

**Omaha Public Schools**

# Student Code of Conduct

**2023-2024 School Year**

*Every student.  
Every day.  
Prepared for  
SUCCESS.*



**Parent(s)/Guardian(s)  
and Students**

We ask that you take time to sit down together and read through these guidelines.

Please note the behaviors that may result in an administrative response.

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## **Multi-Tiered Systems of Support for Behavior (MTSS-B) is being implemented in all Omaha Public Schools and Programs.**

The Omaha Public Schools (OPS) implements Multi-Tiered Systems of Support for Behavior (MTSS-B) to promote student use of positive behavior. Through this framework, OPS has committed to providing staff with tools and resources to positively engage students and families through implementation of school-wide positive behavior interventions. These practices are designed to support safe and encouraging learning environments.

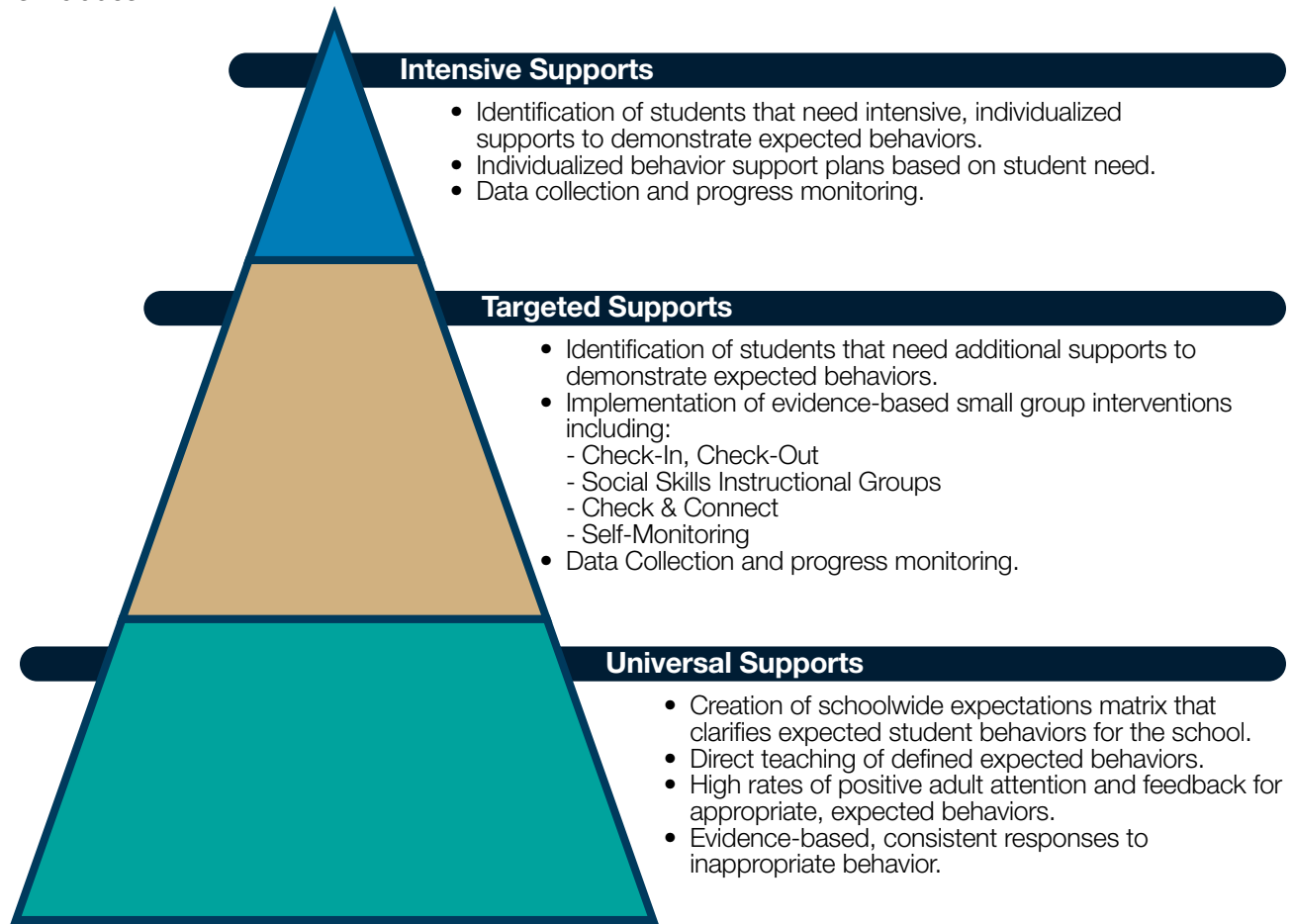
We believe that we cannot “make” students learn or behave. But we can create environments to increase the likelihood of positive behaviors occurring.

MTSS-B is a research-based, highly effective behavioral framework that is designed for teaching and reinforcing students’ social, emotional, and academic learning skills in order to sustain academic achievement and support the social, emotional, and behavioral well-being of students. Consistent implementation of MTSS-B leads to:

- Improved school climate;
- Reductions in major disciplinary infractions;
- Improved academic achievement;
- Improved concentration, positive social behavior, and emotional regulation.

OPS is committed to supporting students through behavior interventions and alternatives to exclusionary practices that require removal from the educational setting where the safety of the student and/or others is not of immediate concern.

MTSS-B utilizes consistent practices that have tiers of increasingly intensive supports, and in our schools, this includes:



## Social Emotional Learning (SEL)

In addition to MTSS-B, Omaha Public Schools continues to support Social Emotional Learning (SEL) development through curriculum, strategies, and resources. SEL is defined by the Collaborative of Academic Social Emotional Learning (CASEL) as the process through which all young people and adults acquire and apply the knowledge, skills, and attitudes to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make responsible and caring decisions.

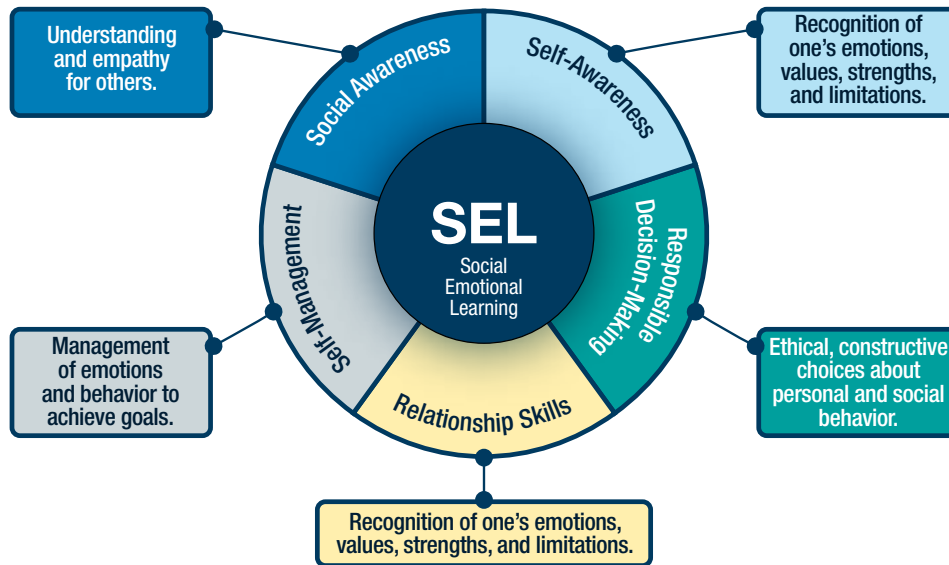
Within the Omaha Public Schools, our goal is to focus on CASEL's five SEL competencies:

- Self-Awareness
- Self-Management
- Social Awareness
- Relationship Skills
- Responsible Decision-Making

SEL promotes knowledge, skills, and attitudes that support lifelong success and advance educational equity and excellence.

### How do MTSS-B and SEL Align in all Omaha Public Schools and Programs?

MTSS-B and SEL are frameworks that work together to provide an ethic of care for students and promote success in students' academics, behavior, attendance, and overall well-being. Combined they create positive learning environments where students and staff are equipped with resources and skills for successful school communities.



If you would like more information about how MTSS-B and SEL are implemented in your school, contact the building principal.

## ***Expectations for Stakeholders***

### **The Student Is Expected to:**

1. Behave in a Respectful, Responsible, and Safe manner;
2. Abide by expectations, guidelines, rules and regulations established by the School and District;
3. Attend school daily on time; and
4. Adhere to a high personal standard of academic effort and achievement.

### **The Parent(s)/Guardian(s) Are Expected to:**

1. Set an example of respecting the worth of other persons;
2. Review school expectations, guidelines, rules and regulations with student and family members;
3. Collaborate with school officials;
4. Seek help from school and community agencies when necessary to support a student's achievement;
5. Inform school officials of concerns relative to student needs; and
6. Make sure the student attends school daily on time.

### **The Teacher is Expected to:**

1. Treat each child with dignity and respect;
2. Teach and positively reinforce the **Student Code of Conduct**;
3. Review the school expectations, procedures, and routines with students;
4. Establish and maintain an atmosphere of high achievement and appropriate behavior in the learning environment;
5. Communicate with students and parent(s)/guardian(s) regularly about student behavior and academic progress; and
6. Report frequent student misbehavior promptly to appropriate school personnel, and report immediately any misbehavior that will or may result in expulsion or suspension.

### **The Principal Is Expected to:**

1. Establish school expectations, procedures, and routines in conjunction with staff, school and district policy and procedures.
2. Communicate school expectations, procedures, and routines as well as the **Student Code of Conduct** to parent(s)/guardian(s), staff, and students;
3. Consistently enforce school expectations and the **Student Code of Conduct**; and
4. Collaborate with parent(s)/guardian(s), in conjunction with the teacher, regarding student behavior problems.

### **The Board of Education and Central Office Administration are Expected to:**

1. Establish school district policy relative to student behavior and discipline; and
2. Train and support school administrators in appropriate application of the **Student Code of Conduct**.

### **The Community Is Expected to:**

1. Maintain a standard of conduct for adults, youth, and children that fosters appropriate behavior;
2. Cooperate with and support the Board of Education and school personnel in the enforcement of the **Student Code of Conduct** and school expectations, procedures, and routines; and
3. Provide educational and recreational opportunities to allow for the development of appropriate student behavior.

**Omaha Public Schools**  
***STUDENT CODE OF CONDUCT***

The Board of Education believes school is an appropriate setting for all children and youth. The **Student Code of Conduct** is designed to support this concept by developing, through reasonable and consistent practices, appropriate student behavior patterns. Those behaviors and disciplinary actions set forth in the **Code** are designed to serve as learning experiences for students.

The **Student Code of Conduct** includes those behaviors having disciplinary actions and/or intervention strategies that shall be carried out by the school building administrators. The **Code** applies to conduct on school grounds, in remote learning environments, on Omaha Public Schools owned computers and digital devices, in a vehicle owned, leased or contracted by a school or the district being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or designee or at a school-sponsored activity or athletic event.

Compliance with the **Student Code of Conduct** is expected of all students. This **Student Code of Conduct** applies to all students attending the Omaha Public Schools. School administrators will consider student age and grade level among other factors when assigning disciplinary actions.





## Early Childhood Education Interventions & Responses

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

### Early Childhood Practices

One of the purposes of early childhood education is to assist students in developing appropriate social-emotional skills. For many students, this may be their first experience in a structured setting and they may need greater support in meeting social-emotional expectations. What may be perceived as inappropriate behavioral choices may be a deficit in executive functioning and self-regulation or could be due to toxic stress or an unmet need, e.g., hunger, sleep, feelings of safety and security. Young children need to practice, be taught and then practice self-regulation to develop memory, attention and self-control in environments where adults scaffold the child's practice of these skills. Social skill development must be embedded throughout the daily routine and throughout the entire school year to ensure generalization. The focus is on developing appropriate skills rather than punishing for inappropriate behaviors. According to Nebraska state statute, suspension from school is not an appropriate behavior intervention for early childhood students. Please contact the Early Childhood Coordinator for additional resources.

Early Childhood student interventions aim to teach alternative behavior, so students can learn and demonstrate safe, respectful and responsible behavior. Staff members are encouraged to try a variety of teaching and classroom management strategies which may include, but are not limited to:

- Collaborate with the student's family to discuss student strengths and strategies that are successful in the home environment and develop a communication system between home and school.
- Create and maintain stable relationships among students and staff.
- Develop social connections through play.
- Establish routines and predictability using visual schedules.
- Consistently use visual supports and modeling to teach social skills.
- Teach students how to cope with stress and self-regulate when they are overwhelmed.
- Teach students the appropriate language to meet their needs.
- Use positive language in a calm tone when redirecting students so they know what is expected, e.g., "please walk" rather than "don't run."
- Consistently reinforce the positive behaviors of the student, which will reduce the negative behaviors displayed.
- Consider sensory needs and strategies, e.g., fidget toys, alternative seating, options for quiet areas in the classroom, etc.
- Implement reinforcement systems for individual students or for the entire class.
- Collaborate with early childhood support staff, including Special Education, regarding strategies.
- Consult the building school psychologist for additional support.
- Schedule a SAT/IEP meeting to address concerns and strategies.
- Contact Kid Squad for classroom support and/or family support.
- Consider the MANDT Crisis Cycle for additional student support.
- Develop a behavior plan.

## Behavior Violations and Response Levels

The **Student Code of Conduct** is organized around descriptions of “levels” of behavior violations and “levels” of interventions and response. **Violations** are organized by categories ranging from classroom managed behaviors to more serious incidents that may require an administrative response. Applying a **Leveled Intervention and Response** to behavior violations supports a teaching and learning approach to managing behavior in our schools. School Administration considers the least restrictive resolutions to managing behavior violations.

When determining a resolution for a behavior violation of the **Student Code of Conduct**, school administration will consider:

- the age and experience of the student;
- the student’s intent;
- the severity of the circumstances;
- the impact of disruption to the school environment (including behavior after the initial incident);
- the repeated nature of the situation (if applicable); and
- other mitigating factors

Interventions that may be applied to address behavior are indicated in a chart on the page after the violation descriptions on the following pages. Interventions indicated are **response guidelines**, and school administration may apply a more or less severe resolution depending on the situation. Please note those violations that may result in an expulsion from school.

<p><b>Level 1</b> interventions aim to teach alternate behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.</p>	<p><b>Level 2</b> interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student’s skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.</p>
<p><b>Level 3</b> violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for suspension, a plan of support (ex. Intervention Plan, Student Assistance Team, Community Resources) should be considered.</p>	<p><b>Level 4</b> violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the mandatory reassignment or expulsion of a student to another school or to an alternative program that will provide additional structure to teach appropriate behavior.</p>

### Behavior Responses Guidelines for Grades PK-2

Except in situations where the student brings a weapon to school (see page 17-18 for the definition of a *Weapon*), elementary school staff shall not suspend the student in pre-kindergarten through 2nd grade.

Young children need to be taught and then practice self-regulation to develop memory, attention and self-control skills necessary for the learning environment. If a pre-K through second grade student must be removed from the classroom, they will work in the school with staff and resources to practice and develop skills to support a return to the classroom environment.

### Behavior Responses Guidelines for Grades 3-6

If an elementary student must be removed from the school environment, the following short-term suspension guidelines are recommended (per event):

- 3rd and 4th Grade: 3-day maximum
- 5th and 6th Grade: 4-day maximum

There may be circumstances when it is necessary and appropriate to exceed these guidelines. Final decisions regarding length of suspension will be made by the Principal. For students in grades K-6, expulsion will not be a consequence for a violation of the **Student Code of Conduct** except in cases of knowingly and intentionally possessing a firearm.

The **Student Code of Conduct** is a resource for teaching expectations and rules, rationales, and possible consequence for violations. It is designed with four levels of violations and for levels of administrative responses.



# LEVEL 1

## Interventions & Responses

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 1 interventions aim to teach alternative behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff members are encouraged to try a variety of teaching and classroom management strategies which may include, but are not limited to:

- Parent(s)/guardian(s) conference or contact made
- Parent(s)/guardian(s) accompany student to school
- Implementation of classroom Multi-Tiered Systems Support for Behavior (MTSS-B):
  - Expectations established and taught
  - Positive rapport/relationship
  - Re-teaching, prompting, feedback
  - Effective classroom supervision
- Verbal correction
- Collaborative Problem Solving
- Written reflection or apology
- Seat change
- Behavior card
- Functional Behavior Assessment (FBA)
- In-class time-out
- Establish Buddy Teacher/Classroom system
- Positive referral
- Loss of classroom privileges
- Teacher or student conference
- Detention
- Classroom contribution/service
- Skills Teaching/Social Emotional Learning
- Student Success Center (SSC)/Positive Action Center (PAC)

## Levelled Interventions and Responses

<p><b>Level 1</b> interventions aim to teach alternate behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.</p>	<p><b>Level 2</b> interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student’s skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.</p>
<p><b>Level 3</b> violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for suspension, a plan of support (ex. Intervention Plan, Student Assistance Team, Community Resources) should be considered.</p>	<p><b>Level 4</b> violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the mandatory reassignment or expulsion of a student to another school or to an alternative program that will provide additional structure to teach appropriate behavior.</p>

<b>Level 1 Violations</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Administrative Response</b>
<b>Cheating or Plagiarizing</b> Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests, and using the ideas or writings of another person	•	•			
<b>Classroom Disruption/Other Behavior Disruptive to the School Environment</b>	•	•			
<b>Disrespectful to Adults/Others</b> Using words or actions that are impolite or indicate a lack of respect or courtesy	•	•			
<b>Engaging in Verbal Conflict</b> Disrupting the school environment by engaging in a loud argument that includes disparaging comments or discussion of potential physical conflict	•	•			
<b>Excessive Tardies/Hall Sweep</b> Arriving late to class excessively, as determined by individual school procedures or is caught in the hallway by school staff after the tardy bell has rung	•	•			There will be no out-of-school suspension for attendance infractions; OPS attendance policy will be followed
<b>Failure to Serve Detention</b> Student does not serve an assigned detention, whether it is scheduled during the school day or after school hours	•	•			
<b>Misuse of Pass/Out of Area</b> Student is out of the assigned area during the school day, uses a hall pass in a way not intended by the issuer	•	•			
<b>Inappropriate Clothing</b> Words or images that promote alcohol, drug use, weapons, insult or demean others, or disrupt the school environment are not acceptable at school * also see Dress and Personal Appearance on page 22	•				
<b>Inappropriate Language</b> Using inappropriate words or topics of conversation in school	•				
<b>Insubordination/Non-Compliance with Behavioral Expectations</b> Failure to comply with the instructions of school staff when current behavior prevents success of the student or impacts learning	•	•	•		
<b>Parking, Unauthorized</b> Parking in an unauthorized area on school property	•				
<b>Truancy</b> Neither the family nor school officials know the student's whereabouts or the student is refusing to attend school or class	•	•			There will be no out-of-school suspension for attendance infractions; OPS attendance policy will be followed

For more information on Repeated Violations, see page 11, and a note regarding level of response, see page 3. Full definitions for all violations can be found in the Glossary, beginning on page 12.

## LEVEL 2

### Interventions & Responses

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 2 interventions often involve the family, support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experiences at school so that misbehavior is less likely to continue or escalate.

Short-term suspension may be applied due to the severity or chronic nature of an individual behavior. In cases of multiple infractions, an assistance plan such as a Behavior Intervention Plan (BIP) may be developed.

Interventions for Level 2 Violations may include, but are not limited to:

- Level 1 Interventions
- Parent(s)/guardian(s) collaboration [a parent(s)/guardian(s) meeting is a mandatory element of response to chronic Level 2 misbehavior]
- School or Community Counselor support
- Change in schedule or class
- House Call
- Behavior Interventionist support
- Consultation with School Psychologist
- Social Worker
- Mentoring
- Peer mediation
- Referral to School-based Health Centers
- After-school program
- Service to School/Service to Community
- Conflict resolution
- Loss of school privileges
- Temporary removal from the bus
- Revision of Individual Educational Plan (IEP)/504 Plan
- Referral to community agency
- Late School
- Saturday School
- School Transition Program
- Student Success Center (SSC)/Positive Action Center (PAC)
- Additional restorative practices that teach desired behaviors and repair the relationship

## Leveled Interventions and Responses

<p><b>Level 1</b> interventions aim to teach alternate behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.</p>	<p><b>Level 2</b> interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.</p>
<p><b>Level 3</b> violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for suspension, a plan of support (ex. Intervention Plan, Student Assistance Team, Community Resources) should be considered.</p>	<p><b>Level 4</b> violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the mandatory reassignment or expulsion of a student to another school or to an alternative program that will provide additional structure to teach appropriate behavior.</p>

<b>Level 2 Violations</b>	Level 1	Level 2	Level 3	Level 4	Administrative Response
<b>Absence or Tardiness, Excessive</b> In accordance with Student Attendance Policy 5008, school staff will intervene when a pattern of attendance emerges that is concerning or seems counter to the student's continued school success	•	•			There will be no out of school suspension for attendance infractions; OPS attendance policy will be followed
<b>Bus Misconduct</b> Activity on the bus which is unsafe; refusal to follow directions of the driver or aide	•	•			
<b>Careless Driving</b> Driving on school grounds carelessly or without due caution so as to endanger a person or property			•		
<b>Exposure to Bodily Fluid</b> Intentionally creating or attempting to create an exposure to bodily fluids, including but not limited to, spitting, throwing, wiping, or otherwise dispersing bodily fluids on or to another person for any reason			•	•	Law enforcement may be contacted
<b>Fighting, Less Serious</b> Mutual physical combat that does not result in injury or a substantial disruption to the school environment, other than the disruption of the fight itself		•	•		
<b>Misuse of Computers, Digital Devices, or Network</b> Creation or access of inappropriate material; vandalizing; gaining or attempting to gain unauthorized access; using computers, digital devices or networks for harassing or threatening or other non-educational purpose (see full definition in Glossary)	•	•	•		Law enforcement may be contacted
<b>Possession of Obscene or Pornographic Literature, Materials, or Electronic Images</b> The possessing, taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise			•	•	Law enforcement may be contacted
<b>Reckless Behavior</b> Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk, resulting in substantial disruption	•	•	•		
<b>Reckless Behavior Resulting in Personal Injury</b> Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk resulting in personal injury			•	•	•
<b>Refusal to Cooperate with School Administrative Staff</b> A student, who has already been sent to the office for misbehavior, continues to fail to comply with directions from staff			•	•	
<b>Tobacco and Vapor Devices, Use of</b> To include students found to be in use of tobacco, vapor devices or any product that may be used to distribute tobacco in any form, including the use of vapor products, electronic nicotine delivery systems, or alternative nicotine products while in the school building, on school grounds or at school activities * see Glossary, page 14		•	•		
<b>Trespassing</b> To enter or remain on any school district property or property where a school event is being held without authorization and with no legitimate purpose for entry			•	•	•
<b>Unauthorized Entry</b> Allowing or assisting any individual to enter a district building other than through the designated entrances or that breaches any method of established security			•	•	•
<b>Unauthorized Use of Camera, Video Device, Personal Device that Attaches to School/District Network, Cell Phone or Recording Device</b> Student use of cameras/video devices without explicit, prior written authorization of the principal is prohibited	•	•			
<b>Vulgarity/Profanity</b> Written or oral language that is disgusting and/or repulsive, but does not constitute harassment	•	•			

For more information on Repeated Violations, see page 11, and a note regarding level of response, see page 3. Full definitions for all violations can be found in the Glossary, beginning on page 12.

**LEVEL  
3**

**Interventions  
& Responses**

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 3 violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for short-term suspension, an assistance plan (Behavior Intervention Plan, Student Assistance Team) should be developed.

Interventions for Level 3 Violations may include, but not limited to:

- Interventions from all previous levels
- Parent(s)/guardian(s) collaboration [parent(s)/guardian(s) meeting may be required upon re-entry from a suspension]
- Plan of assistance (Behavior Intervention Plan, Student Assistance Team)
- Substance abuse screening
- Consult with Behavior Interventionist
- Credit recovery program
- Restitution
- Restorative Practices strategies, including school and community service
- Communication with law enforcement (as needed)

**Leveled Interventions and Responses**

<p><b>Level 1</b> interventions aim to teach alternate behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.</p>	<p><b>Level 2</b> interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student’s skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.</p>
<p><b>Level 3</b> violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for suspension, a plan of support (ex. Intervention Plan, Student Assistance Team, Community Resources) should be considered.</p>	<p><b>Level 4</b> violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the mandatory reassignment or expulsion of a student to another school or to an alternative program that will provide additional structure to teach appropriate behavior.</p>

Level 3 Violations	Level 1	Level 2	Level 3	Level 4	Administrative Response
<b>Assault, No Injury</b> Attempting to cause injury to another person, including staff; by knowingly and intentionally using force that places another person in reasonable apprehension of imminent personal injury		•	•		
<b>Bullying</b> Any intentional ongoing pattern of written or verbal expression, electronic abuse, physical acts, or gestures intended to cause distress/harm upon one or more students and includes an imbalance of power		•	•	•	OPS reporting and intervention procedures will be followed, as appropriate
<b>Damage to School, Staff or Student Property</b> Willfully or recklessly causing or attempting to cause damage		•	•		Restitution may be required, additional consequences may be applied if restitution is not made
<b>Drugs, Possession or Under the Influence</b> Drugs, alcoholic beverages, controlled or imitation controlled substances, or other mood-altering chemicals * See Glossary, page 15	•	•	•	•	Law enforcement may be contacted
<b>False Allegations Against Staff</b> Any knowingly or recklessly false allegation against a staff member, written, spoken or otherwise communicated which is harmful to the reputation of the staff member, or which may impede the ability of the staff member to perform assigned duties			•	•	•
<b>Fighting, Serious</b> Mutual physical combat that results in injury, creates a substantial disruption involving large numbers of students, and/or results in the potential for continued fighting * see Glossary, page 15				•	•
<b>Harassment</b> Any physical, verbal, graphic, electronic, or written material or behavior, which may be related, but not limited to a person's disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status which has the effect of creating an intimidating, hostile, or offensive school environment * see Glossary, page 16			•	•	•
<b>Sexual Harassment</b> Sexual harassment includes the unwelcome written, verbal, or physical conduct on the basis of sex, including gender identity and sexual orientation that creates an intimidating, hostile or offensive school environment * see Glossary, page 16			•	•	•
<b>Public Indecency</b> Behaviors described in Nebraska Statute 28-806 <b>except</b> that this violation shall apply only to students at least 12 years of age. For students under age 12, other violations may apply * see Glossary, page 16			•	•	•
<b>Theft</b> Stealing or attempting to steal property	•	•	•		Restitution may be required, additional consequences may be applied if restitution is not made
<b>Threats or Intimidation</b> Use or threat of violence, force, intimidation or similar conduct in a manner that constitutes a substantial interference with school purposes. Threats may include behavior, verbal, written and/or physical action			•	•	•
<b>Unlawful Activity</b> Engaging in any activity forbidden by state or federal law and not otherwise specifically included in this <b>Code</b> which creates potential danger in the school environment or interferes with school purposes			•	•	•

For more information on Repeated Violations, see page 11, and a note regarding level of response, see page 3. Full definitions for all violations can be found in the Glossary, beginning on page 12.



**LEVEL  
4  
Interventions  
& Responses**

This list of Interventions is not intended to be exhaustive, nor will every OPS school have access to each intervention listed. School staff will seek to implement the intervention(s) that seem to most effectively support positive behavior for the specific student under the specific circumstances.

Level 4 violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the reassignment of a student to another school or to an alternative program that will provide additional structure to teach appropriate behavior. These interventions focus on maintaining the safety of the school community and correcting self-destructive and dangerous behavior.

Long-term suspension may be applied when it is feasible to reintegrate the student back into the school environment. Reassignment may be applied when chronic misbehaviors are present and school staff have documented efforts to intervene and support acceptable behavior. Expulsion may be applied when the student's presence at school is deemed too dangerous or disruptive for staff to maintain a safe and positive climate.

Upon return to a traditional school setting after a reassignment or expulsion, the school staff will establish a plan of support, i.e., an Intervention Plan, for the student's ongoing success at school.

Interventions for Level 4 Violations may include, but not limited to:

- Interventions from all previous levels
- Parent(s)/guardian(s) notification
- Long-Term Suspension or Reassignment
- Expulsion
  - For student in grades K-6, expulsion will not be a consequence for a violation of the **Student Code of Conduct** except in cases of knowingly and intentionally possessing a firearm.
- Referral to IEP team (students with disabilities) for manifestation determination
- Alternative educational placement
  - High School (grades 9-12)
  - Middle School (grades 6-8)
- Communication with law enforcement (as needed)

**Leveled Interventions and Responses**

<p><b>Level 1</b> interventions aim to teach alternate behavior so students can learn and demonstrate safe, respectful and responsible behavior. Staff are encouraged to try a variety of teaching and classroom management strategies.</p>	<p><b>Level 2</b> interventions often involve support staff, both school-based and within the community, and/or the administrator. These interventions aim to increase the student's skills, positive view of schooling, and positive experience at school so that misbehavior is less likely to continue or escalate.</p>
<p><b>Level 3</b> violations may involve the short-term removal of a student from the school environment due to the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as possible while adequately addressing the behavior. In the case of repeated need for suspension, a plan of support (ex. Intervention Plan, Student Assistance Team, Community Resources) should be considered.</p>	<p><b>Level 4</b> violations have the potential to significantly impact the safety of the school environment. These violations may result in the removal of a student from the school environment due to the severity of the behavior. Such violations may involve the mandatory reassignment or expulsion of a student to another school or to an alternative program that will provide additional structure to teach appropriate behavior.</p>

<b>Level 4 Violations</b>	Level 1	Level 2	Level 3	Level 4	<b>Administrative Response</b>
<b>Arson</b> Intentionally setting or attempting to set a fire on or in school property		•	•	•	Contact Fire Investigator Conduct a threat assessment
<b>Assault with Injury (Intentional)</b> Assault of another person, including staff, when the student has knowingly and intentionally used force to cause personal injury			•	•	Law enforcement may be contacted
<b>False Alarm/Bomb Threat</b> Causing a substantial disruption to the school environment and/or placing students at risk by making a false report or activating an alarm		•	•	•	Law enforcement may be contacted
<b>Firearm</b> Knowing and intentional possession, use or transmission of a firearm as defined in 18 U.S. Code 921 (see firearm definition in Glossary page 17)					Per federal law, expulsion for one calendar year; law enforcement will be contacted Conduct a threat assessment
Selling, Distributing, Intent to Distribute, or Attempting to Distribute, Alcoholic Beverages, or a Controlled/ Imitation Controlled Substance			•	•	Law enforcement may be contacted
<b>Sexual Assault</b> Sexual Assault in the first or second degree as defined in Nebraska Statutes 28-319 thru 28-320.01 * see Glossary page 17				•	Mandatory reassignment away from the victim or expulsion/Contact law enforcement/Report to the OPS Title IX coordinator
<b>Weapon (other than firearm)</b> Knowing and intentional possession, handling, transmission, or use of any knife or dangerous weapon (see Glossary page 18 for listing and definition of a weapon)			•	•	Law enforcement may be contacted Conduct a threat assessment

For a note regarding level of response, see page 3.  
Full definitions for all violations can be found in the Glossary, beginning on page 12.

### Repeated Violations

Concerning a violation at any level, it may be relevant that the student has committed the same, or similar, violation multiple times during the same school year. In such a case, Repeated Violations may be added as a secondary violation. Repeated Violations will not be used as a primary violation or alone. There may be instances of repeated violations that warrant a higher level of response than indicated in this **Code**.

## Glossary

### Level 1 Violations

#### **Cheating or Plagiarizing**

Academic dishonesty including, but not limited to, copying the work of others on school assignments or tests, and using the ideas or writings of another person

#### **Classroom Disruption/Other Behavior Disruptive to the School Environment**

Behaving in such a way that interferes with teaching and learning

#### **Disrespectful to Adults/Others**

Using words or actions that indicate a lack of respect or courtesy

#### **Engaging in Verbal Conflict**

Disrupting the school environment by engaging in a loud argument that includes disparaging comments or discussion of potential physical conflict

#### **Excessive Tardies to Class/Hall Sweep**

Arriving late to class excessively, as determined by individual school procedures or caught in the hallway by school staff after the tardy bell has rang

#### **Failure to Serve Detention**

Student does not serve an assigned detention, whether it is scheduled during the school day or after school hours

#### **Misuse of Pass/Out of Area**

Student is out of the assigned area during the school day, uses a hall pass in a way not intended by the issuer

#### **Inappropriate Clothing**

Words or images that promote alcohol, drug use, weapons, insult or demean others, or disrupt the school environment are not acceptable at school

\* also see *Dress and Personal Appearance*, page 22

#### **Inappropriate Language**

Using inappropriate words or topics of conversation in school

#### **Insubordination/Non-Compliance with Behavioral Expectations**

Failure to comply with the instructions of school staff when current behavior prevents success of the student or impacts learning

#### **Parking, Unauthorized**

Parking in an unauthorized area on school property

#### **Truancy**

Neither the family nor school officials know the student's whereabouts or the student is refusing to attend school or class

### Level 2 Violations

#### **Absence or Tardiness, Excessive**

**Absences:** The District may report to the county attorney when the school has documented that efforts, as required by the collaborative plan, have not been successful in improving regular attendance, and the child has been absent more than twenty days per year. The school shall also provide notice to the parent(s)/guardian(s) prior to the referral to the county attorney. A referral cannot be made to the county attorney's office until at least 20 days of absence are accrued; however the school may involve the county attorney at any point in the process of addressing the student's absences. For additional information see the "Student Attendance Policy."

**Tardies:** Students who report to class after class has started or leave school before the end of the school day will have the total time missed calculated and will become an absence when it is equal to the length of the school day. Repeated tardiness will be reported to the parent(s)/guardian(s).

#### **Bus Misconduct**

Any offense committed by a student on a district owned, leased or contracted bus being used for a school purpose shall have the same level of Intervention or Response in the same manner as if the offense had been committed at

the student's assigned school; this will include activity on the bus which is unsafe and refusal to follow directions of the driver or aide. Also see "Behavior Rules for Students Receiving District-Provided Transportation" on page 21.

#### **Careless Driving**

Driving on school grounds carelessly or without due caution so as to endanger a person or property.

#### **Exposure to Bodily Fluids**

Intentionally creating or attempting to create an exposure to bodily fluids, including but not limited to, spitting, throwing, wiping, or otherwise dispersing bodily fluids on or to another person for any reason. Bodily fluids mean any naturally produced secretion or waste product generated by the human body and shall include, but not be limited to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal fluid, or feces.

#### **Fighting, Less Serious**

Mutual physical combat that does not result in injury or a substantial disruption to the school environment, other than the disruption of the fight itself; any fight, whether more serious or less serious, may be punished more severely if the students who are fighting do not stop fighting when a school employee orders them to stop

## Misuse of Computers, Digital Devices, or Network

The use of computers or digital devices, whether stand-alone or as a part of a local area network, or as part of a wide area network such as the Internet, is a privilege, not a right, and must be consistent with and driven by the educational objectives of the Omaha Public Schools. Any use that is inconsistent with these objectives is prohibited.

Computers and all associated networks, communication facilities, data storage and transfer devices, printers, scanners, peripherals, and other associated equipment or facilities (referred to as “computing facilities”) are owned by the school district. The school district exercises exclusive control over this school property, and students should not expect privacy regarding their use of any computing facilities because school district property is subject to search and inspection at any time by school officials. This search and inspection includes but is not limited to electronic mail, Internet access, network access, file storage and transfer, and any personal computing, communication, and data storage devices used in conjunction with the computing facilities. If the device is participating on the district network, it will fall under the acceptable use policy as well as the BYOD (Bring Your Own Device) guidelines defined by BYOD schools. Students are responsible for any use of computing facilities made by or through their account, regardless of whether at school or at home. Students are responsible for content contained in computer files assigned to them.

Students using computing facilities to access the Internet, an international computer network, are able to access computers and people all over the world. Sites exist on the Internet that contain illegal, indecent, defamatory, inaccurate, or offensive material. The Omaha Public Schools does not condone students’ access to unsuitable materials, and it maintains software designed to restrict student access to such materials. The Omaha Public Schools also recognizes that it cannot control the information on other computer systems and that it may not be physically possible to screen out all such inappropriate information and materials. All student Internet activities are subject to being monitored.

It is the primary responsibility of the parent(s)/guardian(s) to establish and convey the standards that their student should follow. In support of parent(s)/guardian(s) the Omaha Public Schools will enforce the minimum appropriate computer use standards set out below. If a student uses a computer or the Internet inappropriately, the student will be subject to the disciplinary actions previously stated.

Inappropriate use of computing facilities shall be defined as:

- The creation, display, access, transmission, reception, exchange or distribution of any text, image or sound that is indecent, obscene, racist, sexist, pervasively vulgar, defamatory, illegal, or that promotes harm to self or others or otherwise in violation of the Omaha Public Schools Internet Safety Policy.
- Using computing facilities to harass or threaten individuals or groups.
- Vandalizing computing facilities. This includes any **attempt to alter or destroy data of another or to endanger the integrity of a computer** or computer network or the data stored thereon (including the introduction of any virus, time bomb, trojan horse or the like), any deletion of or alteration to system files or data, and damaging equipment. The unauthorized examination or copying of files or data belonging to others is also defined as vandalism.
- Violating copyright law. This includes using unauthorized copies of software, music, photographs, movies or any other audiovisual or multimedia work and making, transmitting, receiving, exchanging and/or distributing such unauthorized copies. Violating copyright laws will be considered theft.
- Plagiarizing computer-based copyrighted materials in reports and assignments is also defined as inappropriate use.
- Gaining or attempting to “hack” or otherwise gain unauthorized access to computers, computer networks, or computer files or data. This includes, but is not limited to, exceeding the authority granted or attempting to evade security restrictions or software designed to prevent or monitor inappropriate access to the Internet or networks.
- Gaining or attempting to gain unauthorized access to a personal account or file of another individual.
- Forgery of or interference with electronic mail messages. This includes impersonation of another person while sending electronic messages, using a false or anonymous name, age, gender or identifier, and the reading, deleting, copying or modifying of any other person’s electronic messages.
- Using computers or computer networks to commit, facilitate, encourage or promote illegal acts.
- Using computers or computer networks to commit, facilitate, encourage or promote the unauthorized or fraudulent use of a credit card.
- Using computers or computer networks for a **non-educational purpose**, such as advertising, games, or commercial purposes, unless driven by learning objectives/educational objectives, etc. by the Omaha Public Schools.
- Giving a personal password to another individual or letting another individual use a personal account.
- Knowingly introducing materials forbidden by the Omaha Public Schools into the Omaha Public Schools computers and/or systems via any electronic storage media. This is defined as indecent, obscene, racist, sexist, pervasively vulgar, defamatory, offensive, or illegal material, or materials promoting harm to self or others.

Depending on the incident, Law Enforcement may be contacted.

### **Possession of Obscene or Pornographic Literature, Materials, or Electronic Images**

Students are prohibited from possessing pornographic or obscene books, magazines, pictures or material of any kind. The taking, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a crime under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be subject to the disciplinary procedures of the school district; and reported to law enforcement and/or other appropriate state or federal agencies, which may result in arrest, criminal prosecution, and lifetime inclusion on sexual offender registries.

### **Reckless Behavior**

Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk, resulting in substantial disruption.

### **Reckless Behavior Resulting in Personal Injury**

Recklessness involves the creation of an unjustifiable risk of harm to others and a conscious (and sometimes deliberate) disregard for or indifference to that risk resulting in personal injury. The term personal injury shall mean physical pain, illness, or any impairment of physical condition.

### **Refusal to Cooperate with School Administrative Staff**

A student, who has already been sent to the office for misbehavior, continues to fail to comply with directions from staff.

### **Tobacco and Vapor Devices, Use of**

To include students found to be in use of tobacco, vapor devices or any product that may be used to distribute tobacco in any form, including the use of vapor products, electronic nicotine delivery systems, or alternative nicotine

products while in the school building, or on school grounds or at school activities; the use of tobacco by students in the school or on school grounds or at school activities is forbidden; This practice is in accordance with state and city statutes that forbid minors to purchase and use tobacco and in accordance with directives from the Fire Department.

Please be aware that vaping substances other than tobacco may result in additional violations being applied that may merit a higher level of response.

Vapor devices have been shown to trigger building fire alarm systems. Please be aware that using vaping devices on campus may result in additional violations being applied. See **False Alarm/Bomb Threat**, page 16

### **Trespassing**

To enter or remain on any school district property or property where a school event is being held without authorization and with no legitimate purpose for entry. Law enforcement may be contacted.

### **Unauthorized Entry**

Allowing or assisting any individual to enter a district building other than through the designated entrances or that breaches any method of established security. Law enforcement may be contacted.

### **Unauthorized Use of Camera, Video Device, Personal Device that Attaches to School/District Network, Cell Phone or Recording Device**

Student use of cameras/video devices without consent from school staff is prohibited. The school accepts no responsibility for personal cellular telephones, and personal electronic communication devices present on campus. Refer to section: **Personal Cell Phone/Portable Device Guidelines for Students**.

### **Vulgarity/Profanity**

Written or oral language that is disgusting and/or repulsive, but does not constitute harassment.

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## **Level 3 Violations**

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### **Assault, No Injury**

Knowingly and intentionally using force and/or attempting to cause injury to school staff, volunteer, other person, or student; intentionally placing this person in reasonable apprehension of imminent personal injury. A student's intent may be inferred from the words and acts of the student.

### **Bullying**

Any intentional ongoing pattern of written or verbal expression, electronic abuse, physical acts, or gestures intended to cause distress/harm upon one or more students and includes an imbalance of power; see Nebraska Revised Statute 79-267 (79-2,137). Bullying on the basis of disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status constitutes a violation of the Board's

policies prohibiting unlawful discrimination or harassment. For support with discrimination claims please contact The Office of Equity and Diversity at 3215 Cuming St., Omaha, NE 68131 (531-299-0307) or [equityanddiversity@ops.org](mailto:equityanddiversity@ops.org).

### **Bullying Prevention Policy No. 5415**

One of the guiding principles of the Omaha Public Schools is safe, healthy, and engaged students.

The administration and staff are to implement strategies and practices to reinforce and support a positive school culture. This will encourage students to engage in positive behaviors including: empathy, cooperation, teamwork, problem solving and self-control.

The administration and staff are to implement strategies and practices to identify and prevent inappropriate



behaviors by all students, including bullying prevention education for all students. Inappropriate behaviors include bullying, intimidation, and harassment. Bullying means any ongoing pattern of physical, verbal, or electronic abuse on school grounds, in a vehicle owned, leased, or contracted by the school being used for a school purpose by a school employee or designee, or at school sponsored activities or school-sponsored athletic events. The school district shall review the bullying prevention policy annually.

### Forms of Bullying

- Physical Bullying – Hitting, kicking, hair pulling, pushing, or any physical aggression.
- Verbal Bullying- Teasing, name calling, put-downs, or other behavior that would deliberately hurt others' feelings.
- Sexual Bullying – Any bullying behavior, whether physical or non-physical, that on the basis of sex, including gender identity and sexual orientation (Please consult with Title IX Coordinator for the formal complain process).
- Emotional or Exclusion Bullying – Starting rumors, telling others not to be friends with someone, eye rolling, or other actions that would cause someone to be without friends or intentionally left out.
- Cyber-bullying – Using electronic devices such as computers, cell phones, and pagers to bully others through methods such as posting comments, statements, or pictures on blogs or websites, text messaging, instant messaging, and email.

### Rationale

The Nebraska State Legislature finds and declares that:

- (a.) Bullying disrupts a school's ability to educate students; and
- (b.) Bullying threatens public safety by creating an atmosphere in which such behavior can escalate into violence.

On or before July 1, 2009, each school district shall develop and adopt a policy concerning bullying prevention and education for all students. The school district shall review this policy annually.

### Damage to School, Staff, or Student Property

Willfully or recklessly causing or attempting to cause damage. Any student who willfully causes or assists in causing damage or attempts to cause damage in any way to any property, real or personal, is subject to disciplinary action. The parent(s)/guardian(s) shall also be liable to the School District for all property belonging to the School District, loaned to the student, which is returned to the District in damaged condition. Restitution may be required. Restitution is the act of offering repayment for goods or damage to property which could include, but is not limited to, monetary replacement, the offering of a similar item of value, or agreed upon alternative contribution to the individual or institution impacted.

### Drugs, Possession or Under the Influence

Drugs, alcoholic beverages, controlled or imitation controlled substances, or other mood-altering chemicals. Possession includes any knowing and voluntary having, taking, receiving or handling of drugs, alcoholic beverages or controlled/imitation controlled substances.

A student is considered to be under the influence when there is evidence the student has consumed an alcoholic beverage or a controlled/imitation controlled substance and there is an impairment of the student's ability to think and act correctly and efficiently.

Evidence of consumption may include the odor of alcohol on the student's breath, the odor of marijuana on the student's breath or person, other physical signs of consumption or the testimony of reliable witnesses that the student did consume alcohol or a controlled/imitation controlled substance prior to coming on to school grounds or on to a vehicle owned, leased or contracted by a school or the district being used for a school purpose or into a vehicle being driven for a school purpose by a school employee or by a designee or attending a school sponsored activity or athletic event.

Evidence of impairment of a student's ability to think and act correctly and efficiently may include rapid mood swings, vomiting, slurring of words, lack of motor control and balance, glassy eyes and difficulty in orienting to time and place.

The use of drugs, alcohol, controlled substance, imitation controlled substance or abuse of non-controlled substance in the school, on school grounds or at school activities is forbidden.

- Parent(s)/guardian(s) will be contacted and provided with school and community resources to support substance abuse.
- Repeated violations may increase the severity of the response to include a recommendation for a mandatory reassignment to another school or program.
- Law enforcement may be contacted.

\* Also see Tobacco, Alcohol, Drugs page 14.

### False Allegations Against Staff

Any knowingly or recklessly false allegation against a staff member, written, spoken or otherwise communicated which is harmful to the reputation of the staff member, or which may impede the ability of the staff member to perform assigned duties.

### Fighting, Serious

Mutual physical combat that results in injury, creates a substantial disruption involving large numbers of students, and/or results in the potential for continued fighting. Any fight, whether more serious or less serious, may be punished more severely if the students who are fighting do not stop fighting when a school employee orders them to stop. Citing that the student was defending themselves when responding with physical combat may not be considered a defense against a charge of **Fighting, Serious**



**Harassment**

Any physical, verbal, graphic, electronic, or written material, which may be related, but not limited to a person's disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status which has the effect of creating an intimidating, hostile, or offensive school environment. For support with harassment claims please contact The Office of Equity and Diversity at 3215 Cuming St., Omaha, NE 68131 (531-299-0307) or equityanddiversity@ops.org.

Examples of prohibited harassment include, but are not limited to, the following:

- Name calling or taunting on the basis of a person's: disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status.
- Language of any kind, including graffiti, which is disparaging, demeaning or threatening to others on the basis of a person's: disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status.
- Any other verbal or physical conduct which, judged from the perspective of a reasonable person with the same disability, gender, race, color, national origin, gender identity, sexual orientation, age, religion, or marital status, as the person claiming to have been harassed, creates a hostile school environment.

**Sexual Harassment**

Sexual harassment includes the unwelcome written, verbal or physical conduct on the basis of sex, including gender identity and sexual orientation that creates an intimidating, hostile or offensive school environment. For support with harassment claims please contact The Office of Equity and Diversity at 3215 Cuming St., Omaha, NE 68131 (531-299-0307) or equityanddiversity@ops.org.

Examples of prohibited sexual harassment include, but are not limited to, the following:

- Unwelcome, intentional touching or grabbing of another student's intimate parts or the clothing covering a student's intimate parts.
- Explicit and offensive sexual references or gestures.

**Public Indecency**

As described in Nebraska Statute 28-806 (This violation shall apply only to students at least 12 years of age. For students under age 12, other violations may apply): (1) A person commits public indecency if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public: (a) An act of sexual penetration; or (b) An exposure of the genitals of the body done with intent to affront or alarm any person; or (c) A lewd fondling or caressing of the body of another person of the same or opposite sex. (2) Public indecency is a Class II misdemeanor for persons 18 years of age or over. For students 18 years of age or over, law enforcement will be contacted.

**Theft**

Stealing or attempting to steal property. The parent(s)/guardian(s) shall also be liable to the School District for all property belonging to the School District, loaned to the student, and not returned on demand of the employee of the District authorized to make the demand. Restitution may be required, additional consequences may be applied if restitution is not made. Restitution may be required. Restitution is the act of offering repayment for goods or damage to property which could include, but is not limited to, monetary replacement, the offering of a similar item of value, or agreed upon alternative contribution to the individual or institution impacted.

**Threats or Intimidation**

Use or threat of violence, force, intimidation or similar conduct in a manner that constitutes a substantial interference with school purposes and which is not otherwise specifically prohibited by other provisions of the **Student Code of Conduct**. Threats may include behavior, verbal, written and/or physical action. The school will conduct a threat assessment evaluation.

**Unlawful Activity**

Engaging in any activity forbidden by state or federal law and not otherwise specifically included in this **Student Code of Conduct** which creates potential danger in the school environment or interferes with school. Law enforcement may be contacted.

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**Level 4 Violations**

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**Arson**

Intentionally setting or attempting to set a fire on or in school property. Fire Investigator will be contacted. The school will conduct a threat assessment evaluation

**Assault with Injury (Intentional)**

Assault of student, school employee, visitor, or volunteer, where the student has knowingly and intentionally used force to cause personal injury. A student's intent may be inferred from the words and acts of the student. The term personal injury shall mean physical pain, illness, or any impairment of physical condition.

**False Alarm/Bomb Threat**

Causing a substantial disruption to the school environment and/or placing students at risk by making a false report or activating an alarm. Law enforcement may be contacted.

**Firearm**

Knowing and intentional possession, use or transmission of a firearm as defined in 18 U.S. Code 921.

Under 18 U.S.C. 921 the following are firearms:

1. Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosion.
2. The frame or receiver of any such weapon;

3. Any firearm muffler or firearm silencer; or
4. Any destructive device which includes:
  - a. Any explosive, incendiary, or poison gas –
    - i. bomb,
    - ii. grenade,
    - iii. rocket having a propellant charge of more than four ounces,
    - iv. missile having an explosive or incendiary charge of more than one-quarter ounce,
    - v. mine, or
    - vi. device similar to any of the devices described in the preceding clauses;
  - b. Any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter, and
  - c. Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (a) or (b) and from which a destructive device may be readily assembled. The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of federal law; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, or is an antique.

The term “firearm” does not include an antique firearm.

Guns, including antique firearms, BB guns, paint ball, “air soft” guns, dart guns, or pellet guns which are not firearms as defined above are considered dangerous weapons. Students are forbidden knowingly and intentionally to possess, use, or transmit any such gun. The school will conduct a threat assessment evaluation.

Per federal law, expulsion for one calendar year; law enforcement will be contacted.

### **Selling, Distributing, Intent to Distribute, or Attempting to Distribute Alcoholic Beverages, or a Controlled/Imitation Controlled Substance**

Evidence of an intent or attempt to distribute may include, but are not limited to, the following:

- Possession of quantities of prohibited substances greater than those reasonably considered for personal use.
- Possession of paraphernalia associated with distribution of prohibited substances, such as but not limited to possession of scales, bags, and foil.
- Evidence of an exchange of prohibited substances.

An **imitation controlled substance** is a substance that looks very much like an illegal drug and is said to be an illegal drug, but is not an illegal drug. The following are to be considered in determining whether a particular pill/

capsule is an imitation controlled substance:

1. The substance is said to produce the same or similar effects as the illegal drug or substance;
2. The person who has it or who is distributing it says that it is a specific illegal drug;
3. The person who is selling it charges more per pill/capsule than the pill/capsule’s contents usually sell for;
4. The pill/capsule is packaged in the same or similar bottle or box as the illegal pill/capsule drug;
5. The pill/capsule looks like the illegal drug it is said to be.

Contact law enforcement.

### **Sexual Assault**

Sexual Assault in the first or second degree as defined in Nebraska Statutes 28-319 thru 28-320.01.

Sexually assaulting or attempting to sexually assault any person if a complaint has been filed by a prosecutor in a court of competent jurisdiction alleging that the student has sexually assaulted or attempted to sexually assault any person is a violation of this **Student Code of Conduct**.

Sexual assault or attempting to sexually assault any person is a violation of this **Student Code of Conduct**, including sexual assaults or attempted sexual assaults which occur off school grounds not at a school function, activity or event, in accordance to Nebraska Statute 79-267.

Mandatory response for this violation:

- Law enforcement will be contacted.
- Mandatory reassignment away from victim or expulsion.
- Report all incidents to the OPS Title IX Coordinator, 3215 Cuming St., Omaha, NE 68131 (531-299-0307) or [equityanddiversity@ops.org](mailto:equityanddiversity@ops.org).

### **Weapon (other than firearm)**

Students are forbidden to knowingly and intentionally possess, handle, transmit or use any instrument that is generally considered a weapon. Dangerous weapons (other than firearms) shall include: (a) Guns, including antique firearms, BB guns, paint ball, “airsoft” guns, dart guns, or pellet guns which are not firearms as defined above (b) knives of all kinds, including pocket knives, regardless of the length of the blade, dirks, or stilettos of any type, or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds; or (c) knuckles and brass or iron knuckles that consist of finger rings or guards made of a hard substance that is designed, made, or adapted for the purpose of inflicting serious bodily injury by striking a person with a fist enclosed in the knuckles. (d) Any object which could be used to injure another person and which has no school related purpose for being at the time in the student’s possession will be considered a weapon for purposes of this **Student Code of Conduct**. The following are examples of objects generally considered to be weapons: ammunition, stun gun, taser, lead pipes, chains, chuck-sticks, throwing stars, darts, black-jacks,

unauthorized tools, fireworks, pepper spray, mace, or chemicals.

It is not a defense to a charge of possessing, handling, transmitting or using a weapon that the student did not intend to hurt anyone.

Law enforcement may be contacted. The school will conduct a threat assessment evaluation.

#### **Immediate Surrender of an Unknown Weapon**

Students may not be in possession of weapons of any type. If at any time a student discovers that they are in possession of a weapon the student must immediately

turn the weapon in to the nearest teacher, counselor, administrator or other school staff person. If the student immediately turns in a weapon, the student will not face the consequence for weapon possession. If, however, the student continues to possess the weapon, to go on to further classes, to display the weapon to other students, or otherwise does not take the immediate action of reporting, the student will be subject to consequences as defined in the **Student Code of Conduct**. This clause does not apply to possession of a firearm or gun.

## **Weapons – Notice To All Students**

**The items listed below are commonly used as tools in some of your classes:**

*Examples of some, but not all, unauthorized tools are: exacto knives, art knives, any item having a blade, blades of any kind, scissors, kitchen knives, awls, screwdrivers, punches, hammers, vice grips, and any other tool that may be used in class.*

**Take the tools out of class or bring them from home and they become weapons. Possession of these items may result in expulsion.**

**STOP!**  
**Leave them in class!**  
**Don't bring them!**

Any object which could be used to injure another person and which has no school related purpose for being at the time in the student's possession will be considered a weapon for purposes of the **Code of Conduct**.

#### **WEAPON POSSESSION – Read Carefully**

Students may not be in possession of weapons of any type. If at any time a student discovers that he or she has possession of a weapon other than a firearm/gun the student must immediately turn the weapon into the nearest teacher, counselor, administrator, or other schools staff person. If the student immediately turns in a weapon, the student will not face the consequences for weapon possession. If, however, the student continues to possess the weapon, to go onto further classes, to display the weapon to other students, or otherwise does not take the immediate action of reporting, the student will be subject to expulsion/ consequences as defined in the Code of Conduct.

## Intervention and Response Terms

### Community Service

Duties performed for the benefit of the school or community. Examples include but are not limited to cleaning, outside work, or assisting students or staff.

### Emergency Exclusion

The recommendation to exclude a student from school for a period of time as long as the student's presence in the school presents a danger to self or others.

### Expulsion

Expulsion shall mean a student may not attend any school in the district for the period of the expulsion. This includes any school function including graduation ceremonies or being on any OPS school property during the duration of the expulsion. However, an expelled student may participate in a district specified alternative school, class, or educational program during the term of expulsion. If misconduct punishable by a one semester expulsion occurs during the last 10 days of a semester, the expulsion will be for the remainder of the semester and the next semester or the remainder of the semester, summer school and the first semester of the next school year. No student may return to the school from which the student was expelled. Any student expelled more than once during his/her high school enrollment years will be readmitted to an alternative program after completing coursework at the Expelled Student Program in areas specific to the student need(s).

### Reassignment

Mandatory transfer to another school or program; no student may return to the school from which the student was reassigned.

### Restorative Practices

Behavioral interventions are a part of the teaching and learning process, to hold students accountable for their actions, by providing meaningful opportunities to build social and emotional skills. They are intended to focus on problem-solving, repairing harm, and restoring relationships. All participants in the process have a voice and are valued in the resolution so that relationships are built and strengthened in the school community.

### Saturday School

Saturday School requires that the student spend a block of time at school on a Saturday morning(s). Exact time(s) will be determined by the building principal. Transportation will not be provided to or from Saturday School.

### Secondary Transition Programs

The high school transition programs provide on-site behavioral intervention for students. Students are assigned to the Transition Program through the Student Assistant Team (SAT) problem solving process. Students work in the transition room to acquire the necessary skills to be successful in the school setting, while receiving support to stay on track academically. The transition room staff provides coordination of intervention for each student.

### Student Success Center (SSC)/ Positive Action Center (PAC)

SSC/PAC is an in-school suspension option, provided to students as an effort to keep students in school and to minimize absences. In the SSC/PAC room, the students work in a closed classroom environment which minimizes distractions while allowing them to focus on their needs both academically and socially. Components of the SSC/PAC include individual guidance and/or instruction on writing skills, study skills, social skills, and conflict resolution. The SSC/PAC encourages students to accept responsibility for their actions. The use of the SSC/PAC rooms may also be used as a preventative measure to help students make positive choices as it relates to behaviors.

### Late School

Late School requires that the student spend a block of time after school as determined by the building principal. Transportation will be provided for eligible students.

### Suspension, Long-Term

Exclusion from school for a period of time exceeding five (5) school days but less than twenty (20) school days

### Suspension, Short-Term

Exclusion from school for a period of time up to five (5) school days



## ***Additional Information***

### **BEHAVIOR RULES FOR CONDUCT OCCURRING OFF SCHOOL GROUNDS – Policy No. 5103**

It is the belief of the Omaha Public Schools that it is important to support the total student. Expectations for our students go beyond the school day and into the community. We believe that part of learning is accepting responsibility for one's actions. Our intent is to support all students in their decision-making and their development into responsible adult citizens while serving as a deterrent to certain unacceptable or unlawful behaviors. This policy applies to conduct which occurs in places that are not otherwise covered by the code of conduct.

#### **Disciplinary Action**

Any student engaging in 1) behaviors off school grounds that would otherwise violate the **Student Code of Conduct**; or 2) student speech off school ground that causes substantial disruption to the school environment, may be subject to:

1. Emergency exclusion if the student's conduct presents a clear threat to the physical safety of

self, or others, or is so extremely disruptive as to make temporary removal necessary to preserve the rights of other students to pursue an education;

2. Short-term suspension by the principal for up to five (5) school days as provided in Policy 5105;
3. Participation in and successful completion of a district substance use screening by a qualified community provider or community counselor at the discretion of District or school administration; and/or
4. Suspension or exclusion from extracurricular and/or co-curricular activities in accordance with the provisions of Policy 5104.

#### **Appeal Process**

Nebraska statutory provisions regarding short term suspension and emergency exclusion shall apply to each of the disciplinary measures respectively as set forth in Policy 5101.

### **BEHAVIOR RULES FOR PARTICIPANTS IN EXTRACURRICULAR ACTIVITIES – Policy No. 5104**

Students who participate in extracurricular activities, including but not limited to NSAA activities as set forth in Policy 5102, are deemed to be held to a higher standard when it comes to representing their respective schools – both on- and off-campus. Extracurricular activities means student activities or organizations which are supervised or administered by the District or a District staff member which do not count towards graduation or grade advancement and in which participation is not otherwise required by the school. It is therefore critical for those students to always be mindful of their behavior, and how it reflects on their schools and the District.

In addition to any other discipline imposed for violations of the **Student Code of Conduct** or for violations of Policy 5103, any student participating in any extracurricular activity at the time the student commits the violation will be subject to suspension from participation in said activity or activities as described in the following:

First Offense: 15 Calendar Days

Second Offense: 90 Calendar Days

Third Offense: 180 Calendar Days

The sanction shall be implemented upon confirmation and notice to the student by the school administration, and the sanction applies to all activities, public or private, that occur on school property or at a school function. In addition, the teacher/coach/sponsor of the extracurricular activity may impose other sanctions as permitted and described pursuant to the "Rules Regarding Other Conduct" in the **Student Code of Conduct**.

#### **Rules Regarding Other Conduct**

Individual coaches, activity sponsors, or staff responsible for an extracurricular activity, may impose participation restrictions or eligibility restrictions for participation in extracurricular activities on students for behavior other than those set forth in the **Student Code of Conduct** or in Policy 5103 provided:

1. Before the student participates in an extracurricular activity, that student and the student's parent(s)/guardian(s) have been advised of the participation and eligibility rules and the types of misbehavior that would cause a student to become subject to such participation and/or eligibility restrictions.
2. Participation and/or ineligibility restrictions are imposed only after the coach, activity sponsor or responsible staff has:
3. Investigated the alleged misbehavior;
4. Given the student written or oral notice of the charges against the student;
5. Explained the evidence against the student; and
6. Given the student a chance to tell the student's version of what happened.
7. The coach, activity sponsor or responsible staff has decided the student, in fact violated the participation and/or eligibility rules.
8. The student has the right to appeal the individual coach's, activity sponsor's or responsible staff's decision, as specified above, to the school principal. The determination of the principal under such circumstances shall be final.

## BEHAVIOR EXPECTATIONS FOR STUDENTS IN REMOTE LEARNING ENVIRONMENTS

In addition to in-person classroom lessons, students enrolled in the Omaha Public Schools may also receive instruction at home through remote teaching and learning experiences. Guidelines and expectations of the **Student Code of Conduct** remain in effect for students in remote learning environments.

Additionally, students receiving digital curriculum and instruction online should be aware of appropriate use of computers, digital devices, and the network. Any activity, which violates local, state, or federal laws, is considered a violation of the **Student Code of Conduct**, will result in disciplinary action, and may be referred to law enforcement.

It is expected that students adhere to the following **Behavior Guidelines for Remote Learning**:

- Appropriate clothing for the learning environment
- Student emails should only be sent for class/course purposes
- Do not cut, copy, or plagiarize internet content or the work of others
- Use care with food and drinks while using a district device
- Use appropriate language for the learning environment
- Never post or repost sensitive information or inappropriate images

- Students should never create or knowingly send computer viruses
- Handle district devices with care

**Individual schools may have additional expectations for their school learning environment. See your school's information pages in your school's *Student and Family Handbook*.**

It is required that students adhere to **Online Safety Practices for Remote Learning**:

- Passwords are private information and should only be shared with parent(s)/guardian(s)
- Students should never use other's passwords
- Students should never post personal information (address, email, phone number, etc.)
- Should a password become compromised, report it to a school staff member immediately
- Report device or content concerns to school staff immediately
- Students should never communicate with others they do not know
- Students should not share pictures of themselves for any reason other than a learning assignment
- Seek support from school staff if having trouble with a district device, network, or online program

## BEHAVIOR EXPECTATIONS FOR STUDENTS RECEIVING DISTRICT-PROVIDED TRANSPORTATION

The school bus is considered an extension of the school. Any behavior violation committed by a student on a district-owned, leased or contracted bus being used for a school purpose shall have the same level of Intervention and Response in the same manner as if the violation had been committed at the student's assigned school; this will include any referral or activity on the bus which is considered unsafe and/or refusal to follow directions of the driver, OPS staff or aide. **The Student Code of Conduct** will be applied to referrals for behaviors on the bus.

In addition, it is expected that students adhere to the following **Safety Guidelines for Transportation**:

- The driver is in full charge of the bus and students. Please show respect and follow directions of the driver and/or staff.
- Only assigned students are eligible to ride their assigned bus.
- Wait until the driver instructs you to get on or off the bus.
- Board the bus in an orderly manner.
- Sit facing forward, keeping the aisle clear.
- If students are required to wear safety restraints, the bus will not move until the restraints are properly fastened.

If required, students who refuse to wear safety restraints, may be subject to Intervention and Response, including removal from the bus.

- Remain seated until the driver directs you to unload.
- Do not extend your arms or head outside the bus window.

- Do not throw any items out of the bus window.
- Keep your voices at a quiet level, so to not distract the bus driver.
- Eating, drinking and smoking are not permitted on school buses.
- The school district is not responsible for items left on the bus.
- Be on time to your bus.

Violation of **Safety Guidelines for Transportation** may result in any of the following resolutions:

- Structured entry on the bus
- Bus safety training review
- Assigned seating while on the bus
- Student conference with administration
- Parent(s)/guardian(s) conference with student and administration
- Temporary removal from the bus (1-5 days)\*
- For continued bus misconduct, a student may be suspended from the bus for 6-19 days\*

\*If a student is temporarily removed from the bus, it is the responsibility of the parent(s)/guardian(s) to transport the student to and from school.

Repeated violation of **Safety Guidelines for Transportation** may result in the loss of the bus transportation privilege.



## BOOK BAGS AND PERSONAL ITEMS

Students may carry book bags, backpacks, and similar items to transport books, supplies, and other belongings. Bags are subject to inspection, and the student is responsible for all contents. Objects that have no school-related purpose or that create a disruption to the learning environment may result in the object being confiscated until the end of the school day, and/or a parent/guardian

being required to pick up the object. Repeated violations may be viewed as *Insubordination*, resulting in additional application of the **Student Code of Conduct**.

All lockers and their contents are subject to random searches by school staff without prior notification to students. Please see Policy 5406 regarding student searches for additional information.

## DRESS AND PERSONAL APPEARANCE

Your personal appearance is basically a concern of you and your parent(s)/guardian(s). However, a student's appearance should promote positive opportunities for learning. The following guidelines shall apply to all regular school activities:

1. Students must be fully clothed, with a covered torso and shoes.

2. Words or images that promote alcohol, drug use, weapons, that insult or demean others, or that disrupt the school environment are not acceptable at school.

3. Any exception to these guidelines, such as for Spirit Days, special events and/or extracurricular activities, must be approved by the school administration.

## MAKE-UP WORK DURING SUSPENSION

Students will be given an opportunity and must assume responsibility for making up work, including tests, missed during suspension. Completion of make-up work is equal to the time the student has been suspended from school

but is not to exceed ten (10) days. Credit will be awarded for acceptable makeup work. See OPS Policy No. 5207 for more information on make-up work.

## MISCONDUCT BETWEEN SEMESTERS OR BETWEEN SCHOOL YEARS

If misconduct otherwise covered by the **Student Code of Conduct** occurs between semesters or between school years, the penalties provided for in the **Student Code of Conduct** shall be enforced during the next semester. The registration for and completion of a district substance abuse assessment may take place prior to the beginning of the next semester if either a hearing on the misconduct is waived or any hearing requested

is completed sufficiently in advance of the beginning of the next semester to permit successful completion of the assessment. If the assessment is not successfully completed prior to the beginning of the next semester, the penalties otherwise provided for in the **Student Code of Conduct** shall be enforced on the student during the next semester.

## NO TRESPASSING/BAN AND BAR WARNING AND RESTRICTION

Visitors to the schools must respect the learning environment and maintain proper behavior and decorum. Disruption of the orderly process of the school is prohibited. The principal or his/her designee is authorized to deny access, ban or bar future access, remove or request the removal of any visitor whose behavior is disruptive to the educational/working environment of the school as outlined below:

1. Presents a risk to the safety of others resulting in the likelihood of violence, i.e., specific threats, posturing, or actions
2. Presents a disruption to the learning environment adversely affecting students/staff (i.e., yelling or destroying property)
3. Repeated failures to follow school policy/procedures

(i.e., refuses direction from school administrators or check-in process)

4. Does not have legitimate purpose to be on school grounds or activities (i.e., loitering or wandering inside building)

An individual in receipt of a "No Trespass or Ban/Bar Restriction" may not come onto the grounds of an issuing school. All restrictions are applicable from date of issuance through the subsequent summer and are made void, unless otherwise specified, each August. Any visitor to the schools who has been denied access or who has been asked to leave may appeal to Student and Community Services.

## PERSONAL CELL PHONE/PORTABLE DEVICE GUIDELINES FOR STUDENTS

The purpose of these guidelines is to provide a district-wide procedure regarding the use of cell phones and other Personal Electronic Devices (PEDs) by students and the consequences for noncompliance with the procedure to ensure that the use of cell phones and PEDs does not interfere with teaching and learning during the school day.

### GUIDELINES

High schools and Middle schools have building expectations for cell phone use that are to be followed by all students. Students may be permitted to use cell phone and PEDs only when directed by school staff as acceptable for classroom instruction. Elementary school

students shall leave cell phones powered off in their backpacks or lockers and may only use them before or after school and/or at the approval of their building administration.

The use of cell phones and PEDs should not interfere with teaching and learning during the school day. The school assumes no liability for theft, loss, or damage of cell phones and/or other PEDs possessed by students on school property or held by school officials during the confiscation period.

## DEFINITIONS

1. "Cell phone" includes, and is not limited to, iPhones, "smart" phones, Internet enabled phones and other PEDs that are capable of placing and/or receiving telephone calls (including personal listening device such as earphones, ear buds, "Bluetooth", etc.), text messages, creating and distributing videos, taking photographs, and the like.
2. "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a smartphone, cellular phone, or tablet.
3. "Personal Electronic Device" is an electronic device that emits an audible signal, visual signal, vibration, displays a message, or otherwise summons the possessor, including, but not limited to, iPads, paging devices, electronic emailing devices, radios, CD players, DVD players, video cameras, iPods or other MP3 players, laser pointers, portable video game players, personal digital assistants (PDAs), cameras, and any device that provides a connection to the Internet.
4. "School Hours" means the time a student enters the school bus or school property until the end of the school's designated "school day." "School Day" means the regular school day with a designated starting time and ending time as defined by the local school building.
5. "School property" includes parking lots, school buses, and outside or inside all areas of the school building.
6. "Turned off" or "powered off" means the device is not activated. Devices in quiet vibrate or other modes, except off, are not considered turned off or powered off.
7. "Use" includes carrying or possessing a cell phone or PED that is either visible or can be heard, with or without a personal listening device such as earphones, ear buds, "Bluetooth", etc. A cell phone set on "vibrate" or "manner mode" shall be considered to be in use. A cell phone or PED that emits an audible signal, vibrates, displays a message or otherwise summons the possessor shall be deemed "in use." A cell phone or PED, even if placed in an "off" position but visible to others, may be deemed "in use." A cell phone or PED in an "off" position and stored out-of-sight in a back-pack, book bag, pocket, purse, vehicle, locker, etc. shall be not be deemed "in use."

## PROCEDURES

Students are permitted to use cell phones and PEDs only during the following times:

- Before school hours on school property (as directed by school administration).
- After school hours on school property (as directed by school administration).
- Lunch period (high school students only).
- Passing periods (high school students only).
- At evening or weekend activities on school property.
- An emergency situation with the permission of the teacher, instructor, coach, program director, or administrator.
- For approved instructional use by the student's teacher (high school students only).

Building administration will have the discretion to determine the use of cell phones and PEDs for students participating in after school and/or extracurricular activities while on school property or while attending school sponsored or school related activities on or off school property.

### Prohibited Use of Cell Phones and PEDs:

- The use of cell phones and PEDs at any time other than those specified.
- The sharing or electronic posting of images taken or stored on cell phones or PEDs during school hours and/or on school property.
- Student use of cell phone camera/video recording without consent from school administration is prohibited and considered a violation of the **Student Code of Conduct** (see additional information under **Unauthorized Use of Camera, Video Device, Personal Device that Attaches to School/District Network, Cell Phone or Recording Device**, page 14)

### If guidelines for use are not followed, then the Personal Electronic Device (PEDs) and/or cell phone may be confiscated:

When a PED and/or cell phone is confiscated the device should be turned over to the designated staff member. The individual who confiscated the item shall take reasonable measures to secure the item until such time the PED and/or cell phone is given to the building administration by the end of the day. Once the device is turned over to the designated staff member, the staff member shall take appropriate action to store the device in a secured location within the school building. Return of the device will occur according to building policy, which may include communication with the parent(s)/guardian(s) and possible disciplinary action.

### Noncompliance with Attempted Confiscation:

Students committing repeated violations of this Procedure shall be subject to additional disciplinary action consistent with the **Student Code of Conduct**. Students who refuse to comply with a request to turn

over their cell phone and/or PED shall be subject to discipline for insubordination and such other disciplinary

action consistent with the **Student Code of Conduct**.

## SCHOOL EXCLUSION AND DUE PROCESS RIGHTS

A principal (or designee) may determine that it is necessary to exclude a student from classes. The decision to exclude is made after the principal has investigated the facts, given the student oral or written notice of the charges against the student, and provided an opportunity for the student to present the student's version.

The range of possible exclusions includes short-term suspension, emergency exclusion, long-term suspension, expulsion, or reassignment. Except in situations where the student brings a weapon to school, elementary school staff shall not suspend a student in pre-K through 2nd grade. It is the principal's responsibility to determine the type of exclusion and/or action recommended. A student cannot attend school, take part in any school function including graduation ceremonies, or be on school property during the duration of a suspension, exclusion, or expulsion.

The administrator will take action based upon first-hand information. This may include contact with witnesses to the student's prohibited conduct. Prior to any decision, the administrator must confer with the student to inform the student of the charge and the available information, give the student an opportunity to tell the student's version of the incident, weigh the evidence as to the offense, make a decision whether the student engaged in the prohibited conduct, and then inform the student of the decision.

In cases of recommendations for long-term suspension,

reassignment, exclusion or expulsion, the student may, upon request, have a hearing on the specific charges. Students are advised of this right when a principal decides to recommend one of the above actions. If a hearing is not requested within five school days the recommendation will go in effect. See OPS Policy No. 5101 for more information on student discipline and exclusion of students from school.

### Rights for the Student Receiving Special Education Services

If a student receiving special education services violates a provision of the **Student Code of Conduct** resulting in a recommendation for expulsion, mandatory reassignment, or a long-term suspension in excess of five consecutive days, an IEP Manifestation Determination (Due Process) meeting shall be convened within three working days of the recommendation. The IEP team shall determine if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability and will also determine if the conduct in question was a direct result of the school district's failure to implement the IEP. If a student or parent(s)/guardian(s) wishes to appeal the outcome of the IEP Manifestation Determination an appeal could be placed through the Special Education Department with the Director of Special Education.

## SCHOOL RESOURCE OFFICERS (SRO)

School Resource Officers (SROs) are hired and trained to support the safety efforts of the Omaha Public Schools. They serve in designated schools and work alongside school administration. SROs and/or police officers are responsible for responding to criminal law matters where it is mandated by law that such offenses be referred to the criminal justice system. Absent an immediate threat of imminent physical harm and/or criminal law matters, school discipline issues are addressed by school administration.

SROs and/or police officers who witness school discipline issues shall contact school administration to address the matter. SROs should act as any school adult in redirecting minor misbehavior and may choose to de-escalate a situation using conflict resolution techniques and leverage existing positive relationships with those involved. Incidents must be referred to school personnel to determine appropriate response for violations of the **Student Code of Conduct**.

## STUDENT SEARCHES – Policy No. 5406 SEARCH AND SEIZURE

### Drug Searches by Police/ Sheriff Canine Units

The District retains the right to utilize the services of Omaha Area Law Enforcement Authorities Canine Units in the detection of illegal drugs and/or contraband at any time, announced or unannounced at the District's schools and programs.

A. The Superintendent or designee (in consultation with the Office of School Safety) may request the canine unit be utilized to search all inside areas of a school building, including lockers, at a time when students are or are not present. If a search takes place in a classroom when students are present, all will exit the room, leaving all items behind.

- B. A building principal (in consultation with the Office of School Safety) may request that a canine unit be utilized to search vehicles in a school parking lot or in other areas where student vehicles are parked during or after school hours. If a dog alerts to a student's vehicle, the student will be required to unlock the vehicle doors and trunk for internal inspection. Any refusal to unlock the vehicle will be handled by law enforcement.
- C. Any illegal drugs and/or contraband found on school grounds, whether in a student locker, vehicle, or any other place on school grounds, will be confiscated and the student may be subject to disciplinary action specified in the **Student Code of Conduct**.

- D. The student’s parent(s)/guardian(s) shall be notified should illegal drugs and/or contraband be discovered.
- E. This policy shall be included in the student handbooks. This policy shall not be implemented until parent(s)/guardian(s) and students are provided written notice of this policy.

Vehicles parked on school property are subject to search by the principal or the principal’s designee if the principal or his or her designee has reasonable cause to believe that contraband is in or on the vehicle.

Students and their personal effects are subject to being searched by the principal or his or her designee if there is reasonable cause to believe that the student is in possession of contraband or evidence indicating that the student has otherwise violated the **Student Code of Conduct**. This includes all student pockets, purses, backpacks, and other kinds of carrying devices, and any personal computing, communication, and data storage devices. If the student does not allow the search, Law Enforcement may be called.

**Searches of School Lockers, Student Automobiles, and Students’ Persons**

Student lockers, desks and other such property are owned by the school. The school exercises exclusive control over this school property, and students should not expect privacy regarding items placed in school property because school property is subject to search at any time by school officials. Students are responsible for whatever is contained in desks, lockers, and district owned electronics issued by the school.

**SECRET ORGANIZATIONS**

Under state law, it is “unlawful for the pupils of any public secondary school to participate in or be members of any secret organization.” The Board of Education is

empowered to deny to any student who violates the law any or all privileges of the school, or it may expel such student for failure to comply with the law.

**STUDENT ATTENDANCE – Policy No. 5008**

**A. Addressing Barriers to Attendance:**

1. After a student has accumulated FIVE days of unexcused absence (as set forth in Paragraph D. below), or its hourly equivalent, the District shall render services to address barriers to that student’s attendance. Such services shall include, but are not limited to:
  - a. Verbal or written communication by school officials with the parent/guardian of the child; and
  - b. One or more meetings between, at a minimum, a School Support Liaison (SSL)/Attendance Designees, school counselor, a school social worker, a school administrator, (collectively, the “School Attendance Team”), the parent/guardian of the student and, when appropriate, the student, to attempt to address the barriers to attendance. During this meeting or meetings a **Collaborative Plan** will be developed to improve attendance. This Collaborative Plan shall consider, but not be limited to:
    - i. Illness related to physical or behavioral health of the child;
    - ii. Educational counseling;
    - iii. Educational evaluation;
    - iv. Referral to community agencies for economic services;
    - v. Family or individual counseling;
    - vi. Assisting the family in working with other community services; and
    - vii. Referral to restorative justice practices or services.
2. After a student has accumulated TEN cumulative days of unexcused absences (as set forth in

Paragraph D. below), or its hourly equivalent, the student’s records will be reviewed by the School Attendance Team and individualized problem solving or updating of the Collaborative Plan may occur as needed.

3. After a student has accumulated FIFTEEN cumulative days of unexcused absences (as set forth in Paragraph D. below), or its hourly equivalent, a letter will be sent to the parent/guardian of that student by the designated school official. This letter shall provide notice to the parent/guardian that the District may refer the absences of the child to the county attorney upon twenty days of unexcused absences, or its hourly equivalent. This letter shall also provide notice to the parent/guardian that they may request a meeting to review the Collaborative Plan.

**B. Reporting Excessive Absenteeism to the County Attorney:**

The District may report to the county attorney when the school has documented the efforts made as required by the Collaborative Plan have not been successful in improving regular attendance by a student and the student has accumulated TWENTY cumulative days of unexcused absences (as set forth in Paragraph C. below), or its hourly equivalent, since the beginning of the current school year. The designated school official shall also provide notice to the parent/guardian prior to the referral to the county attorney being made.

A referral cannot be made to the county attorney’s office until a student has accumulated TWENTY cumulative days of unexcused absences (as set forth in Paragraph D. below), or its hourly equivalent;



however, the school may involve the county attorney at any point in the process of addressing the student's absences. The designated school official will provide notice to the parent/guardian when a referral is made to the county attorney.

The School Attendance Team will be responsible for implementing and monitoring the process set forth in this paragraph B. above.

### C. Excused Absences:

**The following circumstances will not be counted toward intervention as required by Neb. Rev. Stat. § 79-209:**

Excused absences will only include:

1. School Sponsored Activities – School related activities that take a student out of their scheduled classes, i.e. field trips, competitions, athletic events, school matinees, speakers, testing, etc.
2. Bereavement – Parent/guardian notifies the school the student is attending a funeral.
3. Court/Legal Appearance – Parent/guardian notifies the school the student is required to attend a court or legal proceeding. This is specific to only the student.
4. Ill – Parent/Guardian notifies the school the student is ill.
5. Medically Excused – A medical provider's note is required to verify the absence to include: a medical appointment, hospitalization, or a long term chronic illness; or the school nurse is required to send the student home.
6. Military Leave – Parent/guardian notifies the school the student absence is specific to deployment and/or military leave activities.
7. Office – The student is in the school, but has

### Student Attendance: STRIVE FOR 95

Attending school on time and every day is a critical and necessary factor for student success. Showing up for school and being ready to learn impacts a student's academic success and their connectedness to school starting in kindergarten and continuing through high school.

STRIVE FOR 95 focuses on students missing no more than 9 days throughout the year. Students are expected to arrive on time and be engaged in learning throughout the academic day.

Attendance matters. Students who maintain the STRIVE FOR 95 goal are more likely to be on or above grade level academically, be socially and emotionally connected to the school and staff, and remain on track to high school graduation.

Ensuring students arrive on time and attend school throughout the day is everyone's responsibility.

In addition to in-person learning, students enrolled in

written authorization from a school administrator or nurse identify the reason the student was not in class.

8. Post-Secondary Visit – Parent/guardian notifies the school the student is visiting a post-secondary program.
9. Religious Holiday Observance- Parent/guardian notifies the school of the religious holiday observance.
10. Student Success Center – Student is assigned to the Student Success Center.
11. Suspension – Student absence while s/he has been suspended.
12. Bus – The Principal, or designee, provides notice that there has been a delay due to District provided transportation.

### D. Unexcused Absences (Absences Requiring Intervention):

**The following circumstances will require intervention as required by Neb. Rev. Stat. § 79-209:**

Unexcused absences will include:

1. Absent – The school has been notified of an absence that does not constitute an excused absence pursuant to Paragraph C. above.
2. Truant – Neither the family nor school officials know the student's whereabouts, the student is refusing to attend school, class, remote learning, or the school has been notified that the student has been reported as a run-away.
3. Unverified – No one has contacted the school, or the school has been unable to confirm the reason for the absence, or the school has not confirmed the reason for absence.

the Omaha Public Schools may also receive instruction at home through remote learning. Guidelines and expectations of the Omaha Public Schools Attendance Policy 5008 remain in effect for students in remote learning environments or programs.

### Student Responsibilities

- Establish bed time and morning routines
- Understand the importance of STRIVE FOR 95 and why attendance matters
- Arrive on time
- Attend school the entire day
- Miss less than 9 days of school throughout the year

### Parent/Guardian Responsibilities

- Establish bed time and morning routines
- Ensure your child(ren) arrive to school on time
- Encourage and acknowledge the importance of STRIVE FOR 95

- Schedule any medical or other appointments after school or on non-school days
- Report any absences to the school attendance secretary

### Teacher Responsibilities

- Create a positive classroom culture of why attendance matters
- Encourage and acknowledge the importance of STRIVE FOR 95
- Set and monitor progress attendance goals with students
- Collaborate with school staff to address attendance concerns
- Celebrate students who are meeting attendance goals

### Secondary School Attendance Practices (Middle and High School guidance)

Student attendance in school is the key to learning. The goal is for each student to be in class every day, on time and for the entire day. The responsibility for attendance is shared by the student, the parent(s)/guardian(s), the teacher, and other school staff. Although each person's performance affects reaching the goal and STRIVING FOR 95, everyone will be responsible for the student's actions and consequences for their actions will follow.

#### Students:

Secondary students have the primary responsibility to be at school on time, every day, for the entirety of the day, and to report on time to their scheduled class each period. All absences are instructional minutes missed, with the exception of a school sponsored activity, shall count as an absence from school. Work covered in each class period is important, and any time missed affects student performance.

Students who are absent more than ten days in a semester may have difficulty completing the required work at a passing level.

Students have the responsibility to make arrangements for makeup instruction and complete all work missed due to absences. Teachers should follow the Omaha Public Schools common grading practices.

Promptness to class is also very important. Practices dealing with tardiness must be in place at the classroom as well as the school level and be clearly communicated to all students.

#### Parent(s)/Guardian(s):

Parent(s)/guardian(s) have the responsibility to emphasize the importance of school attendance and see that the student is in school on time and through its entirety every day. STRIVE FOR 95 is a collaborative

### Administrative and Support Staff Responsibilities:

- Create a positive school culture of why attendance matters
- Encourage and acknowledge the importance of STRIVE FOR 95
- Set and monitor progress attendance goals with staff, students and parent(s)/guardian(s)
- Collaborate with school staff and families to address attendance concerns
- Celebrate students who are meeting attendance goals

effort and with parent/guardian support we can reach this goal. Parent(s)/guardian(s) shall call the school if a student is absent and shall provide appropriate written notice including doctor's notes if applicable. Parent(s)/guardian(s) have the responsibility to encourage their students to make up work. Parent(s)/guardian(s) should attend parent-teacher conferences and contact the teacher, principal or other school official if they have questions. Parent(s)/guardian(s) involvement in or attendance at school events and activities supports the importance of school and also creates better understanding and communication.

#### Teachers:

Teachers will provide the classroom climate, instruction and acceptance of all students that promote learning and good attendance. Clear expectations for student performance and activities that are essential parts of instruction must occur at the very beginning of each class as well as throughout the class period. Teachers are responsible for assisting students in completing makeup work following the student's absence.

### Administrative and Support Staff:

Principals, Assistant Principals, Counselors, and other support staff will demonstrate a firm but caring demeanor that communicates high expectations and concern for the individual and attendance. Parent(s)/guardian(s) will be informed of cumulative absences at regular intervals.

Students who are absent must be given the support, encouragement and instructional help they need to master the appropriate learning outcomes. Although any absence may lower a student's academic achievement, the goal shall be to support the student in learning with the overall goal to be mastery of learning outcomes.

## STUDENT SIGNATURE OF RECEIPT OF SCHOOL RULES

The signature on the Receipt of Student Handbook verifies that a copy of the Student Handbook, which contains the **Student Code of Conduct** and other school rules, was received. The signature shows agreement to the accepted responsibility to know the contents of the

handbook, to understand the rules for students contained in it, and that the rules will be followed. In elementary schools, the signature is received by the parent(s)/guardian(s) of the student. In secondary schools, the student signs the Receipt of Student Handbook.



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## NEXT LEVEL LEARNING (Summer School) AND DUE PROCESS

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Students attending school classes during non-traditional times, such as spring and summer sessions, are also held to the requirements of the **Student Code of Conduct**. However, disciplinary consequences may be limited to short-term suspension, long-term suspension

and Expulsion from Next Level Learning instructional programs. Students have the right to a hearing if more than five days of the session are missed due to a disciplinary action.

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## SURVEILLANCE CAMERAS – STUDENTS

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Surveillance cameras are located on all school buses and in various public spaces in school buildings. These cameras are present to assist school officials in providing a safe learning environment for all students. Video from these cameras although otherwise confidential student records, may be reviewed in the presence of school officials by parent(s)/guardian(s) of students being disciplined as a result of misconduct recorded on tape. Video may be used as evidence in student hearings. See OPS Policy No. 3231

for more information on video surveillance.

Students should know that they have no expectation of privacy in those places where surveillance cameras are installed and that student hearing records become public records if a student in an appeal to the Ad Hoc Student Discipline Hearing Committee of the Board of Education requests a public hearing on the appeal or files a lawsuit challenging the decision of the Committee.

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## TOBACCO, ALCOHOL, DRUGS

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The use of tobacco, drugs, alcohol, controlled substance, imitation controlled substance or abuse of non-controlled substance in the school is forbidden. The school district recognizes that student drug and alcohol abuse is a public health issue and not a school discipline, juvenile justice, or criminal issue. When students are suspected

of using or abusing drugs, school staff will collaborate with the parent(s)/guardian(s) to address the issue, and students may be referred to student assistance programs. Suspension is not considered intervention for drug use or abuse, but may be utilized in order to maintain a safe and drug free school environment.

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## UNAUTHORIZED VISIT TO OTHER CAMPUSES

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A violation committed by a student on school grounds other than those of the school to which the student is assigned or at any school sponsored activity or athletic

event shall be punished in the same manner as if the offense had been committed at the student's assigned school.

