

SERVICES TO SCHOOLS AND CHILDREN

Section 3 Student Welfare

A. Abuse and Neglect

Everyone has a responsibility to report abuse or neglect. In Nebraska, everyone is a mandatory reporter. This means physicians, medical institutions, nurses, school employees, social workers or any other person who has reasonable cause to believe that a child or vulnerable adult has been subjected to abuse or neglect, or observes such child or vulnerable adult being subjected to conditions or circumstances which reasonably would result in abuse or neglect are required by law to make a report to the Abuse and Neglect Hotline (800-652-1999) and/or Law Enforcement (if an emergency exists). (*Nebraska Revised Statute 28-711*)

Definitions of Child or Vulnerable Adult Abuse and Child or Vulnerable Adult Neglect (Nebraska Department of Health and Human Services):

Physical abuse: Non-accidental physical injury (ranging from minor bruises to severe fractures or death) as a result of punching, beating, kicking, biting, shaking, throwing, stabbing, choking, hitting, burning or otherwise harming a child or vulnerable adult, that is inflicted by a parent, caregiver or other person who has responsibility for the child or vulnerable adult. Such injury is considered abuse regardless of whether the caregiver intended to hurt the child or vulnerable adult.

Physical discipline, such as spanking, is not considered abuse as long as it is reasonable and causes no bodily injury to the child or vulnerable adult. Non-accidental injury that is caused by someone other than a parent, guardian, relative or other caregiver, such as a stranger, is considered a criminal act that is not addressed by child or vulnerable adult protective services.

Neglect: The failure of a parent, guardian or other caregiver to provide for a child or vulnerable adult's basic needs. Neglect may be physical, medical, educational, or emotional.

Domestic Violence: Children or vulnerable adults are exposed to domestic violence and are harmed by the experience and suffer consequences ranging from hyper-vigilance to problem with concentration and emotional regulation.

Abandonment as Neglect: In general, a child or vulnerable adult is considered to be abandoned when the parent's identity or whereabouts are unknown, the child or vulnerable adult has been left alone in circumstances where the child or vulnerable adult suffers serious harm, or the parent has failed to maintain contact with the child or vulnerable adult or provide reasonable support.

Substance Abuse as Abuse or Neglect: Prenatal exposure of a child to harm due to the mother's use of an illegal drug or other substance; manufacture of methamphetamine in the presence of a child; and selling, distributing or giving illegal drugs or alcohol to a child.

Sexual Abuse: The employment, use, persuasion, inducement, enticement or coercion of any child or vulnerable adult to engage in, or assist any other person to engage in, any sexually explicit

conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or inter-familial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of child or vulnerable adult, or incest with child or vulnerable adult.

Emotional abuse: A behavior that harms a child or vulnerable adult’s emotional development or sense of self-worth.

When utilizing the Hot Line, the following information may be requested and should be made available:

- address and age of the abused or neglected person;
- address of the person having custody of the abused or neglected person;
- nature and extent of the abuse or neglect, or the conditions and circumstances which would reasonably result in such abuse or neglect;
- any evidence of previous abuse or neglect including the nature and extent;
- any other information which, in the opinion of the person, may be helpful in establishing the cause of such abuse or neglect, and the identity of the perpetrator or perpetrators.

This oral report shall be followed by a written report, utilizing the ESU #13 **Abuse and Neglect Reporting Form**.

The following staff members shall also be informed of the report:

- the employee’s immediate supervisor
- the Program Administrator or Program Director in which the student is enrolled
- the appropriate law enforcement agency (in the case of an emergency)

The immediate supervisor, the Program Administrator, or Program Director shall confirm that a report of suspected abuse or neglect has been made to local law enforcement or Child Protection Services.

Confidentiality of the person making the report shall be maintained to the extent practicable. The Program Administrator or Program Director is to establish and implement procedures to ensure such confidentiality.

The Program Administrator or Program Director shall provide employees information as appropriate to ensure that employees fully understand their responsibility under the law and ESU #13 procedures.

Legal Reference:	§ 28-711
Date of Adoption:	December 15, 2020
Updated:	

B. Corporal Punishment

Use of corporal punishment is prohibited by ESU #13. Corporal punishment for purposes of this policy means the infliction of bodily pain as a penalty for disapproved behavior. This does not include physical contact that is intended to preserve order in schools or to protect persons or

property from harm. Any physical force used with students shall be limited to that which is reasonable in relation to the need for self-defense, the defense of others, the defense of one's property or the defense of another's property.

Any employee who has been involved in an incident involving the use of physical force with a student shall make an oral report of such circumstances to the Program Administrator or Program Director as soon as is practicable and within twenty-four hours. The Program Administrator or Program Director shall prepare a memorandum of such report and, as deemed appropriate, investigate and report the incident to the appropriate administrator or director of the school in which the student is enrolled. An Abuse and Neglect report shall be made in the event such is warranted.

The Program Administrator or Program Director shall provide employees information as appropriate to ensure that employees fully understand their responsibility to not use corporal punishment and ESU #13's procedures.

Legal Reference:	§ 79-295 NDE Rule 27.002.09 and 27.004.03G
Date of Adoption: Updated:	December 15, 2020

C. Use of Restraints and Seclusion

This policy sets forth the requirements, restrictions and procedures related to the use of physical restraints and seclusions.

1. Definitions

- a. Physical Restraint. Physical restraint means one or more persons using a physical hold to restrict a student's freedom of movement as a response to student behavior. A light touching of a student while conducting a physical escort or a touching to provide instructional assistance is not a physical restraint for purposes of this Guidance.
- b. Seclusion. Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving as a response to student behavior.

Seclusion is distinguishable from an in-school suspension, in which other students or adults may be present. While students are required to remain in the in-school suspension area, the students are not physically prevented from leaving.

2. Physical Restraint

- a. When Physical Restraint May be Used. Physical restraint may be used in the following circumstances:

- 1) to prevent a student from completing an act that would result in injury to the student or others when there is a substantial risk that the student would commit the act;
 - i. A verbal threat by a student does not present a substantial risk that a student would commit an aggressive act unless the student also demonstrates the ability and intent to carry out the threat.
 - ii. Destruction of or damage to property does not present a substantial risk of personal injury unless personal injury would be caused as a result of the destructive act (for example, throwing sharp or heavy objects when others are present, or the person whose property is about to be destroyed is likely to react physically if the person's property were destroyed). (Note: If a student is about to destroy or damage property, the act of grasping the student's arm or leg solely to prevent the striking, throwing or kicking of the item is not prohibited.)
- 2) to move a student to a seclusion room, or to remove a student to another location because the student is creating a substantial disruption to others, in circumstances where the student is unable to be moved or removed without the use of physical restraint; and
- 3) in circumstances where the student's IEP or a Behavioral Plan provides for the use of physical restraint in circumstances other than the foregoing. If it is anticipated that physical restraint may need to be used with a special education student, the IEP team is to discuss and include use of physical restraint in the student's IEP if the IEP team determines use of physical restraint to be appropriate. (Note: IEPs or Behavioral Plans should not provide for such physical restraint except in those circumstances where the professional staff determines that non-aversive or positive intervention strategies would not be effective.)

b. Physical restraint may not be used:

- 1) when a known medical or psychological condition contraindicates its use; and
- 2) as a form of punishment.

c. Conditions. Use of physical restraint shall take into consideration the safety and security of the student.

In determining whether a student who is being physically restrained should be removed from the area where such restraint was initiated, the staff shall consider the potential for injury to the student, the student's privacy

interests, and the educational and emotional well-being of other students in the vicinity.

If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless staff determines that such freedom appears likely to result in harm to the student or others.

- d. Timeline. Physical restraint is to be used only as long as necessary to resolve the reason for which it was initiated.
- e. Training. Physical restraint shall be applied only by individuals who have received systematic training that includes all the elements described below. An individual who applies physical restraint shall use only techniques in which he or she has received such training within the preceding two (2) years.

Training with respect to physical restraint may be provided either by ESU #13 or by an external entity and shall include, but need not be limited to:

- 1) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
- 2) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- 3) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
- 4) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- 5) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- 6) demonstration by participants of proficiency in administering physical restraint.

An individual may provide training to others in a particular method of physical restraint only if he or she has completed training in that technique that meets the foregoing requirements within the preceding one-year

period.

3. Seclusion

a. When Seclusion May be Used. Seclusion may be used in the following circumstances:

- 1) when a student's behavior is so out of control that the student's behavior creates a risk of injury to the student or others;
- 2) when a student's behavior is so out of control that the student is causing a substantial disruption to school activities and there is no other technique and no other place the student may be moved to prevent continued disruption;
- 3) when a student's behavior is so out of control that the student is unable to engage in educational activities and there is no other technique that could reasonably be employed to allow the student's emotions to cool down and engage in appropriate behaviors and educational activities; and
- 4) the student has an IEP or a Behavioral Plan which provides for the use of seclusion in circumstances other than the foregoing. If it is anticipated that seclusion may need to be used with a special education student, the IEP team is to discuss and include use of seclusion in the student's IEP if the IEP team determines use of seclusion to be appropriate. (Note: IEPs or Behavioral Plans should not provide for use of seclusion except in those circumstances where the professional staff determines that non-aversive or positive intervention strategies would not be effective).

b. Seclusion may not be used:

- 1) when a known medical or psychological condition contraindicates its use; and
- 2) as a form of punishment.

c. Conditions. Use of seclusion shall take into consideration the safety and security of the student.

Enclosures used for seclusion, other than enclosures used on a temporary basis, shall:

- 1) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the

student being isolated but also any other individual who is required to accompany that student;

- 2) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing);
- 3) if an enclosure used for isolated time out is fitted with a door, the door shall either be a steel door or a wooden door of solid-core construction. If the door includes a viewing panel, the panel shall be unbreakable;
- 4) be designed to permit visual monitoring of and communication with the student sufficient to ensure the student's safety and security. For students who do not communicate verbally, arrangements shall be made to permit the student to periodically communicate the student's needs; and
- 5) if a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.

d. The procedures for use of seclusion include:

- 1) An adult who is responsible for supervising the student shall remain within close proximity of the enclosure.
- 2) The adult responsible for supervising the student must periodically check on the student visually if possible.

e. Timeline. A student shall not be kept in seclusion for more than 20 minutes after the student ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which isolated time out would be an appropriate intervention.

f. Training. Orientation will be provided to staff members who are anticipated to be involved in the use of seclusion. The orientation shall cover the procedures contained in this Guidance.

4. Documentation and Evaluation

Documentation of Use of Physical Restraint or Seclusion. A written record of each use of seclusion or physical restraint shall be prepared and maintained in the student's temporary record. The student's case manager, if any, shall also maintain a copy of each such record. Each such record shall include:

- the student's name;
- the date of the incident;
- the beginning and ending times of the incident;
- a description of any relevant events leading up to the incident;
- a description of any interventions used prior to the implementation of physical restraint or seclusion;
- a description of the incident and/or student behavior that resulted in implementation of physical restraint or seclusion;
- a log of the student's behavior during physical restraint or seclusion, including a description of the restraint technique(s) used and any other interaction between the student and staff;
- a description of any injuries (whether to students, staff, or others) or property damage;
- a description of any planned approach to dealing with the student's behavior in the future;
- a list of the school personnel who participated in the implementation, monitoring, and supervision of physical restraint or seclusion; and
- the date on which the parent or guardian was notified.

The record shall be completed by the beginning of the school day following the use of seclusion or physical restraint.

Notification of Administration. The Program Administrator or Program Director shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.

Notification of Parent or Guardian. Within 24 hours after use of seclusion or physical restraint, the Program Administrator or Program Director shall send written notice of the incident to the student's parents or guardians, unless the parent or guardian has provided ESU #13 a written waiver of this requirement for notification. The parent or guardian shall be informed of the date of the incident, a description of the intervention (physical restraint or seclusion) used, and who at the school may be contacted for further information.

Evaluation. An evaluation shall be conducted whenever a physical restraint exceeds 15 minutes or results in physical injury, whenever a seclusion exceeds 30 minutes, or use of physical restraint or seclusion is repeated with an individual student during any three-hour period:

- A certified staff person trained in the use of physical restraint, or knowledgeable about the use of seclusion, as applicable, shall evaluate the situation.
- The evaluation shall consider the appropriateness of continuing the procedure in use, including the student’s potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
- The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student’s temporary student record.

Legal Reference:	
Date of Adoption:	December 15, 2020

D. Suspension, Removal, More Restrictive Placement and Other Disciplinary Circumstances for Students Receiving Services from ESU #13

This policy is being adopted on the recognition that the law distinguishes verified special education students from those who are not so verified. Likewise, this policy is being developed out of the recognition that ESU #13 is a contract provider of services whether by sending personnel to the various ESU #13 area schools or whether by or through its own programs and schools providing full or partial service to students on behalf of districts with whom it is contracted. Therefore, ESU #13 has an obligation—for its part and for any children over whom it has exclusive control or for whom any school district served by contract has agreed with ESU #13 to be governed by its policies pertaining to student discipline and appropriateness of educative placement to afford all rights required under applicable laws, regulations and respective Board policies of ESU #13 and the school districts involved by contract with any student served as hereinabove enumerated—to act in a legal and consistent manner on the part of such children.

It shall also be the policy of ESU #13 by the enactment of this policy to notify the school districts it serves of ESU #13 policy pertaining to student disciplinary matters as herein enumerated and to encourage all of the school districts it serves by whatever method the Program Administrator or Program Director deems appropriate to coordinate their efforts with those of ESU #13 in assuring that all applicable statutes, regulations, and district or ESU #13 policies are complied with, and to reasonably assure that the contracts between ESU #13 and the schools served enumerate the respective responsibilities of the district and ESU #13 when policies are adhered to by the schools served and to contrast ESU #13’s responsibility when such policies are not followed by the contracting districts.

1. In recognition that certain children served by contracts with ESU #13 personnel are neither verified nor certifiable as special education students who engage in conduct contrary to the policies or rules governing student conduct of any schools served or where not applicable by any rules of conduct enumerated in State Statutes or Board policies of ESU #13, such student shall be dealt with in accordance and under the

procedures provided by State Statute 79-255, *et. seq.*, as such statute may be from time to time amended.

2. As to all students who are served in programs of ESU #13 and which students are verified or certified as individuals with disabilities under any recognizable disability described by any applicable statute or regulation and as to all students who are served by any ESU #13 employee in any school which a student is verified or certified as having a disability recognized under any applicable statute or regulation, the procedure for determining the appropriate disciplinary method shall be as follows:

a. When any infraction of any applicable rule or regulation of student conduct or any statute declaring such conduct to be unlawful or contrary to law constitutes grounds for disciplinary action by any such statute, regulation or policy, the school district where applicable and ESU #13 may suspend the student for up to ten (10) consecutive days. If a suspension results in a cumulative total of more than ten (10) days of suspension in a school year, all due process and other procedural requirements of 92, NAC 51 shall apply. Prior to any suspension, notice of such suspension shall be sent within twenty-four (24) hours by certified or registered mail or by hand delivery to the caretaker and where applicable to the administrator or director of the school involved. If the student is eighteen (18) years of age or older, notice shall also be sent to the student.

b. Emergency exclusion or removal of individuals with disabilities

If, in the opinion of Program Administrator or Program Director, a student is found to present a danger to others or to their property or if he/she presents a danger of an ongoing threat to the disruption of the academic processes of others or if he/she presents a physical danger to himself, such student may be without notice excluded for the duration of the emergency situation. Within twenty-four (24) hours of the student's emergency exclusion, the Program Administrator or Program Director shall provide written notice to the parent and/or guardian and to the student if over the age of eighteen (18). The notice shall set forth the charges and the time, date, and place of the IEP meeting specifying the purpose and the participants in such meeting and request the parent and/or guardian and if appropriate the student to attend the IEP meeting. Such notice of emergency exclusion may be delivered by registered or certified mail, return receipt requested or by personal delivery by the administrator or director to the caretaker and student when applicable.

An IEP team meeting shall be convened if possible within the exclusionary period and shall be conducted in accordance with all standard procedures as established in 92, NAC 51 or other applicable rule(s).

The IEP team shall review the student's program and shall determine if the disability is a precipitating factor of the inappropriate or prohibited behavior. That decision shall be recorded on the IEP and that information shall be used, if necessary, to revise the student's IEP to reflect the need for the use of exclusion as a disciplinary tool or management strategy, to modify the educational program if required, to change the educational placement of the student if appropriate or to indicate that the disability is not a precipitating factor, and to serve as a basis for notifying the student's parent and/or guardian or reaffirming to them if they have already been so notified that the student is expected to behave in accordance with the rules established in the school district's code of conduct or where applicable in accordance with the guidelines of student conduct as set forth within the program operated by ESU #13. The parents shall be notified of the IEP team's decisions if they have not participated in the IEP team meeting, such notice to be sent by registered or certified mail or by personal delivery by the administrator or director.

The attending teacher or certified ESU #13 employee shall notify the Program Administrator or Program Director of such person of all emergency exclusions within twenty-four (24) hours by forwarding a copy of such fact.

3. Prohibition against long-term suspension and expulsion of individuals with disabilities and requirement to follow procedural safeguards when any change in placement occurs

ESU #13 recognizes that long-term suspensions and expulsions of individuals with disabilities as the terms long-term suspension and expulsion are defined in state statutes pertaining to non-disabled students have been defined by numerous federal court decisions to constitute a change in placement. ESU #13 also recognizes that with a change comes a legal obligation to provide certain procedural due process rights to the student before any change in placement occurs. ESU #13 further recognizes that a series of short-term suspensions may become a long-term suspension or deemed a change of placement pursuant to 92 NAC 51, and for that reason one short-term suspension shall be limited to a cumulative total of ten (10) days or less in a single school year unless additional days are authorized by state or federal law or regulation. ESU #13 further recognizes that the federal regulations pertaining to individuals with disabilities provides a hierarchy of restrictive placement such hierarchy being as follows:

- a. a regular classroom in a regular school
- b. a special classroom in a regular school
- c. a special school
- d. a homebound program
- e. an institutional placement

When in the judgment of the IEP team the behavior of a student becomes so inappropriate, disruptive or violative of any regulation or policy pertaining to the operation of a service, school, program or other kind of educational service that the student's ongoing participation in his present placement will be inappropriate for him and violative of the rights of other participants, then an IEP meeting shall be convened to determine what manner of more restrictive placement would be reasonably calculated to provide an appropriate education for the student in question. The student, subject to any emergency removal or exclusion for the protection of himself/herself or other students, shall remain in the placement designated in the IEP at the time the behavior of such student becomes inappropriate until such time as an agreement with the caretaker, the school district, and ESU #13 can be reached about a change in placement or until the issue of the appropriate placement has been litigated through all appropriate procedures. Under no condition, solely within the control of ESU #13, shall the total cessation of educational services to any student for whom ESU #13 is responsible be permitted to occur. In the event that due to circumstances beyond the reasonable control of ESU #13 to notify any other applicable agency or school district with which it is contracted that any litigation resulting from any cessation of service occurring contrary to the judgment of ESU #13, to withdraw the services and personnel of ESU #13, and to immediately notify such school district or other agency that as a result of such action contrary to ESU #13's policy that ESU #13 will assume no further responsibility of whatsoever nature for any consequences whether legal or otherwise occurring as a result of such cessation of such services.

4. Notwithstanding any other section of this policy, school personnel may order a change in placement of a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than forty-five (45) days if:
 - a. the child carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or a local educational agency; or
 - b. the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.

E. Removal of Students and Interviews of Students

It shall be the policy of ESU #13 to follow the policy of the school in which each individual student is enrolled with respect to the removal of students and interviews of ESU #13. In the absence of such a school policy, or when the school policy has not been provided to ESU #13, the following procedures shall be used.

1. Removal of Students by Law Enforcement Officials

In dealing with law enforcement officials, ESU #13 employees are not to obstruct government operations or unreasonably refuse or fail to aid a peace officer, but are also to attempt to prevent undue interference with ESU #13 operations or educational programming.

A peace officer may in the line of duty require a student to accompany him for questioning or detention, either with or without an arrest warrant. A peace officer has the lawful authority to take immediate temporary custody of children under the age of 18 without a warrant or order of the court (1) when, in the presence of the officer, the juvenile has violated a state law or a municipal ordinance; (2) when a felony has been committed and the officer has reasonable grounds to believe the juvenile committed it; (3) when such juvenile is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the juvenile's protection; or (4) when there are reasonable grounds to believe that the juvenile has run away from his or her parent, guardian, or custodian. A probation officer assigned to a student by a court also has the statutory authority to arrest a student in certain circumstances and that power is similar to the power granted to a peace officer by law.

If a peace officer or probation officer requests custody of a student who is at that time under the control and jurisdiction of ESU #13:

- a. The student should be released after appropriate measures are taken and documented to ensure that the officer has the authority to take the student.
- b. Upon releasing the student, the school in which the student is enrolled has a statutory responsibility to inform the student's parent or guardian of the removal. To assist the school in meeting this responsibility, the ESU #13 employee who has released the student shall contact an appropriate administrator or director of the school in which the student is enrolled. The Program Administrator or Program Director shall be informed of any circumstances that warrant a delay in immediately contacting the parent or guardian, such as information which suggests that immediate notification could interfere with the peace officer's performance of duties or create a dangerous situation for the student or peace officer.

In some instances there may be orders for custody of a student served by the FBI, a federal marshal, a postal inspector, another federal officer, state official, or officers from outside the jurisdiction of ESU #13. While these officers may have authority to arrest and remove students, local law enforcement should be contacted and requested to participate in or monitor the removal.

A student should not be released to a private detective or “special police officer” who is not an officer of a Nebraska political subdivision or an officer of some agency of the federal government without consent of the student’s parent, guardian or custodian.

2. Interviews of Students by Law Enforcement Officials

Unless a student is placed under arrest, a peace officer or probation officer will not be permitted to remove a student from the control and jurisdiction of ESU #13 for questioning unless permission of the student’s parent, guardian or custodian is obtained. Law enforcement officers should be urged to contact students outside the instructional day and off ESU #13 premises whenever possible. Questioning or interview of students on ESU #13 premises should only take place pursuant to the following guidelines:

- a. If an interview of a student is requested during school hours concerning an ongoing investigation of a crime not related to ESU #13, questioning should not take place until the student’s parent, guardian or custodian has been contacted, either by ESU #13 or by an appropriate administrator or director of the school in which the student is enrolled, and permission is given for such interview. The consent should be documented. The presence of an ESU #13 employee during the interview is not necessary.
- b. If an investigator represents that an interview is necessary to collect information concerning an allegation of child abuse or neglect or an offense involving a family relation and it is clear that obtaining parental consent for the interview would be impossible or counter-productive, the interview may be conducted on ESU #13 premises without such consent. In these situations, an employee of ESU #13 or the school in which the student is enrolled should be present during the interview to ensure that the interview relates only to those matters specified by the law enforcement official.
- c. If the investigation relates to an incident which took place on ESU #13 school premises or during instructional time, it is not necessary to obtain parental consent for an interview. In these situations, an employee of ESU #13 or the school in which the student is enrolled should be present during the interview to ensure that the interview relates only to the incident which took place on ESU #13 or school premises or during instructional time or something which is directly related thereto.
- d. A probation officer assigned to a student by a court may be allowed the opportunity, on request, to interview a student on ESU #13 premises free from the observation of other children or individuals. In such situations, it is neither necessary nor desirable that an ESU #13 employee be present during the interview. It also is not necessary to obtain the consent of the parent, guardian, or custodian for the interview.

3. Disclosure of Student Records

ESU #13 employees shall not, in the course of dealing with a peace officer or probation officer, disclose any confidential student records or information from such student records other than in response to a court order or subpoena or as otherwise authorized by state law and the Family Educational Rights and Privacy Act (FERPA).

4. Interviews of Students by Persons other than Law Enforcement Officials

Any person other than an employee or agent of ESU #13 or of the school in which the student is enrolled who comes to ESU #13 premises to interview a student or remove a student prior to the end of the student's instructional day must obtain permission of the Program Administrator or Program Director.

Permission to remove is not to be granted unless authorized by the student's parent, guardian or custodian or a person authorized by the student's parent, guardian or custodian.

Permission to interview is not to be granted unless that person has a clearly valid and proper reason and such is not disruptive to ESU #13 operations or the student's educational program. Ordinarily such contacts shall be restricted to the student's parent, guardian or custodian or a friend of the family when an emergency or other similar circumstance exists.

Legal Reference:	§ 43-248; § 43-418; § 79-294 § 79-2,104 (student records) 20 U.S.C. 1232g (FERPA)
Date of Adoption:	December 15, 2020

F. Pregnant and Parenting Students

ESU #13 recognizes that pregnant and parenting students have the right and responsibility to attend school. This attendance right and responsibility applies to students regardless of their marital or parental status. Further, ESU #13 will educate pregnant and parenting students and will provide reasonable accommodations to support and encourage all pregnant and parenting students to obtain their high school diploma. No student will be excluded from, denied the benefit of, or discriminated against under any educational program or activity because of pregnancy or parent responsibilities.

1. Attendance and Leave of Absences

Pregnant and parenting students will be permitted to attend to their own health care, their child's medical care or other pregnancy-or parenting-related appointments with the benefit of having any such absences or tardiness excused.

A student will be permitted to take a leave of absence for pregnancy, childbirth, and any other pre-and post-natal related medical needs, along with recovery therefrom for the duration that is deemed medically necessary by the student's licensed health care provider. At the conclusion of the leave of absence, a student will be immediately enrolled at ESU #13 at the same grade and status as when the leave began. Pregnant and parenting students shall be allowed to participate in all activities including extracurricular activities throughout the student's pregnancy and thereafter unless ESU #13 deems such participation poses a substantial risk of injury to the student or to others. A pregnant and parenting student may be asked to obtain certification from the student's licensed healthcare provider regarding the student's safe participation in an extracurricular activity when such certification is required of students for other conditions which require the attention of a licensed healthcare provider.

Any absences accumulated due to pregnancy or pregnancy-related conditions, or care for an ill child, should not count towards ESU #13 policies in effect under compulsory attendance requirements. Pregnant and parenting students with excused absences or tardiness shall be treated like all other students with excused absences or tardiness for any other medical reasons.

Pregnant and parenting students will be provided with assignments, classwork and any additional support needed to ensure that the student can keep up with class requirements due to absences related to pregnancy or parenting.

2. Alternative Means to Complete Course Work

ESU #13 will provide at least one alternate method, in addition to traditional classroom instruction, to keep pregnant and parenting students in school. Such accommodation(s) may include accessing coursework online, home-based independent study, or at-home tutoring. Alternative methods of instruction or other alternative program for pregnant and parenting students are voluntary for the student who may elect whether to engage in an alternative method of instruction or the traditional methods of instruction available to their peers. Pregnant and parenting students shall be allowed to attend their regular classrooms and complete regular coursework.

3. Lactation

ESU #13 will provide reasonable time and space to accommodate lactating students to express breast milk or breastfeed during the school day. Such accommodations will be in a location, other than a bathroom or closet that is private, clean, has an electrical outlet, a chair and is reasonably accessible. Students shall also be provided a food safe refrigerator to store breast milk safely.

4. Child Care

A list of qualified licensed child care providers will be provided upon request to pregnant or parenting students. Such list will be updated annually and include providers that participate in the quality rating and improvement system and meet all of the quality rating criteria for at least a step-three rating pursuant to the Step Up to Quality Child Care Act. Nothing in this policy is intended to prohibit or limit any referral for a student or a student's child to an early head start program or any other available community resources.

5. Privacy and Confidentiality

Pregnant and parenting students have the right to have their health and personal information kept confidential in accordance with law. ESU #13 staff will make every effort to keep personal information and health records confidential and in compliance with Nebraska and federal law.

Information about students' pregnancies and related conditions will not appear in their cumulative records and will not be used when they are being considered for education or job opportunities, awards or scholarships.

6. Other Accommodations

Pregnant and parenting students may request additional reasonable accommodations to ensure continued participation and enrollment in ESU #13. Accommodation requests will be evaluated on a case-by-case basis. Such accommodations may include but are not limited to: additional frequency allowed for bathroom breaks, additional time allowed in between class periods, a larger desk or additional work space, and adjustments to requirements for physical education as needed. Students seeking additional reasonable accommodation should make such requests to the program director.

7. Bullying and Harassment

Pregnant and parenting students have the same rights as other students to be free from discrimination, bullying and harassment. Such ESU #13 policies are incorporated herein and apply to all students.

8. Policy Dissemination

This policy will be available at the beginning of each school year on the ESU #13 website and will be incorporated in the Student Handbooks.