

## SERVICES TO SCHOOLS AND CHILDREN

### Section 4     Student Conduct

#### A.     Student Conduct Rules

Students are to be held responsible for compliance with the student conduct rules of the school district in which they are enrolled. ESU #13 employees shall report conduct violations to the responsible Program Administrator or Program Director of such school as appropriate for disciplinary action, subject to the student’s IEP or 504 Plan.

The Administrator, Director, or designee is authorized to establish additional conduct rules for students while participating in ESU #13 programs and such conduct rules, when approved by the Board, shall have the effect of Board-approved policy.

Legal Reference:	
Date of Adoption:	December 15, 2020

#### B.     Searches, Seizures and Arrests

ESU #13 property is held in public trust by the Board. ESU #13 authorities may, without a search warrant, search students, protected student areas, or vehicles driven by students parked on ESU #13 property based on a reasonable and definable suspicion that an ESU #13 policy, rule, regulation or law has been violated.

The search shall be in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees and visitors to the ESU #13 facilities. The furnishing of a locker, desk or other facility or space owned by ESU #13 and provided as a courtesy to a student, even if the student provides the lock for it, shall not create a protected student area and shall not give rise to an expectation of privacy with respect to the locker, desk or other facility.

ESU #13 authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons and stolen property. Such items are not to be possessed by a student while they are on ESU #13 property or on property within the jurisdiction of ESU #13; while on ESU #13 owned and/or operated transportation; while attending or engaged in ESU #13 activities; and while away from ESU #13 grounds if misconduct will directly affect the good order, efficient management and welfare of ESU #13.

Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The Board believes that illegal, unauthorized or contraband materials may cause materials and substantial disruption to the school

environment or presents a threat to the health and safety of students, employees, or visitors on the ESU #13 premises or property within the jurisdiction of ESU #13.

The Program Administrator or Program Directors may release a minor student into the custody of a law enforcement officer upon presentation of a court order or warrant for the student’s arrest, or to remove a student from the ESU #13 premises if the officer or Program Administrator or Program Director have reason to believe that the student has violated the law.

The Program Administrator, Program Director, or designee will immediately attempt to notify the parent/guardian or responsible relative of the student’s removal from the ESU #13 premises and the place to which the student is reportedly taken, except in cases of child abuse.

The appropriate Program Administrator or Program Director of the school in which the student is enrolled is to be notified when items are discovered that would warrant discipline of the student under the school’s student code of conduct.

Legal Reference:	
Date of Adoption:	December 15, 2020

C. Anti-Bullying

One of the missions of ESU #13 is to provide a physically safe and emotionally secure environment for students and staff.

The administration and staff are to implement strategies and practices to reinforce and encourage positive behaviors by students. Positive behaviors include non-violence, cooperation, teamwork, understanding, and acceptance of others.

The Program Administrator, Program Director, and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including anti-bullying education for all students. Inappropriate behaviors include bullying, intimidation, and harassment. Bullying means any ongoing pattern of physical, verbal, or electronic abuse in areas within the control or jurisdiction of ESU #13.

Legal Reference:	Nebraska Statutes: § 79-2,#137 §§79-254 to 79-296 (Student Discipline Act) NDE February 2003 State Board Action; Reaffirmed December 2005
Date of Adoption:	December 15, 2020

D. Dating Violence Prevention – Student

ESU #13 is to provide a physically safe and emotionally secure environment for all students and staff. Positive behaviors are encouraged in the educational program and are required of all students and staff. Inappropriate behaviors, including but not limited to dating violence will not be tolerated and must be avoided by all students and staff.

Pursuant to Section 79-2, 140, the Legislature has defined (a) “dating violence” to mean a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal, or emotional abuse to control his or her dating partner; and (b) “dating partner” to mean any person, regardless of gender, involved in an intimate relationship with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or long-term.

Strategies and practices are implemented to reinforce positive behaviors and to discourage and protect others from inappropriate behaviors. Dating violence training, as defined by Section 79-2, 141(4), shall be provided to staff deemed appropriate by the administration. The Administrator, Director, or designee will be responsible for reviewing the ESU’s Student Code of Conduct to ensure that this policy is reflected therein.

Legal Reference:	Nebraska Statutes: §79-2, #140; 79-2, 141(4)
Date of Adoption: Updated:	December 15, 2020

E. Weapons

The Board of ESU #13 believes weapons and other dangerous objects and look-a-likes in ESU #13 facilities can cause material and substantial disruption to the ESU #13 environment or present a threat to the health and safety of students, employees and visitors on ESU #13 premises or property within the jurisdiction of the ESU #13.

Weapons and other dangerous objects and look-a-likes shall be taken from students and others who bring them onto the ESU #13 property or onto property within the jurisdiction of ESU #13 or from students who are within the control of the ESU #13. For purposes of this policy, the term “dangerous object” includes any personal safety or security device (such as tasers, mace and pepper spray). This prohibition includes persons with a permit to carry a concealed handgun. Possession of a weapon includes, without limitation, a weapon in a person’s personal possession or control, including a weapon in a desk, locker, backpack or purse. A person who is uncertain as to what constitutes a “dangerous object” under this policy is strongly encouraged to contact the Program Administrator or the Program Director in advance of such person bringing the item onto ESU #13 property. Any person found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

Parents of students found to possess weapons or dangerous objects or look-a-likes on ESU #13 property shall be notified of the incident. Confiscation of weapons or dangerous objects shall be reported to the law enforcement officials, and students will be subject to disciplinary action including suspension or expulsion.

Students bringing firearms to ESU #13 or knowingly possessing firearms at the ESU #13 may be expelled for a period of not less than one year. Students bringing to ESU #13 or possessing dangerous weapons, including firearms, will be referred to law enforcement authorities. The

Program Administrator or Program Director shall have the authority to recommend this expulsion requirement be modified for students on a case-by-case basis.

Weapons under the control of law enforcement officials shall be exempt from this policy. Firearms also may be possessed by a person for the purpose of using them, with the approval of ESU #13, in a historical reenactment, in a hunter education program, or as part of an honor guard. The Program Administrator or Program Director may allow authorized persons to display weapons or other dangerous objects or look-a-likes for educational purposes. Such a display shall also be exempt from this policy.

Legal Reference:	
Date of Adoption: Updated:	December 15, 2020

F. Tobacco

The use of tobacco products is prohibited in all buildings and all vehicles owned or under the control of ESU #13. Smoking is also prohibited in any outdoor areas where others may be affected by smoke, including areas near the entry of buildings.

For purposes of this policy, tobacco means any tobacco product (including but not limited to cigarettes, cigars, and chewing tobacco), vapor products (including electronic nicotine delivery systems), alternative nicotine products, tobacco product look-alikes, and products intended to replicate tobacco products either by appearance or effect. This does not preclude adults from wearing non-visible nicotine patches, or using nicotine gum without displaying the product container, as part of a smoking cessation program.

Legal Reference:	
Date of Adoption: Updated:	December 15, 2020

G. Visitors to ESU #13

The ESU #13 Board encourages parents and other district citizens to visit ESU #13 programs and classrooms at any time to observe the work of students, teachers and other employees. All visitors, which includes persons other than employees or students, must notify the Program Administrator or Program Director of their presence in the facility upon arrival and request authorization to visit elsewhere in the building.

Persons who wish to visit a classroom while ESU #13 is in session are asked to notify the Program Administrator or Program Director and obtain approval prior to the visit so appropriate arrangements can be made and so class disruption can be minimized. Teachers and other employees shall not take time from their duties to discuss matters with visitors.

Visitors shall conduct themselves in a manner fitting to their age level and maturity and with mutual respect and consideration for the rights of others while attending ESU #13 events. Visitors

failing to conduct themselves accordingly may be asked to leave the premises. The Board, Administration and Directors will not tolerate any person or persons whose presence disturbs classes or ESU #13 activities or hinders the instructional process. Children who wish to visit ESU #13 must be accompanied by a parent or responsible adult.

It shall be the responsibility of employees to report inappropriate conduct. It shall be the responsibility of the Program Administrator and Program Directors to take the action necessary to cease the inappropriate conduct. If the Program Administrator or Program Director is not available, an ESU #13 employee shall act to cease the inappropriate conduct.

The Board discourages using ESU #13 as a site for parents without custody to visit their children. The onsite supervisor may deny the parent without custody the opportunity to deliver packages, gifts, messages, etc., to the child and/or to see the child during the program day without the approval of the custodial parent or legal guardian. In this paragraph, "without custody" means the parent lacks joint legal custody under Nebraska law.

ESU #13 may restrict the use of its buildings and grounds or restrict access to ESU #13 property by issuing no trespassing commands and/or stay away/ no trespassing letters when deemed necessary by the Program Administrator or Program Director when any individual or group:

1. is determined to present a risk to the safety of others
2. presents a disruption to the learning environment
3. fails to follow proper check-in and identification procedures
4. does not have a legitimate purpose to be present on ESU #13 grounds or activities

In the event a person prohibited by this or other board policies is on ESU #13 property or is attending an ESU #13 sponsored event, the Program Administrator or Program Director will tell the person he or she must leave and will notify the person they are not permitted back on ESU #13 property, except if their presence is required by the ESU #13. The Program Administrator or Program Director may contact the proper legal authorities if necessary to enforce this policy and may file a report or sign a complaint on behalf of ESU #13.

Legal Reference:	
Date of Adoption: Updated:	December 15, 2020