



Karen Haase  
Steve Williams  
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## MEMORANDUM

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TO: Superintendent Ken Schroeder  
FROM: Karen Haase, Steve Williams and Bobby Truhe  
DATE: October 13, 2016  
RE: 2000 Series Policies

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We have attached the 2000 series policies that deal with Board Issues.

**Policy No. 2001. Role of the Board of Education.** This policy outlines the board's role which is (1) to establish a mission, goals, and policies; (2) to establish and maintain school facilities; (3) to select a superintendent; (4) to adopt a fiscally responsible budget; and (5) to evaluate programs.

**Policy No. 2002. Organization of the Board.** This policy establishes the organization and functions of the various board members, including the authority to sign all warrants and checks drawing on depository funds of the district. The Nebraska State Auditor takes the position that only the president may utilize the president's own facsimile signature, although we dispute the Auditor's reading of the statutes and therefore authorize the vice president or secretary to utilize the facsimiles to sign checks and warrants.

The policy also addresses board vacancies and states that the January meeting will be used as the meeting for selecting officers and addressing other board organization items.

Finally, under the Committees section, we have listed the statutory required Committee on Americanism. Be sure to form the committee at the beginning of each school year.

**Policy No. 2003. Development and Education of Board Members.** This policy discusses board member orientation, training, and continuing education.

**Policy No. 2004. Oath of Office.** Nebraska state law does not technically require school districts other than Class VI school districts to administer the oath. However, we believe it is a good idea to administer this oath of office.

**Policy No. 2005. Conflict of Interest.** Policy 2005 addresses conflicts of interest for board members, including board members' obligations under the Political Accountability and Disclosure Act. Board members should carefully review this policy, particularly if they are married to a school district employee or if they do any business with the district.

Nebraska state statute prohibits a school board member from being employed as a teacher by the district in which he or she serves on the board. See NEB. REV. STAT. § 79-544. This prohibition would include serving as an administrator, school nurse, or any other position which requires a certificate from the Nebraska Department of Education. Because we have a freestanding version regarding employment of board members in policy 4015, we have simply inserted a cross-reference to that policy here.

**Policy No. 2006. Complaint Procedure.** This policy outlines the general complaint procedure for all district patrons and staff, including board members, unless another policy or contract such as a collective bargaining agreement applies a separate grievance procedure.

It is important to note that we have combined several required complaint procedures into this general complaint procedure policy, such as Section 504 (prohibiting disability discrimination) and Title IX (prohibiting sex discrimination). Our hope is that having one complaint procedure will make it much easier to follow the correct steps in each complaint, regardless of the nature of the complaint. We have included a reference to the Office of Civil Rights, as well, which is required by many of these federal laws.

We often suggest that board members keep extra copies of this policy readily available to provide to patrons who contact you to lodge general complaints about teachers, coaches, or administrators. Board

members should be very familiar and comfortable with this policy and attempt to follow it with fidelity in all cases.

**Policy No. 2007. Reimbursement and Miscellaneous Expenditures.** The policy permits district staff and board members to seek reimbursement for attending continuing education, training, and development activities, provided such expenses are permitted by law. This policy will be useful for school districts explaining to the State Auditor why such reimbursements were paid.

The Nebraska Political Subdivision Miscellaneous Expenditures Act allows board to award a “plaque, certificate of achievement, or item of value” to employees, board members, or volunteers. However, the board must set a dollar limit on the value of the award. We have set the value at \$100 – you may change it to reflect your board’s practice. However, you may not change the amount more than once in any twelve-month period.

Finally, the last provision states that recognition dinners will be limited to a \$25 per person cost, which comes directly from state statute. You cannot increase this number.

**Policy No. 2008. Meetings.** The Open Meetings Act requires a public body to identify the method it will use to advertise its meetings. This policy states the board will post (rather than publish in a local newspaper) notice of its meetings at 3 prominent locations within the district. We put that provision in there because many schools use this method rather than the newspaper. If your board uses a different method of advertising your meetings, such as posting on your website, you should adjust the policy accordingly. Keep in mind that a simple posting method doesn’t prohibit you from also posting in a newspaper, but the method designated will be your legal minimum requirement. We prefer posting versus a newspaper because circulation timelines are often prohibitive unless your paper is a daily publication.

**Policy No. 2009. Public Participation at Board Meetings.** This policy covers public comment and participation at board meetings, including public comment and board materials available to patrons attending meetings. The Nebraska Open Meetings Act specifically provides that boards are not required to allow for public comment at every meeting. The Attorney General suggests that boards allow a time for public comment at least four times per year. We prefer to have our policies set for minimum requirements so that boards have the most

possible flexibility. Therefore, you may adopt this policy as it is, even if you allow for public comment more frequently.

We have also attached a sheet of instructions for members of the public who wish to speak for your use during public comment at board meetings. The rules sheet sets forth limits on the time for public comment and sets some other general rules. You should review this document and revise it to reflect your practice. You should then have extra copies of this document available at meetings where you will allow the public to comment.

**Policy No. 2010. Preparation for Board Meetings.** This policy sets out the general way that your board prepares for its meetings. In our experience, the vast majority of schools have the superintendent set the agenda in consultation with the board president. If that is not the way your board prepares its agendas, please contact us so that we can revise this policy to reflect your practice. This policy also makes it clear that members of the public have no entitlement to be placed on the agenda. You should refer angry callers who demand to be placed on the board's next meeting agenda to this policy, and politely invite them to speak the next time your board has scheduled public comment.

**Policy No. 2011. Membership in Organizations.** This policy simply states that the board may hold memberships in various organizations. This policy is useful in answering questions from the state auditor or patrons about why you are paying membership dues in organizations such as the Nebraska Rural Community Schools Association, the Nebraska School Boards Association, or the National Association of School Boards. Some boards add a list of approved organizations to this policy annually or on an as-needed basis, as well. You are not required to list all of the organizations of which the board is a member, but you can do so.

**Policy No. 2012. Code of Ethics.** We have drafted this policy based on input from numerous calls and questions from frustrated board members, administrators, and patrons. This policy attempts to capture what we believe it means to be a healthy, productive board of education. The board should carefully review this policy to be sure that this is consistent with its beliefs and practices. Once the board has adopted its code of ethics, you should review it frequently and include it in new board member training to remind both new and incumbent board members of the ethical obligations they have placed upon themselves. Candidates for the board should be provided with a copy of this policy

after they file for office and new board members should be reminded of this policy after they are elected.

**Policy No. 2013. Violation of Board Ethics.** Unfortunately, there is very little legally that a board can do to impose consequences on one of its members who violates the code of ethics. We urge board members to use their personal relationships and shared cultural expectations to enforce the code of ethics informally. We do occasionally have board contact us for guidance on more formal methods to use in communicating to a board member and/or to the community that a breach of ethics has occurred. This policy sets out the steps that a board could take in those instances.

Boardsmanship training is one of the most urgent needs that we see in Nebraska school districts. We have worked with many boards on an individualized basis to address specific needs in addition to general Boardsmanship issues. We encourage boards who are struggling with ethical breaches to obtain additional training before resorting to the strategies outlined in this policy.

**Policy No. 2014. Relationship with School Attorney.** This policy gives the superintendent and the board president the authority to contact the school attorney and to give permission for others to contact the attorney. A few boards have been unpleasantly surprised when they received a bill for legal advice from an attorney who was contacted by an individual board member without permission. This policy provides that any board member who contacts the school attorney without board approval may be personally responsible for any legal fees incurred as a result of the unapproved contact. Our general practice is to politely decline to speak to any member of the board who does not have the authority to speak with us. This provision can be a powerful incentive for an unscrupulous board member to be honest about having permission to speak with the attorney.

The policy also states that the board shall choose an attorney to assist it. This is not a legal requirement, but we do find that many boards “choose” an attorney. While Nebraska law does permit boards to use attorneys for legal needs, you are not required to pick only one and formally choose at a certain meeting each year. For example, if your board uses KSB and a local attorney on some issues, it is perfectly permissible to authorize the superintendent to contact either on an as-needed basis, without designating only one.

**Policy No. 2015. Student Member of the Board.** For those boards who have a student member, this policy authorizes the practice and provides guidelines for the student member's participation. Note that the policy states the decision will be made at the board's regular "May" meeting or "any other meeting" as determined by the board. You should change this to reflect your practice. This policy is not required, so if you do not allow student members, you could simply elect not to pass this policy as part of your policy manual or could change it to say the board does not authorize student members. We would be happy to help with any changes you'd like to make.