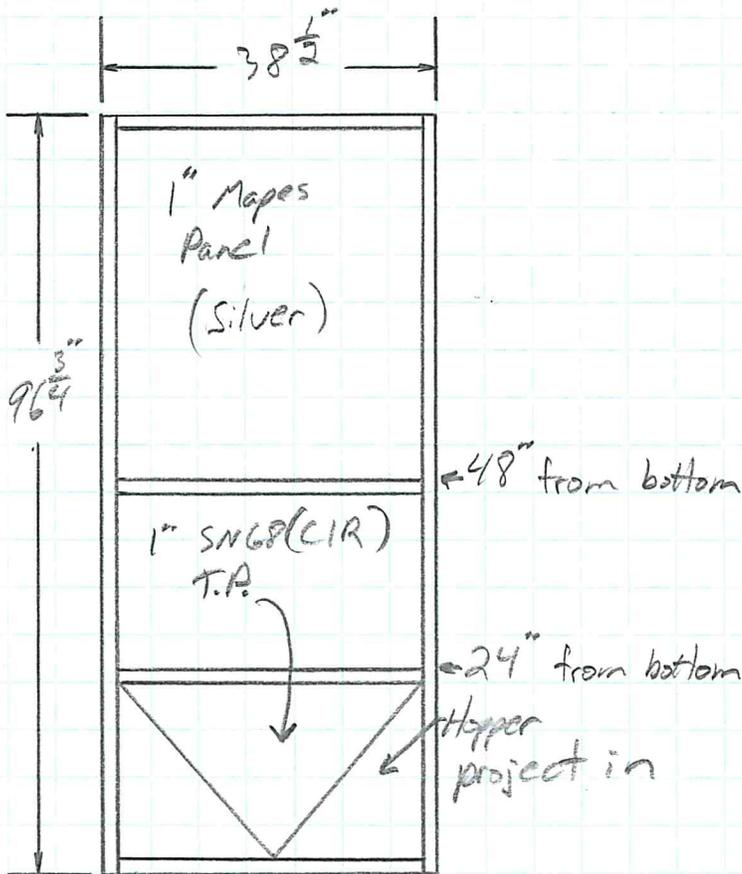
R.O.'s = 39" x 97"

Hemingford Elementary

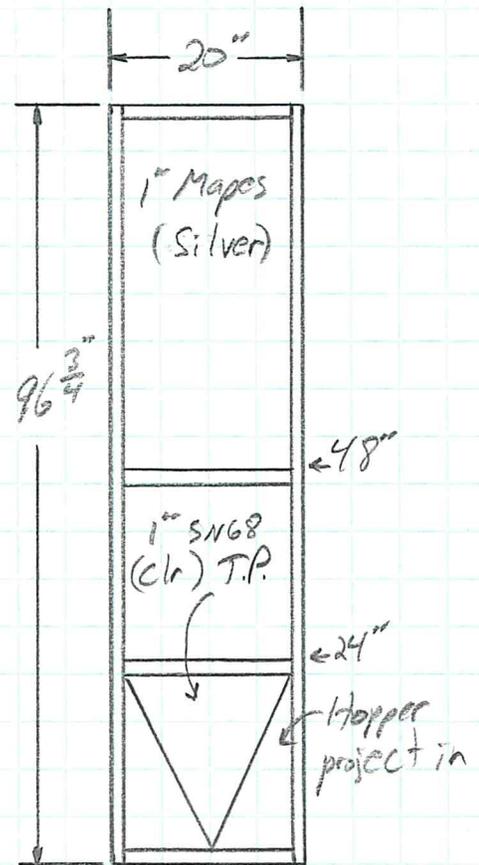
(Charles)

Actual Size

R.O.'s = 20 1/2" x 97"



(67-thus)



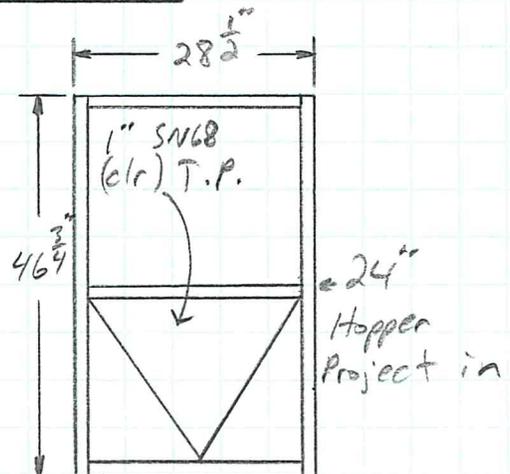
(8-thus)

R.O. = 29" x 47"

1. Windows to be Manko "800" and, (clear) Top and bottom receptors.

2. Glass to be 1" SN-68 (clear) tempered.

3. Panels to be 1" Mapes (silver).



(1-thus)

3-12-21

Scale: 1/2" = 1'-0" Greg T.

1702 Ave B
Scottsbluff, NE 69361
Phone: 308-635-3350

Thompson Glass

quote

To:	Charles Isom	From:	Greg Thompson
Job:	Hemingford Elementary	Pages:	2
Subject:	Replace 76 windows	Date	3-29-21

Urgent For Review Please Comment Please Reply Please Recycle

We propose to deliver and install 76 windows complete as per Charles.

Windows to be Manko "800" series (clear anodized) bottom hoppers and screens.

Glass to be 1" SN-68 (clear) tempered.

Panels to be 1" Mapes kynar embossed finish (silver) on both sides.

Installed \$173,000.00

No tax

Tear out included

No brick, drywall, or plaster repair

No final cleaning

Bid for 60 days

Thanks,

Greg T.

KAREN A. HAASE ^{NE, SD, IA, WY}
STEVE WILLIAMS ^{NE}
BOBBY TRUHE ^{NE, SD}



COADY H. PRUETT ^{NE, CO}
JORDAN JOHNSON ^{NE}
TYLER COVERDALE ^{SD}
SHARI RUSSELL, Paralegal

M E M O R A N D U M

To: Superintendent Isom and the Hemingford Board of Education
FROM: KSB School Law
DATE: May 3, 2021
RE: Drug Testing of Students

We are writing in response to your inquiry about the legal and policy-related considerations regarding the drug testing of students. As explained below, it is my opinion that a public school may require all students who participate in extracurricular activities to submit to testing, to testing before entry to activities such as dances, to "reasonable cause" testing, and to random testing. Students who do not engage in extracurricular activities may be subjected to "reasonable cause" testing, but may not be subjected to random testing. Parents may request that their students be included in the random testing even if their students do not participate in any activities.

Testing of Student Athletes

In 1995, in the case of *Vernonia Sch. Dist. 47J v. Acton*, the United States Supreme Court held that drug testing of randomly-selected student athletes was constitutional under the Fourth Amendment despite the lack of individualized suspicion of drug use. All students who wished to play sports had to submit to urinalysis drug testing at the beginning of each season. In addition, the names of the athletes were placed in a "pool" and 10% of them were subject to testing once each week of the season. The penalty for unlawful drug use was suspension from participating in sports.

The Supreme Court noted that the program was narrowly directed at student athletes. It held that the random, suspicionless drug tests were

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141 NORTH MAIN AVENUE, SUITE 504
SIOUX FALLS, SOUTH DAKOTA 57104

constitutional, but warned against the assumption that suspicionless drug testing would readily pass constitutional muster in other contexts. Justice Ginsburg stated in her concurring opinion that "I comprehend the Court's opinion as reserving the question of whether the district, on no more than showing made here, constitutionally could impose routine drug testing not only on those seeking to engage with others in team sports, but on all students required to attend school."

Random Testing of Students Engaged in Extracurricular Activities Other Than Athletics

In 1999, in the case of *Miller v. Wilkes*, the United States Court of Appeals for the Eighth Circuit ("Eighth Circuit") held that school districts' right to require random drug testing of students extends to all students who participate in extracurricular activities, not merely those who engaged in athletics.

In *Miller*, beginning with the 1997-98 school year, the Cave City School District instituted a "Chemical Screen Test Policy." Among other things, it provided for random testing of urine samples from students in grades 7 through 12. Each student and the student's custodial parent or guardian was required to sign a form giving consent for the student to be tested should he or she be randomly selected. The policy provided that for so long as the student or parent refused to give consent, the "student shall [not] be allowed to participate in any school activity (any activity outside the regular curriculum)." In addition, a student's refusal to submit to the test when randomly selected, notwithstanding the signed consent form, would result in his or her being barred from participating "in any school activity for the remainder of the year."

The Eighth Circuit rejected the plaintiff's challenge to the policy. Citing *Vernonia*, it stated that, to determine the legality of the policy, it was necessary to weigh "the scope of the legitimate expectation of privacy" and "the character of the intrusion that is complained of" against "the nature and immediacy of the governmental concern . . . and the efficacy of [the search] for meeting it." The Court noted that, in general, school children have a reduced expectation of privacy and wrote:

In considering the first factor on the privacy side of the scale, we examine the scope of any legitimate privacy interest that may be jeopardized by the School District's proposed search. Our analysis in this case is informed at the outset by the Supreme Court's conclusion that children in the public school setting have a lower expectation of privacy than do ordinary citizens. See *id.* at 656

("[T]he nature of [students' constitutional] rights is what is appropriate for children in school."). The essence of a public school's power over children "is custodial and tutelary, permitting a degree of supervision and control that could not be exercised over free adults," and the "reasonableness inquiry" cannot ignore this fact of life. *Id.* at 655, 656. For the Vernonia Court, in fact, student status was fundamental to its conclusions concerning the diminished expectation of privacy: "*Central*, in our view, to the present case is the fact that the subjects of the Policy are (1) children, who (2) have been committed to the temporary custody of the State as schoolmaster." *Id.* at 654 (emphasis added). Moreover, as the Court observed, all public school students are subject to requirements for physical examinations and vaccinations against disease, and to routine screenings for, *inter alia*, hearing and vision loss. Therefore, "[p]articularly with regard to medical examinations and procedures," all students have a limited expectation of privacy in the public school environment. *Id.* at 656-57.

The plaintiffs argued that the Supreme Court's decision in *Vernonia* applied only to student athletes, and that the Eighth Circuit should similarly limit its holding. The Eighth Circuit disagreed and wrote that "students who elect to be involved in school activities have a legitimate expectation of privacy that is diminished to a level below that of the already lowered expectation of non-participating students."

The United State Supreme Court again took up the issue of student drug testing when it decided *Board of Education of Independent School District 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002). The student drug testing program once again involved urinalysis, but the policy required all students who participated in competitive extracurricular activities to be tested. The students were required to take a drug test before participating in the activity, and were subject to random drug testing thereafter. The students also had to agree to be subject to a drug test at any time based on reasonable suspicion.

Using the same three factors identified in *Vernonia*, the Court determined that testing students involved in extracurricular activities was not a violation of the Constitution. Like the student athletes in *Vernonia*, the students in *Earls* who chose to participate in competitive extracurricular activities had a diminished expectation of privacy; the urinalysis was a minimal intrusion; and the interest of the school in preventing drug use by children was important. Furthermore, the Court clarified that a school district need not demonstrate a specific drug problem within a school in order to

conduct this type of suspicion-less student drug testing program. The two Supreme Court decisions on student drug testing, it seemed, paved the way for school districts to drug test constitutionally at least some students within their schools.

Random Drug Testing of All Students

The Eighth Circuit did not decide whether a school district may lawfully engage in the random drug testing of all students, including those who do not participate in extracurricular activities. The Court's opinion suggested, but did not hold, that it might approve of random drug testing for all students. It wrote:

Pathe argues that the fact that the policy in *Vernonia* applied only to student athletes was more significant to the Supreme Court in reaching its decision than was the fact that the policy applied to students who were attending public school. We read the case differently. . . . The Court did say that "[l]egitimate privacy expectations are *even less* with regard to student athletes." *Id.* at 657 (emphasis added). That is not to say, however, that it is only the student who seeks to engage in extracurricular school sports activities whose legitimate expectation of privacy is so diminished that a search such as this one can stand up to constitutional scrutiny

This wording suggests that the Eighth Circuit might authorize random drug testing of all students. It also suggests that the Court might be inclined to uphold a policy that called for the random testing of all students if the school district could prove the existence of wide-spread drug and alcohol use among students which had undermined the school district's educational program. However, the Court has not yet approved a policy calling for random testing of all students. In my opinion, it would be unwise to subject all students (including those not involved in extracurricular activities) to mandatory random drug testing. There is authority indicating that subjecting students other than those engaged in extracurricular activities to "suspicionless" drug testing violates the rights of those students. *See, e.g. Willis v. Anderson Community Sch. Corp.*, 158 F.3d 415 (7th Cir. 1998) (striking down a policy ordering suspicionless drug and alcohol testing of students as a precondition of being readmitted to school after being suspended for a variety of infractions).

On the other hand, the Supreme Court in *Earls* noted that both athletics and extracurricular activities "have their own rules and requirements for participating students that do not apply to the student body as a whole," which

leads to the diminished expectation of privacy for participating students. 536 U.S. at 832. This language suggests that even though students generally have a lesser expectation of privacy than the population at large, the student population as a whole enjoys a higher expectation of privacy than students who voluntarily participate in sports or extra-curricular activities.

Since the United States Supreme Court has yet to take up a case with a mandatory drug testing policy for all students, school districts are left with no greater clarity on this point. This may be why school districts appear reluctant to implement drug testing policies involving all enrolled students, and why there have been few cases involving such a policy. Instead, schools have relied on *Earls* to test groups within the general student population such as athletes, participants in extracurricular activities, or students with parking privileges.

Reasonable Cause Drug Testing

In 1985, in the case of *New Jersey v. T.L.O.*, the United States Supreme Court held that a student may be searched when school authorities have a reasonable suspicion that the student has engaged in criminal conduct or has violated school rules. In my opinion, the school district may subject a student to drug testing if there is reasonable suspicion that the student has used illegal drugs or is under the influence of alcohol. See, e.g. *Willis v. Anderson Community Sch. Corp.*, *supra*, stating that suspicionless drug testing was unlawful in part because a "suspicion-based approach" was judged to sufficiently serve the needs of the school district.

Adding Nicotine to Drug Testing Protocol

Given the advent of vaping and the ability to conceal "nicotine delivery systems" like Juuls, many schools have asked if they can add nicotine to their testing protocols. We believe the answer is yes. Outside of the few cases cited in this memorandum and some other lower court cases which have followed them, there are not many court decisions discussing the true limitations of testing extracurricular participants. A few courts have ruled on cases where nicotine was one of the substances tested. Below is a quick summary of those cases, coming from the Seventh Circuit. Keep in mind we are in the Eighth Circuit, but we think the cases would be persuasive to a Nebraska judge.

The first case is *Joy v. Penn-Harris-Madison Sch. Corp.*, 212 F.3d 1052 (7th Cir. 2000). It prohibited the school from testing student drivers for nicotine, because they presented no evidence that use of nicotine while driving presented the type of danger a school would seek to prevent when testing

drivers for drugs or alcohol. However, the court made clear that although nicotine testing as a condition of *parking* on school grounds was not lawful, it was permitted for extracurricular activities.

The second case is *Todd v. Rush County Sch.*, 133 F.3d 984 (7th Cir. 1998). This case preceded the *Joy* case and made clear that including alcohol and nicotine testing of all extracurricular student participants (more than just athletes), was permissible. Here is what the court said:

As defendants explained, similar to the program in *Vernonia*, their program was designed to deter drug use and not to catch and punish users. The difference between the cited cases and the present one is that here the testing is also required of those engaging in other extracurricular activities. However, we find that the reasoning compelling drug testing of athletes also applies to testing of students involved in extracurricular activities. Certainly successful extracurricular activities require healthy students. *While the testing in the present case includes alcohol and nicotine, that is insufficient to condemn it because those substances may also affect students' mental and physical condition.*

There have been other cases which noted that random testing included nicotine and the testing was upheld, but they did not directly address the question of whether nicotine could be included. Still, looking at those cases by implication and these cases above, so long as your policy tests only students in extracurriculars for nicotine (in addition to drugs and alcohol), we believe it is justifiable under the *Vernonia*, *Earls*, and *Todd* cases discussed in the memo and above.

This is especially true given the national coverage on vaping, its health effects, and the "epidemic" levels it has reached. If you've had under age tobacco or "alternative nicotine product" use issues before like smoking, chewing, or vaping--*and what school hasn't*--it falls in line with your other reasons for testing for drugs and alcohol. There is some risk simply because the Supreme Court has not explicitly clarified that you can test for nicotine, but we believe that risk is slight and need not outweigh your legitimate concerns related to tobacco/nicotine use by minors and its negative effects on activity participants.

Policy Considerations

Even with the latitude that exists under the Eighth Circuit's holding in *Miller* and the United State Supreme Court's decisions in *Vernonia* and *Earls*, the board should exercise considerable care in drafting policies. In addressing

such a policy, the board should consider the elements set forth below. These elements are also applicable to a broader drug testing policy, though such a policy would require additional conditions.

1. Designate the persons subject to testing.
2. Require consent to drug-testing as a condition to a student's participating in the extra-curricular activity or give notice that testing is or may be required as a condition to continued participation in the activity.
3. Specify the consequence for a student who refuses to take the test.
4. Specify the consequence for failing the test.
5. Consider referral to counseling for students who fail the test.
6. Provide for taking samples in a manner which will yield accurate results but which will not result in unnecessary embarrassment to the student.
7. Require that the testing equipment be maintained and calibrated so as to assure accurate test results. Where appropriate, provide for a verifiable chain of custody for test samples.
8. Provide a method for assuring the confidentiality of test results and the destruction of test results after a reasonable period of time.
9. Provide for the supervision of students who have tested positive and for the notification of their parents. The school district faces potential liability if it releases students who have been taking drugs or alcohol without assuring that they are turned over to responsible adults.

The alternative to testing all students randomly is to test students individually when there is reasonable suspicion to believe that a student has engaged in the unlawful use of alcohol or drugs. That alternative presents some additional complications. Testing positive for illegal drugs or alcohol may be the basis for denying students transportation to an extracurricular activity or excluding students from participation in that activity or activities. However, testing positive for drug use would not necessarily provide a basis for excluding a student from school, even on a short-term basis. In that regard, NEB. REV. STAT. § 79-267 provides in part that a student may be expelled or suspended on a long-term basis for:

Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance represented to be a controlled substance, or alcoholic liquor as defined in section 53-103 or *being under the influence of a controlled substance or alcoholic liquor.*

The fact that a student tests positive for drugs or alcohol does not necessarily mean that he or she is "under the influence" of those drugs at that

time. School officials can lawfully base a determination that a student who tests positive for drug or alcohol use is “under the influence” based on behavioral indications such as an unsteady gait, slurred speech, and/or bloodshot eyes; however, this involves a more specific factual determination than determining whether the student tests positive for drug or alcohol use.

We hope these thoughts are helpful to you. We have included sample drug testing policies for your administrative team and board members to review as you consider how you would like to structure the policy. Whatever you decide, please let me know what details you settle on so that we can assist you in creating the final policy that complies with current court decisions.

Extracurricular Drug Testing Program

The school district supports and values student participation in extracurricular activities, but such participation in school district extracurricular activities is a privilege and not a right. Students in all extracurricular activities in grades 7-12 shall be subject to mandatory and random testing for the presence of, tobacco/nicotine, alcohol, or illegal drugs.

1. Purpose of Random Drug Testing

- a.** The school district has recognized that observed and suspected drug, alcohol, and tobacco/nicotine use and abuse has increased among the student population, including students participating in extracurricular activities.
- b.** The school district seeks to provide safe, substance-free schools.
- c.** The school district seeks to deter the use of illegal and prohibited drugs, alcohol, and tobacco/nicotine among students.
- d.** The school district recognizes that students who use illegal and prohibited substances pose a threat to the health and safety of themselves, other students, teachers, administrators, and other persons.
- e.** The school district believes that the drug, alcohol, and tobacco/nicotine problem among the student body will be addressed by making sure that the large number of students participating in extracurricular activities do not use drugs, alcohol, and tobacco/nicotine and have an ongoing reason to say, "No," when presented with a chance to use.

2. Notice. Each student who participates or seeks to participate in extracurricular activities shall be given a copy of this policy. This policy may also be included in the student handbook.

3. Drug Testing Coordinator. The Drug Testing Coordinator shall be the Activities Director or his or her designee unless otherwise indicated.

4. Extracurricular Activities. This policy applies to any activity that meets the guidelines of an extracurricular activity at the school district which includes but is not necessarily limited to the following:

Basketball	Band/Jazz Band	Student Council
Cheerleading	FCCLA	Cross Country
FFA	Musicals/One Act	Journalism
Choir/Show Choir	Volleyball	Track
Football	Golf	Wrestling
Speech	Quiz Bowl	Dances

5. Students Who Are Required to Submit to Drug Testing

- a. **Grades.** All students in grades 7-12 who participate in any extracurricular activity or competition are part of the pool subject to random drug testing.
- b. **Consent.** A student and his or her parent(s)/guardian(s) must sign a consent form before the student shall be eligible to try out for, practice with, or participate in the extracurricular activity. The consent form is attached to this policy.
- c. **Selection Pool Eligibility.** Students shall remain in the selection pool for an entire calendar year (365 days) from the date the consent form is received by the school district except that students who quit during the season or activity (prior to being selected for testing) or students who are cut from an activity will be removed from the testing pool.
- d. **Withdrawal.** Students who have a consent form on file remain eligible for drug tests from the date the consent form is received by the school district and throughout the remainder of the school year or until the student files a Withdrawal of Student from Activity form signed by the student and his or her parent(s)/guardian(s). Upon withdrawal, the student shall not be eligible to participate in any activity that is subject to drug testing for the remainder of the school year. A student who files a Withdrawal of Student from Activity form after selected for a random drug test but before submitting to the test or after testing positive shall be ineligible to participate in any extracurricular activities for one calendar year from the date the Withdrawal of Student from Activity form is received by the Drug Testing Coordinator.

6. **Drugs.** Students participating in extracurricular activities are prohibited from using, possessing, distributing, manufacturing, or having drug, alcohol, and tobacco/nicotine present in their system. For purposes of this policy, “drugs” means:
- a. Any substance considered illegal by the Uniform Controlled Substances Act, NEB. REV. STAT. § 28-401 *et seq.*
 - b. Any substance which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances or other prescription drugs;
 - c. Alcohol for any student under the age of 21. Alcohol shall have the meaning as provided in NEB. REV. STAT. § 48-1902(1);
 - d. Any tobacco or other substance which introduces nicotine and other tobacco-related substances into the body, including alternative nicotine products, vapor products, or electronic nicotine delivery systems ingested in any way, such as by use of an e-cig, vape pen, or Juul.

7. **Testing Procedures**

- a. **Student Selection.** All students who participate in extracurricular activities and submit a consent form will be included in a master list and will be subject to random drug screening. The master list shall be submitted to the company employed by the district to conduct the testing.
- b. **Reasonable Suspicion Testing.** In addition to random drug testing, a student is subject to drug testing at any time when the Drug Testing Coordinator determines there is individualized reasonable suspicion based upon articulable facts to believe that the student has used a drug. The Drug Testing Coordinator will notify the student and take the necessary steps to schedule a test as soon as practicable.
- c. **Parental Request.** Students who do not participate in extracurricular activities may be added to the random drug screening master list upon parental request. Parent(s)/guardians may also request that their student be subject to non-random drug screening. The school will arrange for the test as soon as practicable. The parent(s)/guardian(s) making a request under this subparagraph must submit a signed consent form and indicate which type of test is being requested. Any cost associated with tests administered as a result of parental request must be paid by

the parent(s)/guardian(s) in advance of the test.

- d. Type of Test.** The school district reserves the right to utilize breath, saliva, hair, urinalysis, or any other reliably recognized testing procedures. Urine and oral fluid samples which screen positive will be confirmed by GC/MS. Positive saliva or breath alcohol tests will be confirmed by EBT (Evidential Breath Tester). Other testing methods will be confirmed via industry-recognized processes and equipment.
- e. Collection Site.** The Drug Testing Coordinator will designate the collection site at which student will provide specimens. The collection site may be off the premises of the school district.
- f. Collection Procedures.** The school board will select a Drug Program Administrator (DPA). The DPA shall randomly select the students subject to drug testing from the master list on a monthly basis during the official time activities on in-season.

 - (i) The DPA will make selection based on 10% of Student pool monthly.
 - (ii) The DPA will maintain and follow generally accepted industry standards for collecting, maintaining, shipping, and accessing all specimens. The DPA will seek to obtain the sample in a manner designed to insure accurate testing protocols while minimizing intrusion into a student's privacy.
 - (iii) The DPA and the school district will provide a copy of the collection procedures upon request.
- g. Drugs.** Students may be randomly tested for any drugs, including but not limited to nicotine, alcohol, amphetamines, marijuana or cannabinoids, cocaine, methadone, methaqualone, propoxyphene, hallucinogens, opiates, phencyclidine, synthetic opiates and PCP, steroids, barbiturates, benzodiazepines, alcohol, and any prescription drug that was obtained without proper authorization.
- h. Results.** The DPA shall notify the student and the Drug Testing Coordinator of any positive test after the initial screening. The school representative shall notify the student's parents. The DPA will use a secure method to transmit all positive test results to the DPA's Medical Review Officer (MRO). The MRO will be certified by an MRO accreditation body. The MRO will be responsible for reviewing test results and determining whether the use of a substance identified by the sample analysis is from illicit use or a

legitimate medical use. Prior to making a final decision, the MRO or his or her assistant shall contact the student and his or parent(s)/guardian(s) to discuss the result either face-to-face or over the telephone. If the MRO determines the test results are negative, no further action shall be taken against the student. The MRO will report results of verified positives to the DPA. The DPA shall then notify the Drug Testing Coordinator of the positive test result. The Drug Testing Coordinator shall notify the student and his or her parent(s)/guardian(s) and any staff members responsible for implementing the consequences of this policy.

- i. Request for a Retest.** A split specimen will be collected for all testing methods, with the exception of alcohol testing. A positive alcohol test will be confirmed with an EBT device. A student's parent(s)/guardian(s) may request that the split specimen be tested at a second nationally certified laboratory from a list provided by the MRO. The request for the test must be submitted in writing to the MRO (with a copy sent to the Drug Testing Coordinator) within 72 hours of being notified of the final testing result. The student and his or her parent(s)/guardian(s) must pay the associated costs for an additional test in advance. The costs will be reimbursed if the result of the split sample test is negative. The student will remain subject to the consequences of this policy during the retesting procedure.
- 8. Negative Tests.** Students and their parents will receive verbal or written notice when the student's test result is negative.
- 9. Consequences for Testing Positive.** Whenever the test results indicate the presence of drugs, Drug Testing Coordinator shall schedule and hold a confidential meeting with the student, parent/guardian, and sponsor/coach. Other members of the school's administration may also attend the meeting. At the meeting, the Drug Testing Coordinator shall explain the drug testing procedures and the policy of the district. The consequences shall be as follows (**All offenses are cumulative in grades 7-8. Offenses that occur in grades 7-8 shall not count as offenses in grades 9-12. All offenses are cumulative in grades 9-12**):
 - a. First Offense**
 - i.** The student shall miss 10 participation days of practice and shall be required to attend practice.

- ii. The student will be ineligible to publicly perform in any extracurricular activity for **10 participation days**. The day of the positive test result shall be the first day for counting purposes. If the end of the activity precedes the end of the **10 participation days**, the remaining days will carry over to the next activity so the student completes the required number of days.
- iii. The student shall attend **__ hours** of drug, alcohol, and/or tobacco/nicotine counseling or educational program at the student's expense as arranged or approved by Drug Testing Coordinator.
- iv. The student must submit to a district administered test and test negative before returning to the activity. The student will return to the random pool.

b. Second Offense

- i. The student shall miss **45 participation days** of practice and shall be required to attend practice.
- ii. The student will be ineligible to publicly perform in any extracurricular activity for **45 participation days**. The day of the positive test result shall be the first day for counting purposes. If the end of the activity precedes the end of the **45 participation days**, the remaining days will carry over to the next activity so the student completes the required number of days.
- iii. The student shall obtain a drug and alcohol assessment at student's expense from a certified substance abuse counselor or licensed mental health provider who holds a valid license that includes in its scope of practice the ability to administer substance abuse evaluations and/or treatment. The student shall provide written proof of obtaining the assessment to Drug Testing Coordinator. The student is strongly encouraged to comply with the assessment recommendations.
- iv. The student must submit to a district administered test and test negative before returning to the activity. The student will be subject to follow-up drug tests at least one time per month for the next **six (6) months** or end upon graduation.

c. Third Offense

- i. The student will be ineligible to practice or publicly perform in any extracurricular activity for one year from the date of the third positive test or end upon graduation. The day of the positive test result shall be the first day for counting purposes.
- ii. The student must submit to a district administered test and test negative before returning to the activity. The student will be subject to follow-up drug tests at least one time per month for the next **twelve (12) months** or end upon graduation.

d. Fourth Offense

- i. The student will be ineligible to participate in any extracurricular activity for the remainder of the student's time at the school district.

10. Refusal to Test

A student who refuses to submit to a drug test authorized under this policy, or fails or refuses to comply with any other provision of this policy, shall not be eligible to participate in any activities covered under this policy including all meetings, practices, performances and competitions for the **next twelve (12) months**.

11. Tampering

Tampering is the use of any agent or technique which is designed to avoid detection of a drug and/or compromise the integrity of a drug test and is prohibited. This includes providing false urine samples (for example, urine substitution), contaminating the urine sample with chemicals or chemical products, the use of diuretics to dilute urine samples, and the use of masking. If the Drug Testing Coordinator determines that a student tampered with a drug test, the student shall be deemed to have submitted a positive test.

The use of any such agent or technique shall be treated as a positive test for drugs prohibited by this Policy and shall be subject to the penalties set forth in Section 9 of this Policy.

12. Maintenance of Records

All results of drug testing shall be confidential. Procedures for maintaining confidentiality will be developed by the school district and the testing organization. The Drug Testing Coordinator shall maintain records of positive tests in a secure location. This information will not be available to anyone other than appropriate school personnel and parents. This information will be destroyed upon the student's graduation or one year after the student's class graduates. Under no circumstances will this information become a part of the student's permanent file, nor will it be sent to another school when the student moves to another district or transfers to another school. The school district will not share drug testing results with any law enforcement agencies.

13. Appeal.

The school district will rely solely upon the opinion of the MRO to determine whether the positive test result was the result of the consumption of a drug. There shall be no appeal of the test result to any school administrator or the board of education.

14. Severability

If any portion of this policy is deemed to be contrary to the law of the state of Nebraska or the United States by judicial decision or an act of Congress, then only such portion or provision directly deemed to be unconstitutional shall be stricken, and the remainder of the policy shall remain in full force.

**[PRINT ON SCHOOL DISTRICT LETTERHEAD]
CONSENT TO PERFORM RANDOM DRUG TESTING
201__-201__**

Student Name _____ Grade _____

As a student and parent:

- < We understand and agree that participation in extracurricular activities is a privilege that may be withdrawn for violations of the Extracurricular Drug Testing Policy.
- < We have read the Extracurricular Drug Testing Policy and understand the responsibilities and consequences as an activity participant if the student violates the policy.
- < We understand that when students participate in any extracurricular activity, they will be subjected to random drug testing, and if they refuse, will not be allowed to practice or participate in any extracurricular activity. We have read this consent statement and agree to its terms.
- < We understand this is binding while a student is enrolled in _____ School District.

CONSENT TO PERFORM DRUG TESTING

We hereby consent to allow the student named on this form to undergo drug testing for the presence of drugs, alcohol, and tobacco/nicotine in accordance with the Extracurricular Drug Testing Program adopted by the Board of Education. We understand that any samples will be sent only to a qualified laboratory for actual testing. We hereby give our consent to the medical vendor selected by the school board, their Medical Review Office (MRO), laboratory, doctors, employees, or agents, together with any clinic, hospital, or laboratory designated by the selected medical vendor to perform testing for the detection of drugs and to release the results of those tests as provided in the policy. We understand these results will be forwarded to school district officials and will also be made available to us. We agree to sign any necessary releases if requested to do so.

We understand that consent pursuant to this Consent to Perform Random Drug Testing will be effective for all extracurricular activities in which this student might participate during the current school year.

We hereby release the _____ Board of Education and its employees from any legal responsibility or liability for the release of such information and records, pursuant to the policy.

Student Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

[PLACE FORM ON SCHOOL DISTRICT LETTERHEAD]

WITHDRAWAL OF STUDENT FROM ACTIVITY

20__-__ SCHOOL YEAR

I understand that by signing this form I am rescinding my permission for random drug, alcohol, and tobacco/nicotine screening and no longer wish to participate in any extracurricular activity. I further understand that I am forfeiting my privilege to participate in athletics and/or extracurricular activities for the remainder of this school year.

I hereby rescind my consent to the administration of the drug screening and forfeit all participation in extracurricular activities for the remainder of the school year at the school district.

Student's Printed Name: _____

Signature: _____

Date: _____

Parent/Guardian's Printed Name: _____

Signature: _____

Date: _____