

2000 Series Policies INDEX

2001	Role, Mission, and Core Services
2002	Organization and Duties of the Board
2003	Annual Financial Report and Audit
2004	Oath of Office
2005	Accreditation
2006	Complaint Procedure
2007	Reimbursement and Miscellaneous Expenditures
2008	Meetings
2009	Public Participation at Board Meetings
2010	Preparation for Board Meetings
2011	Membership in Organizations
2012	Board Code of Ethics
2013	Violation of Board Ethics
2014	Relationship with ESU Attorney
2015	Process for Providing Services and Calculating Costs
2016	Process for Requesting and Paying for Services
2017	Annual Service Report
2018	[INTENTIONALLY LEFT BLANK]
2019	Development and Education of Board Members
2020	Conflict of Interest

2021 Advisory Committee

2022 Disbursements

2001

Role of the Educational Service Unit, Mission, and Core Services

- I. The mission of ESU 11 is to provide visionary leadership and quality services that support excellence in education.
- II. The statutory role of ESU 11 is to serve as an educational service provider in Nebraska's system of elementary and secondary education. ESU 11 shall:
 - A. Act primarily as a service agency in providing core services (as further described herein) and services identified and requested by its member school districts;
 - B. Provide for economy, efficiency, and cost-effectiveness in the cooperative delivery of educational services;
 - C. Provide educational services through leadership, research, and development in elementary and secondary education;
 - D. Act in a cooperative and supportive role with the State Department of Education and school districts in development and implementation of long-range plans, strategies, and goals for the enhancement of educational opportunities in elementary and secondary education; and
 - E. Serve, when appropriate and as funds become available, as a repository, clearinghouse, and administrator of federal, state, and private funds on behalf of school districts which choose to participate in special programs, projects, or grants in order to enhance the quality of education in Nebraska schools.
- III. The ESU shall provide core services to all member districts. Core services shall meet the following standards.
 - A. Core services shall be within the following service areas in order of priority: (i) Staff development which shall include access to staff development related to improving the achievement of student in poverty and student with diverse backgrounds; (ii) technology, including distance education services; and (iii) instructional materials services;
 - B. Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting

statewide requirements, and achieving statewide goals in the state's system of elementary and secondary education;

- C. Core services shall provide schools with access to services that:
 - (i) the ESU and its member school districts have identified as necessary services;
 - (ii) are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources;
 - (iii) can be efficiently provided by each educational service unit to its member school districts; and
 - (iv) can be adequately funded to ensure that the service is provided equitably to the state's public school districts;
 - D. Core services shall be designed so that the effectiveness and efficiency of the service can be evaluated on a statewide basis; and
 - E. Core services shall be provided by the ESU in a manner that minimizes the costs of administration or service delivery to member school districts.
- IV. The ESU shall meet minimum accreditation standards set by the State Board of Education.
- V. In fulfilling its role and mission, ESU 11 may contract to provide services to:
- A. Nonmember public school districts;
 - B. Nonpublic school systems;
 - C. Other educational service units; and
 - D. Other political subdivisions, under the Interlocal Cooperation Act and the Joint Public Agency Act.
- VI. ESU 11 will not regulate school districts unless specifically provided pursuant to law.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2002
Organization and Duties of the Board

- I. The principal office of Educational Service Unit No. 11 (the "ESU") is located at the following address: 412 West 14th Avenue, Holdrege, Nebraska 68949. If necessary for the performance of its duties, the ESU may establish other offices within the ESU's boundaries.

- II. Membership, Term and Election
 - A. The Board of Educational Service Unit No. 11 shall be composed of one member from each voting district, all of whom shall reside within the geographical boundaries of the educational service unit.

 - B. Those who wish to serve on the board shall file, be elected, and serve terms of office on the board according to law.

- III. Internal Organization
 - A. President
 1. At the regular January meeting, the board shall elect from among its members a president who shall serve in that capacity for one year.

 2. The president shall preside at all board meetings, and shall perform such other duties as may be prescribed by law or by action of the board.

 - B. Vice President
 1. At the regular January meeting, the board shall elect from among its members a vice president who shall serve in that capacity for one year.

 2. The vice president shall preside in the absence of the president, and shall perform such other duties as are assigned by the board.

 - C. Secretary
 1. At the regular January meeting, the board shall elect a secretary from among its members and shall serve in that capacity for one year.

2. The secretary shall see that an accurate record of the proceedings of the board is kept and that a copy of the proceedings is provided to each board member and to the superintendent. The secretary shall perform such other duties as are prescribed by law and assigned by the board.

D. Treasurer

1. A treasurer shall be employed by the board on a year-to-year basis. The treasurer's salary will be fixed by the board.
2. The treasurer shall be the custodian of all funds of the board of the ESU.
3. The treasurer shall attend meetings of the board as directed, shall prepare and submit in writing a monthly report of the state of its finances, and shall pay out money of the board only upon a warrant signed by the president, or in his or her absence by the vice president, and countersigned by the secretary.
4. The treasurer shall give bond or evidence of equivalent insurance coverage, payable to the board, in such sum as the board shall determine conditioned for the faithful performance of the duties as treasurer of the board and for the safekeeping and proper disbursement of all funds of the board collected or received by him or her. Such bond shall be signed by a corporate surety company or insurance company authorized to do business within this state. Such bond or insurance coverage may be enlarged at any time the board deems such enlargement necessary or advisable. The cost of such bond or insurance coverage shall be paid out of funds of the board.

IV. Board Officer Voting and Tie Breakers

- A. The vote to elect board officers may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.
- B. In the event any officer cannot be elected by a majority after 10 votes; no votes occur after ten motions fail for lack of a "second,";

or no member volunteers to serve as an officer for a particular position, the tie will be broken by the applicable method:

1. If the board is split between two members, the officer will be determined by coin flip. The winning member will be the officer for the upcoming year unless the position changes by action of the board.
2. If the board is split between more than two members who wish to serve as the officer, any member wanting to serve as the officer will put his or her name into a drawing. The name drawn out will be the officer for the upcoming year unless the position changes by action of the board.
3. If no member is willing to serve as an officer for a position which is required to be a member of the board, all non-officers' names will be put into a drawing. The name drawn out will be the officer for the upcoming year unless the position changes by action of the board.

V. Committees

- A. The board shall authorize such special committees as it deems necessary.
- B. The board president shall appoint members to the committee, and designate its function, tasks it is to perform, and a completion date for its work.

VI. Vacancies

- A. A vacancy on the board shall occur as set forth in section 79-1217.
- B. Whenever any vacancy occurs on the board, the remaining members of such board shall appoint an individual residing within the election district of the educational service unit for which the vacancy exists and meeting the qualifications for the office to fill such vacancy for the balance of the unexpired term.

VII. Duties of the Board

- A. Determination of Participation
The board shall determine the participation of the ESU in providing supplementary educational services.

B. Determination of Facilities and Other Resources

The board shall determine the locations within geographical area for its principal office and for the performance of its services. The board shall determine the facilities, equipment and supplies to enable the ESU to perform its duties and carry out its mission.

C. Appointment of an Administrator and Employment of Staff

The board shall appoint an administrator, who shall be a person experienced in public school administration and who shall hold at least a standard administrative certificate endorsed as a superintendent. The board shall also fix the administrators compensation and establish the administrator's duties. With the advice of the administrator, the board shall also employ and fix the compensation and duties of such professional and clerical assistants as shall be necessary.

D. Budget

1. The board, prior to the levying of any tax as provided by law, shall prepare a budget for the operation and maintenance of the ESU for the ensuing year. This budget shall itemize the contemplated expenditures and the expected revenue from taxation received by the ESU, from available federal, state, and county sources, from contractual revenue from school districts, and from all other agencies and sources.
2. A summary of the prepared yearly budget shall be published one time in a legal newspaper published in or of general circulation in each county in the ESU at least five days before a meeting at which such budget shall be considered for adoption by the board. Such publication shall also specify the date, time, and place of the public hearing at which the budget will be considered and any tax levy made.

E. Report of Yearly Activities

The board shall publish by November 1 of each year a brief report of the yearly activities of the board. The report shall include the amount of revenue received and expenditures itemized by categories. This publication shall be for one time in a newspaper of general circulation distributed in each county in the ESU. A copy of the report shall be distributed to each member school district by November 1 of each

year.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2003 Annual Financial Report and Audit

I. Annual Financial Report

A. On or before January 31 of each year, the administrator of the ESU shall submit to the Commissioner of Education a report described as the annual financial report.

B. The report will include the following:

1. the amount of money received from all sources during the year and the amount of money expended by the educational service unit during the year,
2. other information as required by statute, and
3. such other information as the commissioner directs.

II. Annual Audit

A. The board of each educational service unit shall cause a complete and comprehensive annual audit to be made of the books, accounts, records, and affairs of the educational service unit.

B. The audits shall be conducted annually, except that the Auditor of Public Accounts may determine an audit of less frequency to be appropriate but not less than once in any three-year period.

C. The board of each educational service unit may contract with the Auditor of Public Accounts or select a licensed public accountant or certified public accountant or firm of such accountants to conduct the audit and shall be responsible for the cost of the audit pursuant to the contract.

D. The audit shall be conducted in the same manner as audits of county officers. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts, and copies of the audit

shall be provided to each member school district on request and to the Nebraska Department of Education.

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2004 Oath of Office

No board member is required to take an oath of office pursuant to Nebraska law. However, new board members may voluntarily take the following oath before entering into their official duties:

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservations, or for purpose or evasions; and that I will faithfully and impartially perform the duties of the office of member of the Board of Educational Service Unit No. 11, according to law, to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence; and that during such time that I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence. So help me God.

Board members may affirm the oath orally or in writing. Copies of written oaths will be retained as official records of the school district in the main administrative office and such other places as may be required by law. Board members who give the oath orally will be noted in the minutes.

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Revised on: _____

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2005 Accreditation

VIII. Accreditation Standards

- A. Educational Service Unit No. 11 (the "ESU") shall meet the accreditation standards set by the Nebraska State Board of Education which will:
 - 1. Provide for accountability to taxpayers;
 - 2. Assure that the ESU is assisting and cooperating with school districts to provide for equitable and adequate educational opportunities statewide; and
 - 3. Assure a level of quality in educational programs and services provided to school districts by the ESU.
- B. The ESU shall comply with all of the State Board of Education's accreditation standards, the Nebraska Department of Education's rules and regulations.

IX. Accreditation Visitation, Application, and Reports

- A. The ESU and its administrator and staff shall cooperate fully with the Department of Education and host an on-site visitation for the purpose of verifying compliance with the State Board of Education's accreditation standards and the Department of Education's rules and regulations.
- B. The ESU administrator shall submit on or before November 1 of each year an application for accreditation to the Department of Education on forms prescribed by the Department of Education.
- C. The ESU administrator shall submit all other informational reports as required by the Department of Education on the forms prescribed and furnished by the Department of Education. Any report required by the Department of Education shall include all information requested and all signatures required by the Department of Education and shall be submitted on or before the due date designated by the Department of Education.

X. ESU Improvement and Evaluation

- A. The ESU shall develop and implement a continuous improvement

process to promote quality learning, equity, and accountability. The ESU's improvement process shall include, but is not limited to, the following activities within each five-year period:

1. Review and update of a mission and vision statement.
 2. On-going collection and analysis of aggregate data about student performance, programs, core services and services, demographics, and school district satisfaction;
 3. Identification of annual improvement goals based on the data identified above;
 4. Development and implementation of a plan that includes procedures, strategies, or actions to achieve goals; and
 5. Annual evaluation of progress toward improvement goals.
- B. The ESU continuous improvement process shall include an on-site visitation by an external team to review the process. The external team shall be made up of a minimum of five (5) persons, not employed by the ESU or in schools served by the ESU. The chair of the external team shall be assigned by the Commissioner of Education or his or her designee with remaining membership of the team agreed upon by the ESU administrator and the Commissioner or his or her designee. A copy of the external team's written report, including recommendations, shall be provided to the Department. The external team visits shall be conducted at least once each five years. In the alternative, the AdvancED Quality Assurance Review (QAR) may be used by the ESU to fulfill the requirement for an on-site visitation as provided in NDE Rule 84.

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2006 Complaint Procedure

Good communication helps to resolve many misunderstandings and disagreements. This complaint procedure applies to complaints unless the complaint is subject to a different procedure required by law, policy, or contract. Individuals who have a complaint should discuss their concerns with appropriate ESU personnel in an effort to resolve problems at the lowest level of the chain of command. When those efforts do not resolve matters satisfactorily, including matters involving discrimination or harassment on the basis of race, color, national origin, sex, marital status, disability, or age, a complainant should follow the procedures set forth in any specific policy addressing those areas or the procedures set forth below. Allegations of sex discrimination covered by Title IX will be addressed through the board's Title IX policy.

References to "coordinator" in this policy refer to the board-designated coordinator for the applicable area, such as the Section 504 Coordinator for allegations of disability-based discrimination.

A preponderance of the evidence will be required to discipline a party accused of misconduct. This means that the investigator must conclude that it is more likely than not that misconduct occurred.

Complaint and Appeal Process.

1. The first step is for the complainant to speak directly to the person(s) with whom the complainant has a concern. For example, a parent who is unhappy with a program teacher should initially discuss the matter with the teacher. However, the complainant should skip the first step if complainant reasonably believes speaking directly to the person would subject complainant or complainant's student to discrimination or harassment.
2. The second step is for the complainant to speak to the program administrator, coordinator, ESU administrator, or president of the board, as set forth below. Anyone with questions about the appropriate person to speak with may request clarification from the administrator.
 - a) Complaints about the operation, decisions, or personnel within a program should be submitted in writing to the program administrator.

- b) Complaints about the operations of the program or a program administrator should be submitted in writing to the ESU administrator.
 - c) Complaints about the ESU administrator should be submitted in writing to the president of the board.
 - d) Complaints involving discrimination or harassment on the basis of race, color, national origin, sex, marital status, disability, or age may also be submitted, at any time during the complaint procedure to the applicable coordinator. Complaints involving discrimination or harassment may also be submitted at any time to the Office for Civil Rights, U.S. Department of Education: by email at OCR.KansasCity@ed.gov; by telephone at (816) 268-0550; or by fax at (816) 268-0599.
3. When a complainant submits a complaint to a program administrator or coordinator, the program administrator or coordinator shall first determine whether another applicable procedure is required by policy or law and if so, direct the complaint to the appropriate person to follow that procedure. If not, the administrator or coordinator will promptly and thoroughly investigate the complaint, and shall:
- a) Determine whether the complainant has discussed the matter with the respondent involved.
 - 1) If the complainant has not, urge the complainant to discuss the matter directly with the respondent, if appropriate.
 - 2) If the complainant refuses to discuss the matter with the respondent, the program administrator or coordinator shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.
 - b) Strongly encourage the complainant to reduce his or her concerns to writing.
 - c) Interview the complainant and, if necessary, the respondent against whom the complaint is filed, to determine:
 - 1) All relevant details of the complaint;

- 2) All witnesses and documents which the complainant believes support the complaint;
 - 3) The action or solution which the complainant seeks.
 - d) Respond to the complainant. If the complaint involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the program administrator or coordinator receives the complaint.
4. If either the complainant or the respondent is not satisfied with the decision he or she may appeal the decision to the ESU administrator. The administrator may assign a qualified designee to hear any appeal. This provision applies to appeals under the board's policies governing complaints of discrimination or harassment, including Title IX and any other policy with a separate grievance or complaint procedure, unless that other procedure includes its own appeal process. All requirements for appeals within any other policy apply, and in addition to those requirements, the following also apply.
 - a) This appeal must be in writing.
 - b) This appeal must be received by the ESU administrator no later than three (3) calendar days from the date of the decision.
 - c) For complaints addressed through other applicable procedures that do not include a separate investigatory process, the ESU administrator will investigate as he or she deems appropriate.
 - d) The ESU administrator will prepare a written decision and provide it to the complainant and any other person entitled by law to receive the appeal decision, For complaints involving discrimination or harassment the ESU administrator shall submit the decision within 180 calendar days after the ESU administrator received complainant's written appeal. Appeals to the ESU administrator from complaints involving discrimination or harassment are final once the ESU administrator delivers the written decision, as are all other appeals/complaints to the ESU administrator unless the complaint can be appealed on the limited grounds to appeal to the board below.
5. The board's role is to set policy, establish and implement a budget, and evaluate the administrator. The board does not manage the daily operations of the ESU entrusted to its administration unless required by

law or policy. Because of the board's statutory roles, it does not hear complaints or appeals that may involve oversight or discipline of students, staff, or others, unless those involve the administrator as discussed below. The board does not hear complaints or appeals based on allegations of discrimination or harassment unless otherwise required by law. The board will hear appeals only in the following circumstances:

- a) When the complaint is about a board policy, not implementation of the policy;
- b) When the complaint involves the budget or ESU expenditures that have been or must be approved by the board; or
- c) When the board is required by law, policy, or contract to hear a complaint or appeal.

If a complaint involves those limited grounds and a party is not satisfied with the ESU administrator's decision regarding the complaint or appeal, he or she may appeal the decision to the board.

- d) This appeal must be in writing.
- e) This appeal must be received by the board president no later than ten (10) calendar days from the date the ESU administrator communicated his/her decision to the complainant.
- f) This policy allows, but does not require the board to receive statements from interested parties and witnesses relevant to the complaint appeal. However, all matters involving discrimination or harassment allegations against the ESU administrator shall be promptly and thoroughly investigated by the board president or a designee.
- g) The board president will notify the complainant and any other person legally required to receive the decision in writing of its decision. If the complaint involves discrimination or harassment allegations against the ESU administrator, the board president shall submit the decision within 180 calendar days after receiving the written appeal.
- h) There is no appeal from any decision of the board or board president unless authorized by law.

6. Formal complaints about the ESU administrator shall be filed with the president of the board. However, complaints about the ESU administrator do not include disagreement with the ESU administrator's decision on appeal based on a complaint of discrimination, harassment, or action of any other employee who is not the administrator. Upon receipt of a complaint, the board president or his or her designee shall promptly and thoroughly investigate the complaint, and shall:
 - a) Coordinate with ESU staff, other than the ESU administrator, to determine if another procedure in policy or law requires the complaint against the ESU administrator to follow another procedure. If so, the board president will coordinate handling the complaint through that procedure. If another procedure applies, such as in the case of allegations of sex discrimination against the ESU administrator, the board president or, at his or her discretion, the full board will serve only to hear any appeal by a party to the complaint.
 - b) Determine whether the complainant has discussed the matter with the ESU administrator.
 - 1) If the complainant has not, the board president or designee will urge or require the complainant to discuss the matter directly with the ESU administrator, if appropriate or required.
 - 2) If the complainant refuses to discuss the matter with the ESU administrator, the board president shall, in his or her sole discretion, determine whether the complaint should or must be pursued further.
 - c) Determine, in his or her sole discretion, whether to place the matter on the board agenda for consideration at a regular or special meeting by the full board.
 - d) Respond to the complainant or appeal. If the complaint or appeal involves discrimination or harassment, the response shall be in writing and shall be submitted within 180 calendar days after the president received the complaint.
 - e) Appoint or contract with other individuals qualified to assist the board through this process or any other applicable procedure used to address allegations against the ESU administrator.

No Retaliation. The ESU prohibits retaliation against any person for filing a complaint or for participating in the complaint procedure in good faith.

Bad Faith or Serial Filings. The purpose of the complaint procedure is to resolve complaints at the lowest level possible within the chain of command. Individuals who file complaints (a) without a good faith intention to attempt to resolve the issues raised; (b) for the purpose of adding administrative burden; (c) at a volume unreasonable to expect satisfactory resolution; or (c) for purposes inconsistent with the efficient operations of the ESU may be dismissed by the ESU administrator without providing final resolution other than noting the dismissal. There is no appeal from dismissals made pursuant to this section.

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Revised on: June 17, 2024

Reviewed on:

2007

Reimbursement and Miscellaneous Expenditures

I. Board members, employees, and volunteers of the ESU are expected to maintain and enhance their effectiveness by being well-informed on issues affecting education. They are encouraged to attend education workshops, conferences, training programs, official functions, hearings, and meetings sponsored by the school district or state and national educational organizations which are helpful to them in performing their duties or which are in the best interests of the ESU.

II. This board hereby gives prior approval for board members to attend meetings described in the preceding paragraph. Upon approval by the board president, the administrator, or the administrator's designee, such board members may attend authorized meetings without further action or approval by the board, and shall be paid or reimbursed for registration costs, tuition costs, fees or charges, travel expenses, and costs of meals and lodging as permitted by law.

A. The administrator or the administrator's designee may authorize employees and volunteers to attend meetings described in the first paragraph and may authorize the payment of such registration costs, tuition costs, fees, charges, travel expenses, costs of meals, and/or costs of lodging as he or she deems appropriate and as permitted by law.

B. Expenses for attendance at any of the above activities shall be paid by the school district as allowed by law. The Board shall pay

or reimburse attendees for expenses that are actually, necessarily, and reasonably incurred in attending educational seminars, conventions, and workshops; conferences; training programs; official school functions, hearings or meetings, provided that such reimbursement is permitted by law.

- C. The board authorizes the expenditure of funds for non-alcoholic beverages for individuals attending public meetings of the board and non-alcoholic beverages and meals for individuals while performing or immediately after performing relief, assistance, or support activities in emergency situations, and for any volunteers during or immediately following their participation in any activity approved by the board.
- D. It is in the best interest of this school district to recognize service by board members, employees, and volunteers. The board authorizes the president, superintendent or the superintendent's designee to determine when and to whom plaques, certificates of achievement, flowers or other items of value should be granted, provided that no such plaque, certificate, flowers or other item of value shall cost more than \$100.00.
- E. Funds may be spent for one recognition dinner each year for elected and appointed officials, employees or volunteers of the school district. The maximum cost per person for such a dinner shall not exceed \$25.00.

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Revised on: _____

Reviewed on: September 18, 2023

2008 Meetings

The formation of policy is public business and will be conducted openly in accordance with the Nebraska Open Meetings Act.

- 1. Types of Meetings
 - a. The board shall hold its regular meetings on the third Monday of each calendar month and commence at 7:00 p.m. April through

October and at 5:00 p.m. November through March. The board may schedule regular meetings on other days and at other times as needed.

- b. Special and emergency meetings may be called as provided by law.
- c. The board may schedule work sessions and retreats in order to provide board members and administrators with the opportunity to plan, research, and engage in discussion.

2. Notice

The board shall give reasonable advance publicized notice of the time and place of each of its meetings, which generally will be 48 hours or more in advance of the meeting. Such notice shall be transmitted to all members of the board and to the public. Notice of regular and special meetings shall be published in a newspaper of general circulation within the ESU and, if available, on the newspaper's website. Newspapers of general circulation in the ESU include, but are not necessarily limited to, the Franklin County Chronicle, Harlan County Journal, Holdrege Daily Citizen, Minden Courier, Valley Voice, or the Omaha World-Herald. Such notice shall contain a statement that the agenda shall be readily available for public inspection at the administration office of the ESU during the normal business hours. In addition, the administrator is authorized, but not required, to publish the notice of any meeting on the ESU's website, posting in three prominent places within the ESU, or by any other appropriate method designated by the board.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes of the meeting, and any formal action taken in such meeting shall pertain only to the emergency. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day.

3. Weather Delays

In the event of inclement weather which makes it dangerous or unreasonable for board members or members of the public to attend a meeting for which notice has already been given, such meeting may be postponed by the board president. The board will communicate the delay to members of the public by posting it on the ESU's website and by following the same communication protocol that the ESU follows when the ESU is closed due to inclement weather. When possible, the board president and administrator will attempt

to communicate the information to local media members and business owners to assist in notifying the public of the delay. Notice of the date, time, and location of the postponed meeting will be advertised as required in the "Notice" section above.

4. Minutes

- a. The board shall keep minutes of all meetings showing the time, place, members present and absent, the method(s) and date(s) of the meeting notice, and the substance of all matters discussed.
- b. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the board in open session, and the record shall state how each member voted, or if the member was absent or not voting.
- c. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public record and may be published on the ESU's website.

5. Quorum

- a. In all meetings of the Board, a majority of the members required by statute shall constitute a quorum for the transaction of business.
- b. When, due to unforeseen circumstances, a quorum is not present, the administrator is authorized to process payments for any bills deemed necessary and to reschedule and re-advertise the regular meeting in order for normal business to be conducted.

Adopted on: June 21, 2021

Revised on:

Reviewed on: September 18, 2023

**2009
Public Participation at Board Meetings**

- I. The board shall conduct its meetings in accordance with the Nebraska Open Meetings Act.

- A. The board shall make reasonable efforts to accommodate the public's right to hear the discussions and testimony presented at its meetings. The board shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed in open session of the meeting.
- B. Except for closed sessions, the board will allow members of the public an opportunity to speak at each meeting. The board may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, photographing, or recording its meetings.
- C. The board shall not require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. However, the board may require members of the public desiring to address the board to identify themselves.

Adopted on: June 21, 2021

Revised on: June 17, 2024

Reviewed on:

2010 Preparation for Board Meetings

The administrator will create the agenda and board packet in consultation with the board president. The materials will be sent or delivered to each board member in advance of the meeting. Members of the public have no entitlement to place an item on the board's agenda, but may address the board during the next meeting at which the board receives public comment.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2011
Membership in Organizations

The board may hold membership in organizations approved by the board.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2012 Board Code of Ethics

The board recognizes that collectively and individually, all members of the board must adhere to an accepted code of ethics in order to improve public education. Board members must conduct themselves professionally and in a manner fitting of their position.

Each board member shall:

1. Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
2. Endeavor to make policy decisions only after full discussion at publicly held board meetings;
3. Render all decisions based on the available facts and his or her independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
4. Encourage the free expression of opinion by all board members, and seek systematic communication between the board and students, staff and all elements of the community;
5. Work with other board members to establish effective board policies and to delegate authority to the administrator to administer the ESU;
6. Communicate expressions of public reaction to the board policies and school program to other board members and the administrator;
7. Learn about current educational issues by individual study and through participation in seminars and programs, such as those sponsored by the state and national school board associations;
8. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
9. Avoid being placed in a position of conflict of interest, and refrain from using the board member's position on the board for personal or political gain;
10. Refrain from discussing the confidential business of the board in any setting except a board meeting;

11. Refrain from micro-managing the affairs of the ESU;
12. Recognize the administrator as the executive officer of the board;
13. Work constructively and collegially with the other members of the board, students, staff and patrons.
14. Refer complaints to the administrator, as appropriate;
15. Always be mindful of his/her fiduciary obligation to the ESU, including duties of loyalty and care, by placing the interests of the ESU above the board member's personal interests.
16. Remember that a board member's first and greatest concern must be the educational welfare of the students attending member school districts.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2013 Violation of Board Ethics

The board is responsible for enforcing the code of ethics of its members. If any member of the board commits a serious or repeated violation of the code, the board may take any of the following steps:

- I. The board president may confer with the board member who has violated the code of ethics in order to:
 - A. Identify the provision of the code that the member has violated;
 - B. Propose how the member can remedy the violation;
 - C. If the board member who violated the code is the board president, the vice president is empowered to confer with the president about the violation.
- II. The board may discuss the violation as an agenda item at a meeting to confront the offending board member. However, the board will not enter

closed session to hold the discussion of the ethics violation unless the Open Meetings Act authorizes a closed session.

- III. The board may vote to publicly censure any board member who commits a serious or repeated violation of the code. The board will pass a censure motion to inform the community that an individual member of the board is not fulfilling the responsibilities for which he or she was elected.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2014 Relationship with ESU Attorney

The board will engage legal counsel to assist it and the administration in dealing with legal issues. When the ESU faces circumstances in which legal counsel may be needed between board meetings, the board president or administrator may engage legal counsel on the board's behalf.

The administrator and the board president shall have the authority to contact the ESU's legal counsel on behalf of the ESU. The administrator may give other members of the administration permission to contact the ESU's legal counsel on an as-needed basis. Individual board members other than the president may not contact the ESU's legal counsel on behalf of the board without the approval of the board president or a majority of the board.

Any board member who contacts the ESU's legal counsel without board approval may be personally responsible for any legal fees incurred as a result of the unapproved contact.

The Administrator will, to the extent permitted by law, keep the board informed of matters in which the ESU's legal counsel is involved.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2015
Process for Providing Services and Calculating Costs

I. Provision of Services

- A. The ESU shall provide all services required by law to its member school districts.
- B. The ESU may also contract to provide services allowed by law to:
 - 1. non-member public school districts;
 - 2. non-public school systems;
 - 3. other educational service units; and
 - 4. other political subdivisions under the Interlocal Cooperation Act and the Joint Public Agency Act.

II. Evaluation of Requests

- A. The ESU board shall evaluate all requests for services submitted according to ESU's policy or recommended or proposed by the advisory committee. The ESU shall give due consideration to:
 - 1. the requested services' costs to the ESU;
 - 2. the requested services' effect on other educational programs and services provided by the ESU; and
 - 3. the ESU's ability to provide the requested services adequately and efficiently.
- B. If deemed necessary by the ESU board, the ESU board may submit the request to the advisory committee and/or the ESU administrator for a recommendation regarding the requested services.

III. Approval of Requests

- A. Prior to approving a request for services, the ESU shall convey to the requesting party the amount or estimated amount which the requesting party must pay for the services, and, if necessary, the requesting party may withdraw or amend its request for services.
- B. Requests for services must be approved by a majority of the ESU board. Upon approval of a request for services, the ESU board may authorize the ESU administrator and/or other ESU personnel to take the actions necessary to provide the approved services.

IV. Calculation of Costs

The ESU shall calculate the costs of its services using any reasonable method of accounting for Nebraska political subdivisions.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2016

Process for Requesting and Paying for Services

- I. Any member school district, non-member public school district, non-public school system, other educational service unit, or other political subdivisions may request services to be provided by the ESU by following the process in this policy.
- II. Submitting Written Requests
 - A. A request for services shall be submitted in writing to the ESU administrator. Member school districts may submit requests to the ESU administrator or the advisory committee.
 - B. If the request is submitted to the advisory committee and the advisory committee proposes or recommends that the ESU provide such services, the advisory committee must submit the member school district's written request to the ESU board at the time the advisory committee makes its proposal or recommendation.
- III. Requirements of Written Requests
 - A. Written requests must include the following information:
 1. the services requested;
 2. the proposed duration of the services requested;
 3. the location(s) where the requested services may be performed;
 4. the proposed method, time, and frequency of payment(s);
 5. the name, telephone number, and email address of a representative of the requesting party who the ESU may contact for additional or clarifying information; and
 6. any other information the requesting party would like the ESU to consider.

IV. Payment for Services

- A. Services provided by the ESU may be paid for in any method, time, and frequency approved by a majority of the ESU board.
- B. The ESU board shall approve the method, time, and frequency of payment prior to the commencement of services by the ESU and set forth the method, time, and frequency of payment in any written contract or agreement regarding the ESU's services.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

**2017
Annual Service Report**

- I. Prior to each October board meeting of ESU board, the ESU administrator shall prepare a written report of the programs and services provided by the ESU during the immediately preceding year (the "Annual Service Report").
- II. The ESU administrator shall submit the Annual Service Report to the ESU board for its review at the October board meeting.
- III. Prior to November 1 of each year, the ESU administrator shall provide the Annual Service Report to the ESU's member school districts, the boards of all other Nebraska educational service units, and the Nebraska Department of Education.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

**2018
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2019
Development and Education of Board Members

1. New Board Member Orientation
 - a. All new board members are strongly encouraged to attend new board member training and workshops.
 - b. Sitting board members and the administrator will assist each new member-elect to understand the board's functions, policies, and procedures before he or she takes office.

2. Ongoing Development and Education
 - a. Board members provide the most effective service to the district when they are continuously updated on educational and legal issues. Attendance at meetings directly or indirectly related to education or school matters is encouraged for the value they have to the school system and the professional growth of board members.
 - b. Board members are encouraged to engage in continuing education such as:
 - i. Participation in local, regional and state conferences and workshops such as meetings of the Nebraska Association of School Boards, the Nebraska Rural Community Schools Association, and the Nebraska Council of School Administrators.
 - ii. Participation in legislative sessions and related activities.
 - iii. Participation in national conventions such as the National School Boards Association and/or the American Association of School Administrators on a rotating basis among the members.
 - iv. Examination of other ESU facilities and their programs.

The administrator shall notify board members of all relevant conferences and workshops, other local and regional meetings, and/or in-service activities.

Board members should refer to Policy 2007 for information on reimbursement for attendance at continuing education and training.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2020 Conflict of Interest

No member of the board shall be employed at the ESU. Members of the board shall not receive compensation for their services except as provided by law but shall be reimbursed, as provided by law, for the actual and necessary expenses incurred in the performance of their duties.

Any member of the board of education who meets the conditions set forth in this policy shall be deemed to have a business or financial conflict of interest.

I. Definitions. For purposes of this policy:

A. Business with which a board member is associated shall include the following:

1. A business in which the board member or a member of his or her immediate family is a partner, a limited liability company, or serves as a director or an officer.
2. A business in which the board member or a member of his or her immediate family is a stockholder in a closed corporation with stock worth one thousand dollars or more, or the board member or his or her immediate family owns more than a five percent equity interest or is a stockholder of publicly traded stock worth more than ten thousand dollars or more at fair market value, or which represents more than ten percent equity interest. This shall not apply to publicly traded stock under a trading account if the board member reports the name and address of the company and stockbroker.

B. A business association shall be defined to include an individual as a partner, limited liability company member, director or officer, or a business in which the individual or member of the immediate family is a stockholder.

C. Immediate family member or member of the immediate family shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

II. Contracts with the ESU.

A. No board member's immediate family shall enter into a contract valued at two thousand dollars or more, in any one year, with this ESU unless

the contract is awarded through an open and public process that (1) includes prior public notice and (2) allows the public to inspect during the ESU's regular office hours the proposals considered and the contract awarded.

- B. The existence of any conflict of interest in any contract in which the board member has an interest and in which the ESU is a party, or the failure to make public the board member's interest known, may render a contract null and void.
- C. The prohibition of a conflict of interest or requirement for the board member to make public notice shall apply when the board member, or his or her parent, spouse, or child has a business association with the business involved in the contract or will receive a payment fee or commission as a result of the contract.
- D. The prohibition in this section does not apply if the contract is an agenda item approved at a board meeting and the board member:
 - 1. Makes a declaration on the record to the board regarding the nature and extent of his or her interest prior to official consideration of the contract;
 - 2. Does not vote on the matters of granting the contract, making payments pursuant to the contract, or accepting performance of work under the contract, or similar matters relating to the contract, except that if the number of members of the school board declaring an interest in the contract would prevent the board with all members present from securing a quorum on the issue, then all members may vote on the matters; and
 - 3. Does not act for the board as to inspection or performance under the contract in which he or she has an interest.

III. Contracts with Board Member's Immediate Family.

- A. If a person in a board member's immediate family is an employee of this ESU, the board member may vote on all issues of a contract which are generally applicable to:
 - 1. All district employees.
 - 2. All employees within a specific classification but which does not single out the member of his or her immediate family.

IV. Employing Members of the Immediate Family.

A. A board member may recommend for employment or supervise the employment of an immediate family member if:

1. The board member does not abuse his or her position.
2. Abuse of official position shall include, but not be limited to, employing an immediate family member:
 - (i) who is not qualified for and able to perform the duties of the position;
 - (ii) for any unreasonably high salary;
 - (iii) who is not required to perform the duties of the position.
3. The board makes a reasonable solicitation and consideration of applications for employment.
4. The board member makes a full disclosure on the record to the governing body of the ESU and to the secretary of the board. If the secretary of the board would be the individual filing the disclosure statement, the statement shall be filed with the president of the board of education.
5. The board approves the employment or supervisory position.

B. The board has not terminated the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member.

V. Gifts, Loans, Contributions, Rewards, or Promises of Future Employment

A. No board member shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based upon an agreement that a vote, official action, or judgment would be influenced thereby:

1. a public official, public employee, or candidate.
2. a member of the immediate family of an individual listed in Subparagraph 'a' above.

3. a business with which an individual listed in Subparagraph (1) or (2) above is associated.

B. No board member shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the board member would thereby be influenced.

C. A board member shall not use or authorize the use of his or her public office or any confidential information received through the holding of a public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which he or she is associated.

D. A board member shall not use personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

VI. Conflict of Interest Relating to Campaigning or Political Issues

A. Except as provided below, the board shall not authorize the use of personnel, property, resources, or funds under its jurisdiction for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.

B. This does not prohibit the board from making ESU facilities available to a person for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is not a factor in making the facilities available or a factor in determining the cost or conditions for use.

C. This does not prohibit the board from discussing and voting upon a resolution supporting or opposing a ballot question.

D. This does not prohibit the board, while legally seated as a body, from responding to specific inquiries by the press or the public as to the board's opinion regarding a ballot question or from providing information in response to a request for information.

1. The board may designate one or more members of its body, or the ESU administrator to speak on behalf of the board on specific occasions such as public meetings or legislative hearings.

2. Any member of the board may present his or her personal opinion regarding a ballot question or respond to a request for information related to a ballot question; but in so doing, the person should clearly state that the information being presented is his or her personal opinion and is not to be considered as the official position or opinion of the board. However, this shall not be done during a time that the individual is engaged in his or her official duties.

VII. Conflict of Interest Statement

- A. Any board member who would be required to take any action or make any decision in the discharge of his or her official duties that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall take the following actions as soon as he or she is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:
 1. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict;
 2. Deliver a copy of the statement to the ESU board secretary who shall enter the statement onto the ESU's public records; and
 3. Abstain from participating or voting on the matter in which he or she has a conflict of interest.
- B. If the board member would like a formal opinion from the NADC as to whether there is an actual conflict of interest, he/she shall deliver a copy of the statement to the NADC.

VIII. Recordkeeping

- A. The board secretary shall maintain a separate record of the following information for every contract entered into by the school board in which a board member has an interest and for which disclosure was made pursuant to section (II)(d) of this policy:
 1. The names of the contracting parties.
 2. The nature of the interest of the board member in question.
 3. The date that the contract was approved.

4. The amount of the contract.
 5. The basic terms of the contract.
- B. The information supplied relative to the contract shall be provided no later than ten (10) days after the contract has been signed by both parties. The ledger kept by the board secretary shall be available for public inspection during normal working hours of the office in which it is kept.
- IX. Conflict. To the extent that there is a conflict between this policy and the Nebraska Political Accountability and Disclosure Act ("Act"), the Act shall control.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2021 Advisory Committee

I. Committee Members; Purpose

- A. The ESU and its member school districts have mutually agreed that the advisory committee for the ESU shall be composed of the superintendents of schools (or his/her designate) from each member school district.
- B. The advisory committee shall meet at least four times each school year to review the programs and services being conducted by the ESU and to discuss and plan changes and further refinement of the ESU's programs and services. The advisory committee shall provide recommendations and proposals for educational programs and services to the ESU board.
- C. The advisory committee may accept requests from member school districts for educational programs and services provided by the ESU and propose or recommend to the ESU board that the ESU shall provide such programs or services.

II. Board Consideration of Committee Findings

- A. The ESU board shall give due consideration to all of the advisory committee's recommendations and proposals.
- B. The ESU board may approve and adopt the advisory committee's recommendations and proposals as the board deems necessary.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

2022 Disbursements

Notwithstanding any provision of any other policy, facsimile signatures of board members may be used to sign any warrant, check, or other instrument drawn upon bank depository funds of the district, and a person or persons delegated by the board may sign and validate all warrants, checks, and other instruments drawn upon bank depository funds of the ESU.

Adopted on: June 21, 2021

Revised on: _____

Reviewed on: September 18, 2023

BOARD MEETING PUBLIC PARTICIPATION

INSTRUCTIONS FOR MEMBERS OF THE PUBLIC WHO WISH TO SPEAK:
This is the portion of the meeting when members of the public may speak to the board about matters of public concern.

- **Getting Started:** When you have been recognized, please identify yourself, including an address and the name of any organization you represent. The board may waive the address requirement to protect the security of the individual.
- **Time Limit:** The board will generally allow a total of 30 minutes for the presentation of all public comments. Individuals may speak only one time, and must limit comments to around 5 minutes. If there are more than 6 individuals who wish to address the board, the 30 minutes will be divided equally between the number of speakers. These time limits may be changed by a majority vote of the board members in attendance to extend the time for a specific item or speaker.
- **Personnel or Student Topic:** If you are planning to speak about a personnel or a student matter involving an individual, please understand that the district has a complaint policy and/or procedures to resolve such complaints and concerns. The Board requests that you follow the policy and procedures before addressing these matters with the Board. Board members will generally not respond to any questions you ask or comments about individual staff members or students.
- **General Rules:** This is a public meeting for the conduct of business. Comments from the audience while others are speaking will not be tolerated. Lewd, obscene, profane, slanderous, threatening and hostile conduct or statements and fighting words (words whose mere utterance entails a call to violence) will not be tolerated.
- **No Action by the Board:** The board will not act on any matter unless it is on the published agenda.