

Board of Education Regular Meeting

Monday, August 12, 2024 7:00 PM

Blair Central Office

1326 Park Street

Blair, NE 68008

Agenda

1. Call to Order

Information concerning the Open Meeting Law, Chapter 84, Article 14 of Nebraska State Statutes, is posted in the meeting room at a location accessible to members of the public and attached to the online agenda.

Mrs. Kari Loseke, Board President, will call the Board of Education Regular meeting to order.

2. Roll Call

The Board Secretary will conduct roll call attendance.

2.1. Approval of Absent Board Members

3. Pledge of Allegiance

Dr. Gilson will lead the Board in the Pledge of Allegiance.

4. Approval of Emergency Additions to the Agenda

5. Call for Removal of Consent Agenda Items

6. Approval of the Consent Agenda

6.1. Waiver of reading minutes from previous meeting

6.2. Acceptance of minutes of the previous meeting as published

• July 8, 2024 Board of Education Regular Meeting Minutes

6.3. Receipt of Communications

6.4. Treasurer's Report

• General Fund

• Building Fund and Savings & Depreciation

6.5. Audit of Claims

- Activity Fund
- General Fund

7. Business

7.1. Items removed from Consent Agenda

7.2. Recognitions

7.3. Acceptance of Gifts

7.3.1. Blair Dance Team Donations

The Blair Dance Team is receiving donations totaling \$3,000 from the following companies:

- Taylor Oil - \$1,000
- Uniscope Solutions - \$1,000
- Veracity Metals - \$1,000

The funds will be used by the Blair Dance team to fund their trip to Florida for the National Dance Team Championship in Orlando, Florida, Friday, January 31, 2025-Sunday, February 2, 2025. The benefit of accepting the donations is to help the dance team not pay so much out of pocket.

7.4. Consideration of Communications

7.4.1. TeamMates Facility Request

The Blair TeamMates is requesting permission to use Otte Middle School on Sunday, October 13, 2024, from 12:30pm - 5:00pm to hold a reception for their 20-Year Celebration.

7.4.2. Blair High School Dance Team

A letter has been received from Cashell Shonka, Head Dance Team Coach, and Tyler Siecke, District Activities Director, requesting permission for the Blair High School Dance Team to attend the National Dance Team Championship in Orlando, Florida, Friday, January 31, 2025–Sunday, February 2, 2025.

The attendance at Nationals would be the first in the history of Blair High School. Being the first team to attend this level of competition gives a great sense of pride and accomplishment to our team and school.

7.5. Comments From The Public

This is the portion of the meeting when members of the public may address the board about matters of public concern.

INSTRUCTIONS FOR MEMBERS OF THE PUBLIC WHO WISH TO SPEAK:

- Getting started: When you have been recognized, please stand and state your name.
- Time Limit: The board has the discretion to limit the amount of time set aside for public participation and unless stated otherwise, will employ a time limit of 5 minutes or less.
- Personnel or Student Topic: If you are planning to speak about a personnel or student matter involving an individual, please understand that our policies require you to follow the district's complaint procedure before addressing the board. Board members will generally not respond to any questions or comments you make about individual staff members or students. Please remember that slanderous comments will not be tolerated.
- General Rules: This is a public meeting for the conduct of business. Comments from within the audience while others are speaking will not be tolerated. Offensive language, personal attacks, and hostile conduct will not be tolerated.
- No action by the Board: The Board will not act on any matter unless it is on the published agenda.

7.6. Committee Reports

7.6.1. Policy Committee

The Policy Committee met on Monday, July 15, 2024. Meeting minutes are attached.

Policies

600.00 General Policy Statement

601.00 Scope of Instructional Program

602.00 The Program of Instruction

610.00 School Instructional Hours

611.00 Classroom Environment

611.20 School Day for Students

611.40 Emergencies

611.50 Fire Drills, Emergency Plans

611.60 Emergency Dismissal or Cancellation

611.70 Ceremonies and Observances and Pledge

612.00 Safe Schools Policy

620.00 Objections of the Instructional Program

620.10 Curriculum Decisions
620.10A Curriculum Decisions - Regulation
621.00 Curriculum Development and Adoption
621.10 Curriculum - Assessments Security
621.10A Curriculum Review Cycle
621.20 Assessments—Academic Content Standards
621.30 Reading Instruction and Assessment
621.40 Assessment Security
621.50 Collection of Information Relating to Dyslexia
622.00 Experimental/Innovative Program
623.00 Curriculum Guides
624.00 Homework
624.10 Purpose of Homework
626.00 Guidance
627.00 Field Trip
628.00 Activities
628.10 Activity Funds Management
628.20 School Colors
628.30 Concussions
628.30A Return to Learn Protocol
628.30B NDE Bridging the Gap February 2014
628.30C NDE Bridging the Gap Appendix February 2014
628.40 Initiations, Hazing, Secret Clubs and Outside Organizations
628.50 Student Participation in Athletic Contests Between Schools
628.60 Return to Learn From Cancer
628.70 Plagiarism, Copyrights and Patents
628.80 Artificial Intelligence
629.00 Dedications and Commencement
630.00 Selection and Review of Instructional and Media Materials
631.00 Textbook Loan
632.00 Parent Requests for Exclusion
636.00 Recognition of Religious Beliefs and Customs
636.10 Acknowledgment of Religious Holidays
636.20 Religion in the Curriculum
636.30 Purpose of Religion in the Curriculum
637.00 Multicultural Education
638.00 Equal Opportunity: Instruction Program
639.00 Controversial Issues
639.10 Controversial Issues in the Classroom
640.00 Parental/Community Involvement in Schools
641.00 Combined District and School Title I Parent and Family Engagement Policy
650.00 Free and Reduced Price Meals
660.00 Special Education
670.00 Firearm Policy
680.00 Computer—Internet Safety and Acceptable Use Policy

690.00 Chronic Infectious Disease Practice and Procedure
691.00 Dispensing Medications
692.00 Student Self-Management of Asthma, Anaphylaxis, and/or Diabetes
692.00A Asthma or Anaphylaxis Medical Management Plan Form
692.00B Diabetes Medical Management Plan Form
692.10 Safe Seizure Schools
693.00 Behavioral Points of Contact
693.10 Library Book Objection Form
500.83 Compulsory Attendance
510.10 Student Discipline
520.50 Graduation Requirements
206.02 Board Association Membership
204.07 Meeting Notice
204.12 Public Participation at Board Meetings
1003.01 Public Examination of District Records
706.01 Purchasing Procedures
501.03 Preschool Enrollment
520.10 Promotion & Retention
731.40 Contracting Services
324.10 Emergency Response Mapping
357.10 Meal Charge Policy
414.10 Teacher Training

7.6.2. BG&T Committee

The Buildings, Grounds, and Transportation Committee met on Monday, July 29, 2024. Meeting minutes are attached.

7.6.3. Finance Committee

The Finance Committee met on Tuesday, August 6, 2024. Meeting minutes are attached.

7.7. New Title IX Policy & Revision

Dr. Gilson is recommending to the Blair Governing Board to adopt the following Title IX Policy: 103.02-Title IX Policy and to amend policy 103.03-Title IX - Procedure for Complaints of Sexual Harassment.

On Wednesday, July 24th, the US District Court of Eastern Missouri entered an Order, enjoining the US Department of Education from implementing the proposed Title IX regulations in six states, including Nebraska. As a result, the new Title IX regulations will not go into effect in Nebraska on August 1st. Litigation over the proposed regulations will likely continue, though the upcoming presidential election could determine the fate of these regulations.

- Case Law 2024 #1

- Case Law 2024 #2

Below is information from legal counsel, Perry Law, supporting these policies:

At its inception, Congress broadly authorized federal agencies to develop rules and regulations to "effectuate the provisions" of Title IX. Since then, the United States Department of Education has adopted and revised hundreds (if not thousands) of pages of regulations and guidance.

Unfortunately for school districts, the past few years have seen significant changes to the Title IX regulations. In particular, the recent trend has shown that new presidential administrations have taken widely different approaches than their predecessors. To this end, the Title IX regulations have been revised or interpreted very differently between the Obama Administration, Trump Administration, and now the Biden Administration. This ever-changing approach to the federal regulations could continue, depending on what happens in November's presidential election.

Although this Memorandum is not and should not be taken as taking any political position, the reality remains that the politics in Washington, D.C. have resulted in perpetual changes for schools to comply with their Title IX obligations.

The Latest Proposed Changes

On April 19, 2024, the US Department of Education announced new, proposed changes to the Title IX regulations. In fairness to the Department of Education, many of these new changes would benefit school districts in their investigation and handling of Title IX complaints. However, as with any new regulations, new rules usually mean new requirements. New requirements usually mean changes to policies and handbooks. And under the proposed Title IX regulations, the investigation process would look different (again) and every school staff member would need to be trained.⁶ These new regulations are set to become effective on August 1, 2024. Since the April release, at least four federal courts have entered injunctions to prevent the new regulations from going into effect. The State of Nebraska has filed a similar lawsuit to block the regulations in our state, though the court has not ruled on that request as of the date of this Memorandum.⁷ Nonetheless, it seems likely that Nebraska's request will be granted, given the number of other judges who have already heard the same legal arguments and decided to prevent the regulations from moving forward.

Adding to this legal uncertainty, on June 28, 2024, the U.S. Supreme Court entered its decision in *Loper v. Raimondo*, ending the long-standing *Chevron* deference. The *Chevron* doctrine is based upon a prior Supreme Court decision that generally directed federal judges to defer to a federal agency in questions about statutory interpretation. The *Chevron* doctrine has been controversial since the case was decided decades ago, since legal scholars questioned why the federal judiciary could not render its own interpretation instead of deferring to the federal agencies. Nonetheless, *Chevron* has now been overturned. The full impact of

the *Loper* decision is not yet apparent but, as a result, the U.S. Department of Education's perhaps strongest legal argument in support of its new regulations (deference under *Chevron*) is no longer available to them.

Recommended Steps Moving Forward

As it stands today, the new federal regulations may or may not go into effect in Nebraska on August 1, 2024, which may or may not require schools to handle Title IX differently than they have in the past. As noted above, the likelihood of the proposed Title IX regulations becoming effective on August 1 seems low, given the precedent of other judges who have already addressed the same issue in other states. Even if the regulations go into effect on August 1, there remains a likelihood that a court will enjoin them shortly thereafter. Even more, the end of *Chevron* deference could place the 2020 Title IX regulatory updates in legal jeopardy, though that type of challenge could take years and a new presidential administration could eventually change the regulations anyway.

In the end, the "back and forth" legal uncertainty continues to put schools in a bind that should not be as convoluted or challenging. Districts continue to have an obligation to comply with the Title IX statute as it was originally written: to prevent discrimination on the basis of sex. As a result, and to avoid needing the Board of Education to change (or rescind) Title IX policies and procedures moving forward, we recommend the following steps at your August Board Meeting:

1. Update Policy 1200 (Title IX) with the attached version to authorize the Superintendent to develop and distribute Title IX procedures; and
2. Rescind Policies 1220 and 1220z entirely.

Under this approach, the Board continues to have a Title IX Policy, but does not need to regularly update the Title IX formal grievance procedures based upon new administrative guidance or court decisions. Moving forward, the attached Procedures are sample procedures that the Superintendent can implement and follow. In our view, these Procedures comply with Title IX as the statute is drafted, maintain the essential and best elements of both the 2020 and 2024 regulations, and would be defensible in an OCR complaint or lawsuit. Once the Superintendent approves the Procedures, the Procedures should be posted somewhere on the school's website. Any future updates to the Title IX interpretation or guidance could then be addressed via the Superintendent's changes to these procedures.

As for training, it remains "best practice" (as with any legal requirement) for your administration and Title IX Coordinator to be trained on your district's obligations under Title IX. However, at this time, we do not believe it is necessary to train *all* staff by August 1, as contemplated by the proposed regulations. If the regulations are permitted to become effective on August 1, both a brief "on-demand" training (for all staff) and more robust "on-demand" Title IX Coordinator training will be available through the ESUCC. In-person training is also available through the NCSA. Finally, we are always available to help develop individualized training

for your District.

7.8. Approval of New Teachers

7.9. Acceptance of Resignations

7.10. Superintendent Report

7.11. Informational Items

Monthly Board Reports

- Student Services
 - Blair High School
 - Otte Middle School
 - Arbor Park Elementary
 - Deerfield Elementary
8. Adjournment

THE NEBRASKA OPEN MEETINGS ACT
NEB. REV. STAT. §§ 84-1407 through 84-1414

A. BASIC PROVISION. The basic statement of our state policy on public meetings is found at Neb. Rev. Stat. § 84-1408. That statute provides, “[i]t is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of the State of Nebraska, federal statutes, and the Open Meetings Act.”

1. **History.** Section 84-1408 was passed as a part of LB 325 in 1975. That bill repealed previously existing public meetings provisions and substituted new provisions which were intended to preserve the features of the previous law and strengthen and expand their authority. Government Committee Statement on LB 325, 84th Nebraska Legislature, First Session (1975). LB 325 was passed to ensure that all meetings of public bodies would be open to the public, except when protection of the public interest clearly called for a closed session concerning specific matters. *Id.* 2004 Neb. Laws LB 821, § 34 formally established the name of §§ 84-1407 through 84-1414 as the “Open Meetings Act.”

2. **Purpose.** The Nebraska open meetings laws are a statutory commitment to openness in government. *Wasikowski v. Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002); *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994); *Grein v. Board of Education of the School District of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984). Their purpose is to ensure that public policy is formulated at open meetings of the bodies to which the law is applicable. *Dossett v. First State Bank, Loomis, NE*, 261 Neb. 959, 627 N.W.2d 131 (2001); *Marks v. Judicial Nominating Commission for Judge of the County Court of the 20th Judicial District*, 236 Neb. 429, 461 N.W.2d 551 (1990); *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979). In Nebraska, the formation of public policy is public business, which may not be conducted in secret. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010); *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993).

3. **Construction.** The open meetings laws should be broadly interpreted and liberally construed to obtain their objective of openness in favor of the public. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010); *State ex rel. Upper Republican Natural Resources District v. District Judges of the District Court for Chase County*, 273 Neb. 148, 728 N.W.2d 275 (2007); *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007); *Alderman v. County of Antelope*, 11 Neb. App. 412, 653 N.W.2d 1 (Neb. Ct. App. 2002); *Rauert v. School District I-R of Hall County*, 251 Neb. 135, 555 N.W.2d 763 (1996); *Grein, supra*. The beneficiaries of the openness sought by the Open Meetings Act include citizens, members of the general public, and reporters or other representatives of the news media. *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007).

4. **Exceptions.** Section 84-1408 requires open meetings except “as otherwise provided by the Constitution of the State of Nebraska, federal statutes, and the Open Meetings Act.” The Attorney General has concluded that the Nebraska Legislature is not covered under the open meetings statutes because the Nebraska Constitution separately provides for public access to that body. Op. Att’y Gen. No. 120 (July 25, 1985).

5. **Subsequent Legislative Limitations.** The Legislature holds the power to decide the scope of citizen access to governmental meetings. As a result, the Legislature has the right to limit access to public meetings and the effect of the Open Meetings Act through later statutory provisions which provide that certain information in the possession of government should remain confidential without exception or limitation. *Wasikowski v. Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002).

B. PUBLIC BODIES COVERED UNDER THE ACT. Under § 84-1409(1), public bodies covered by the Open Meetings Act include: (1) governing bodies of all political subdivisions of the State; (2) governing bodies of all agencies of the executive department of state government created by law; (3) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created pursuant to law; (4) all study or advisory committees of the executive department of the state whether of continuing or limited existence; (5) advisory committees of the governing bodies of political subdivisions, of the governing bodies of agencies of the executive branch of state

government, or of independent boards, commissions, etc.; and (6) “instrumentalities exercising essentially public functions.”

1. **History.** The initial portion of § 84-1409(1) defining public bodies was originally part of LB 325 passed in 1975. It has been amended several times to add additional entities to the list of bodies covered, and the Certificate of Need Review Committee was removed in 1997. See 1997 Neb. Laws LB 798; 1989 Neb. Laws LB 429 and LB 311; 1983 Neb. Laws LB 43. The language concerning “instrumentalities exercising essentially public functions” was added in 1989 to reach entities such as the Nebraska Investment Finance Authority. Floor Debate on LB 311, 91st Nebraska Legislature, First Session, May 9, 1989, at 6039, 6040.

2. **Cases and Opinions.** A number of cases and opinions of the Attorney General deal with various aspects of the definitions of public body found in § 84-1409(1).

a. “Political subdivision” is not defined within the public meetings statutes. However, the Attorney General has indicated that generally the term denotes any subdivision of a state which has as its purpose carrying out functions of the state which are inherent necessities of government and which have always been regarded as such by the public. 1979-80 Rep. Att’y Gen. 140 (Opinion No. 98, dated April 25, 1979). Presumably, this term includes cities, counties, villages, etc., and their governing boards are covered by the open meetings statutes.

b. In *Nixon v. Madison County Agricultural Society*, 217 Neb. 37, 348 N.W.2d 119 (1984), the Court held that a county agricultural society, organized under the Nebraska statutes, was subject to the provisions of the open meetings law. The Court noted that, although the society at issue resembled a private corporation in some respects, the fact that it had the right to receive support from the public revenue gave it a public character. The agricultural society apparently was an “independent board . . . created by constitution, statute, or otherwise pursuant to law.” Based upon the *Nixon* case, the Attorney General concluded that county extension services which have the right to receive support from public revenues are subject to the open meetings law. Op. Att’y Gen. No. 219 (July 24, 1984). Also based upon the *Nixon* case, the Attorney General has indicated that county agricultural societies are subject to the

open meetings statutes. Op. Att’y Gen. No. 91007 (January 28, 1991). In addition, Neb. Rev. Stat. § 2-238 requires that result.

c. In *Marks v. Judicial Nominating Commission for Judge of the County Court of the 20th Judicial District*, 236 Neb. 429, 461 N.W.2d 551 (1990), the Court held that the open meetings statutes do not apply to the activities of a judicial nominating commission which is meeting to select nominees for judicial vacancies. Such a nomination procedure does not involve the formulation of public policy subject to the Act.

d. The Nebraska Court of Appeals, in *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993), held that the open meetings statutes apply to the governing bodies of all agencies of the executive branch of government, including the Nebraska Environmental Control Council.

e. In *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007), the Nebraska Court of Appeals concluded that the electors of a Nebraska township, when assembled at the township’s annual meeting, constitute a governing body of the township which is subject to the Open Meetings Act and its provisions concerning notice and preparation of an agenda.

f. The Nebraska Court of Appeals indicated in *Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009), that a county board of equalization is a public body as defined in § 84-1409. The court also held in that case that when two boards are made up of the same members, the duties and functions of the two boards, rather than their membership, determine if they are the same or separate and distinct bodies.

g. Committees of faculty, administration and students created by the Board of Regents of the University of Nebraska to advise the Chancellor of the University in his administrative/management function with respect to budget cuts were part of the management structure of the University and not public bodies subject to the open meetings statutes. Op. Att’y Gen. No. 92020 (February 12, 1992).

h. In Op. Att’y Gen. No. 11 (January 20, 1983), the Attorney General indicated that the Environmental Control Council is a public body subject to the open

meetings law. On the other hand, the Department of Environmental Control is not. Section 84-1409 applies to governing bodies of state agencies, not the agencies themselves.

i. An employee grievance appeal hearing conducted by a hearing officer is not a meeting of a public body since the word “body” is commonly understood to refer to a group or number of persons, and thus does not include an individual conducting a hearing. Op. Att’y Gen. No. 210 (May 16, 1984).

j. In 1989, the Attorney General indicated that the Central Low-Level Radioactive Waste Compact Commission was not subject to the Nebraska open meetings law because it was a multi-state body which was not created by constitution or statute and which was not a governing body of a Nebraska state agency. Op. Att’y Gen. No. 89008 (February 14, 1989). However, Neb. Rev. Stat. § 71-3521 (the Waste Compact agreement itself) provided that meetings of the Compact Commission must be open to the public with reasonable advance publicized notice, and that the Compact Commission must adopt by-laws consistent in scope and principle with the open meetings law of the host state. Section 71-3521 was repealed by 1999 Neb. Laws LB 530, § 2, and Nebraska withdrew from the Central Low-Level Radioactive Waste Compact.

k. A county welfare board is subject to the open meetings law as an independent board created by statute. 1979-80 Rep. Att’y Gen. 351 (Opinion No. 244, dated March 4, 1980).

l. In Op. Att’y Gen. No. 95014 (February 22, 1995), the Attorney General indicated that the Mayor’s Citizen Review Board, appointed by the Mayor of Omaha to advise the Mayor with respect to alleged misconduct of police officers, was not subject to the open meetings statutes because it did not fall under the definition found in § 84-1409(1), and because the board was essentially an administrative body which was part of the management structure of the City.

m. In Op. Att’y Gen. No. 93065 (July 27, 1993), the Attorney General concluded that parole reviews under Neb. Rev. Stat. § 83-1,111 may be closed, and are not subject to open meetings requirements.

n. The Excellence in Education Council created to make recommendations to the Governor regarding selection of projects for Education Innovation grants is a public body which is subject to the open meetings statutes, and its decisions concerning specific recommendations must be done in open session. Op. Att’y Gen. No. 94092 (November 22, 1994).

o. The Quality Jobs Board created under the Quality Jobs Act, Neb. Rev. Stat. §§ 77-4901 through 77-4935 is a public body subject to the Open Meetings Act. Op. Att’y Gen. No. 96071 (October 28, 1996).

p. A County Hospital Authority formed under the Hospital Authorities Act, Neb. Rev. Stat. §§ 23-3579 through 23-35,120 is a public body which is subject to the Open Meetings Act. Op. Att’y Gen. No. 97012 (February 14, 1997).

q. The Nebraska State Board of Agriculture (the State Fair Board) is not a public body which is subject to the Open Meetings Act, primarily because it has no statutory right to public revenue and also because of case law which indicates that it is a private corporation. Op. Att’y Gen. No. 01038 (November 27, 2001).

r. A county clerk, county attorney and county treasurer acting as a group under § 32-567(3) to make an appointment to fill a vacancy on a county board constitute a public body which is subject to the Open Meetings Act. Op. Att’y Gen. No. 97050 (September 18, 1997).

s. The Attorney General has indicated informally that the Nebraska Board of Pardons and the Board of Inquiry and Review created under Neb. Rev. Stat. §§ 80-317 through 80-319 to receive and act upon applications submitted for membership in Nebraska Veterans Homes are subject to the state’s open meetings statutes.

t. In Op. Att’y Gen. No. 15016 (October 29, 2015), the Attorney General concluded that the Metropolitan Entertainment & Convention Authority (MECA) constituted a hybrid public/private entity subject to the Open Meetings Act. The Attorney General based his conclusion on the fact that MECA was a creation of city ordinance and was responsible for managing and controlling the City of Omaha’s public events facilities.

3. **Other Statutes.** Neb. Rev. Stat. § 2-238 requires county agricultural societies and county fair boards to comply with the open meetings statutes. Previously, under Neb. Rev. Stat. § 85-1502 all coordination activities conducted by the association of community college area boards were subject to the open meetings statutes. This provision was repealed in 2013 Neb. Laws LB 211, § 3.

4. **Exceptions.** Section § 84-1409(1)(b) exempts two types of entities and the Judicial Resources Commission from the provisions of the Open Meetings Act:

a. **Subcommittees.** Subcommittees of the various bodies described earlier in § 84-1409 are not public bodies under the Open Meetings Act unless a quorum of the public body attends a subcommittee meeting, or unless those subcommittees are holding hearings, making policy or taking formal action on behalf of the parent body. For example, in *Meyer v. Board of Regents of the University of Nebraska*, 1 Neb. App. 893, 510 N.W.2d 450 (Neb. Ct. App. 1993), the court indicated that meetings of an executive subcommittee of the University of Nebraska Board of Regents with the University President to discuss his tenure were not subject to the open meetings laws because of that portion of the statute. Section 84-1409(1) was also amended by 2011 Neb. Laws LB 366 to specifically provide that all meetings of subcommittees of the Nebraska Environmental Trust Board established to rate grant applications under Neb. Rev. Stat. § 81-15,175 are subject to the Open Meetings Act.

- i. In *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 880-881, 725 N.W.2d 792, 805-806 (2007), the court indicated that while “subcommittee” is not defined in the Open Meetings Act, a subcommittee is generally a “group within a committee to which the committee may refer business.” In addition, “making policy,” which subjects a subcommittee to the Open Meetings Act under § 84-1409, apparently includes “receiving background information about a policy issue to be decided.” *Id.* In contrast, “nonquorum gatherings” of members of a public body “intended to obtain information or voice opinions” do not seem to involve violations of the Act. *Id.* See also *Koch v. Lower Loup Natural Resources District*, 27 Neb. App. 301, 931 N.W.2d 160 (Neb. Ct. App. 2019) (Notwithstanding statements from staff and/or committee members that committee meetings were open to the public, the Nebraska Court of Appeals found that the committee was a

subcommittee of the NRD board and, therefore, not subject to the Open Meetings Act.).

ii. The language applying the open meetings statutes to certain subcommittee meetings when there is a quorum of the public body present was added to § 84-1409(1) as a result of LB 1019 passed by the Legislature during the 1992 regular session.

b. **Entities Conducting Judicial Proceedings.** Entities conducting judicial proceedings are not public bodies under the Open Meetings Act unless the court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders. LB 325, the original open meetings statute of 1975, was directed strictly at policy making bodies which were legislative or quasi-legislative. Floor Debate on LB 325, 84th Nebraska Legislature, First Session, May 14, 1975, at 4618.

- i. In *McQuinn v. Douglas County School District No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000), the Nebraska Supreme Court held that a hearing before a school board on the question of the nonrenewal of a probationary certificated teacher's contract where the matters before the board pertained solely to disputed adjudicative facts involved a judicial function, and on that basis, the hearing was not subject to the open meetings statutes. In that context, a school board exercises a judicial function if it decides a dispute of adjudicative fact or if a statute requires it to act in a judicial manner. Adjudicative facts are those ascertained from proof adduced at an evidentiary hearing which relate to a specific party. The *McQuinn* case is discussed further in *Bligh v. Douglas County School District No. 0017*, 2008 WL 2231063, 2008 Neb. App. LEXIS 106 (Neb. Ct. App. 2008) (Not approved for publication).

ii. The Attorney General has determined that hearings before various agencies are judicial and not subject to the open meetings law: 1975-76 Rep. Att'y Gen. 127 (Opinion No. 105, dated July 14, 1975) (hearing before a County Board of Mental Health); Op. Att'y Gen. No. 184 (January 31, 1984) (hearing before the Nebraska Equal Opportunity Commission); Op. Att'y Gen. No. 210 (May 16, 1984) (hearing before a hearing officer appointed by the State Personnel Board); Op. Att'y Gen. No. 02016 (May 21, 2002) (contested case hearing

before the Power Review Board on application of electricity suppliers for construction or acquisition of generation facilities); Op. Att’y Gen. No. 05014 (October 19, 2005) (appeal hearing regarding the Nebraska Veterans’ Aid Fund before the Nebraska Veterans’ Advisory Commission). But, the Attorney General has concluded that a hearing before the Certificate of Need Review Committee is covered by the open meetings statutes. Op. Att’y Gen. No. 87019 (February 13, 1987).

iii. Parole hearings conducted by the Board of Parole are judicial in nature and not subject to the open meetings statutes. However, other statutes specifically pertaining to operation of the Board of Parole require that such parole hearings be conducted with elements of notice and in a manner open to the public. Op. Att’y Gen. No. 93065 (July 27, 1993).

iv. When the State Board of Education holds hearings in contested cases under the state Administrative Procedure Act, such hearings are not subject to the Open Meetings Act. The Board is not required to give notice of such hearings to the public under those statutes, and it may conduct its deliberations and decision-making process for such hearings by a telephone conference call. Op. Att’y Gen. No. 99046 (November 15, 1999).

c. **Judicial Resources Commission**. During the 2022 legislative session, language was added to § 84-1409(1)(b) excluding “the Judicial Resources Commission or subcommittees or subgroups of the commission” from the list of public bodies subject to the Act. See 2022 Neb. Laws LB 922, § 12.

C. MEETING DEFINED. Under § 84-1409(2), meetings, for purposes of the open meetings statutes, are defined as "all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body." Section 84-1410(5) also provides that the open meetings statutes shall not apply to "chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power."

1. The legislative history of LB 325, from 1975, indicates that meetings of a public body do not include social meetings or meetings which were not called

by the body. Government Committee Hearing on LB 325, 84th Nebraska Legislature, First Session (1975) at 2-3.

2. However, § 84-1409 was amended by LB 43 in 1983 to include "formal or informal" meetings. The legislative history of that bill indicates that a meeting between a state senator and the members of a local school board to discuss legislation would constitute an "informal called meeting." Government, Military and Veterans' Affairs Committee Hearing on LB 43, 88th Nebraska Legislature, First Session (1983) at 5-8.

3. The provision of § 84-1410(5) pertaining to "chance" meetings, etc., was added by LB 43 in 1983.

4. The legislative history of LB 43 from 1983 indicates that a "meeting" does not occur absent a quorum. Government Military and Veterans' Affairs Committee Hearing on LB 43, 88th Nebraska Legislature, First Session (1983) at 19. In addition, the Attorney General has concluded that the presence of a majority of the members of a public body is necessary for a meeting to occur. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975). In *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993), the Nebraska Court of Appeals indicated that "private quorum conferences" are an evasion of the law. The Nebraska Supreme Court also indicated that subgroups of the Omaha City Council constituting less than a quorum of that body were not public bodies on that ground. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

5. Even when a quorum of public body is present in one location, there is no meeting under the Open Meetings Act if there is no interaction or discussion among members of the body regarding policymaking for the public body. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010). The secret formation of public policy forbidden by the Open Meetings Act is the formation of public policy as a group. *Id.* As a result, there is no meeting of a public body based upon the unspoken thoughts of its members who happen to be sitting in the same room. *Id.* The Open Meetings Act is not so broad and sweeping as to require public access to any gathering of any sort that is attended by a quorum of a public body. *Id.* See also *Salem Grain Company, Inc. v. City of Falls City*, 362 Neb. 548, 924 N.W.2d 678 (2019), in which the Nebraska Supreme Court found that a dinner attended by members of the Falls City Community Redevelopment Authority and emails exchanged

between authority members did not constitute a “meeting” as defined in § 84-1409(2) of the Act.

6. In *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (Neb. Ct. App. 1993), the Court of Appeals held that informational sessions where the Council heard reports from staff of the Department of Environmental Control were briefings which were subject to the requirements of the open meetings statutes. The Court stated that listening and exposing itself to facts, arguments and statements constitutes a crucial part of a governmental body’s decision making. As a result, receiving information triggers the requirements of the statutes, and the open meetings law applies to meetings at which briefing or the formation of tentative policy takes place, as well as to meetings where action is contemplated or taken.

7. *Rauert v. School District I-R of Hall County*, 251 Neb. 135, 555 N.W.2d 763 (1996), involved allegations by the plaintiff that a quorum of the defendant school board met in the office of the superintendent of schools on a regular basis for “clandestine” meetings before the beginning of most scheduled board meetings where business was discussed and decided and checks were signed to pay claims which had not been approved in public session. The board then allegedly moved and voted on business at its public meeting with little or no discussion in order to deprive the public of the right to be fully informed. The Supreme Court held that the District Court properly failed to find a violation of the Open Meetings Act with respect to those allegations in the absence of any evidence as to the specific dates and details of the alleged “clandestine” meetings.

8. In *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010), the Nebraska Supreme Court considered the propriety of a situation where two separate groups of a city council, neither of which constituted a quorum of that body, toured an ethanol facility for informational purposes. The court ultimately concluded that there was no meeting of the city council as a result of the tours—there was no quorum of the council present, the small groups were merely acquiring information, and there was no evidence that the council was, through the tour, attempting to reach a consensus and form public policy in secret.

9. In *Schauer*, the court also noted that the Open Meetings Act does not require policymakers to remain ignorant of the issues they must decide until

the moment the public is invited to comment on a proposed policy. Moreover, the public would be ill served by restricting policymakers from reflecting on and preparing to consider proposals, or from privately suggesting alternatives. As a result, the court indicated that the Legislature, by excluding nonquorum subgroups from the definition of a public body, balanced the public's need to be heard on matters of public policy with a practical accommodation for a public body's need for information to conduct business. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010) (citing *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007)); *Koch v. Lower Loup Natural Resources District*, 27 Neb. App. 301, 931 N.W.2d 160 (Neb. Ct. App. 2019).

10. The Attorney General has indicated that an "emergency meeting" may be conducted by electronic and telecommunications equipment including radio and telephone conferences. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975). On the other hand, the open meetings statutes do not generally authorize the use of telephone conference calls for non-emergency meetings of a public body, and absent members of a public body may not be counted to achieve a quorum through the use of a conference call. Op. Att'y Gen. No. 92019 (February 11, 1992). [Section 84-1411 has been amended a number of times to allow specified public bodies including the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act or the Municipal Cooperative Financing Act, the board of an educational service unit, the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, a community college board of governors, the governing body of public power district, the governing body of a public power and irrigation district, or the Educational Service Unit Coordinating Council to meet by telephone conference call in certain circumstances. See 1999 Neb. Laws LB 461; 2000 Neb. Laws LB 968; 2007 Neb. Laws LB 199; 2009 Neb. Laws LB 36, 2012 Neb. Laws LB 735, 2013 Neb. Laws LB 510 and Section D.2. below.]

11. An "informational and educational" meeting of a public body governing a political subdivision where members generally discuss matters pertaining to their subdivision, hear reports from various department heads of the subdivision as to their duties and learn the workings of the subdivision is a meeting of the public body for "briefing" purposes which is subject to the open meetings statutes. Op. Att'y Gen. No. 92043 (March 17, 1992). In

addition, the Attorney General has also indicated informally that a meeting of a public body “for the purpose of receiving training or doing planning (such as a retreat)” should probably be treated as subject to the Open Meetings Act.

12. In Op. Att’y Gen. No. 94035 (May 11, 1994), the Attorney General indicated that discussions and deliberations by the State Board of Education in connection with the selection of a Commissioner of Education were subject to the requirements of the open meetings statutes. In addition, that opinion indicated that interviews with individual candidates for the Commissioner position were also subject to the requirements of the open meetings statutes, if a quorum of the Board was present for those interviews. However, in the latter interview situation, a brief closed session (as discussed below) might be warranted for a candid discussion by the Board and the candidate which might potentially elicit responses injurious to the reputation of an individual.

13. A workshop held by the Board of Regents of the University of Nebraska with a professional facilitator to discuss communication practices and the roles of the Board and the University President was not subject to the Open Meetings Act on the basis of § 84-1410(5) which exempts chance meetings or attendance at or travel to conventions or workshops. The University also asserted that there would be no briefing, discussion of public business, formation of tentative policy, vote, or taking of other action at the workshop. Op. Att’y Gen. No. 04027 (October 20, 2004).

D. PUBLIC MEETINGS; NOTICE AND AGENDA REQUIRED. Section 84-1411(1)(a) and (2)(a) require that (1) each public body must give **reasonable advance publicized notice** of the time and place of each meeting; (2) the notice must be transmitted to all members of the body and to the public; and (3) the notice must contain an agenda of subjects known at the time of the publicized notice, or a statement that such an agenda, which must be kept continually current, is readily available for inspection at the principal office of the public body during normal business hours.

1. **Notice.** 2024 Neb. Laws LB 287, § 74 amended § 84-1411 to authorize public bodies to publish notice on newspaper websites and “a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers” (i.e., nepublicnotices.com) to satisfy publication requirements in instances when publication in a

newspaper is not feasible. These provisions became operative on April 17, 2024.

a. Until January 1, 2025:

- i. Governing bodies of political subdivisions and their advisory committees must publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's website. Neb. Rev. Stat. § 84-1411(1)(b)(i).
- ii. Governing bodies of cities of the second class or villages and their advisory committees or governing bodies of rural or suburban fire protection districts must either publish notice in a newspaper of general circulation within the public body's jurisdiction and, if available, on the newspaper's website, or post written notice in three conspicuous public places in the city, village or district. The posting locations must remain the same for each meeting. Neb. Rev. Stat. § 84-1411(1)(b)(ii)(A)-(B).
- iii. For all other public bodies, notice shall be given by a method designated by the public body. Neb. Rev. Stat. § 84-1411(1)(b)(iii).
- iv. In case of the newspaper's refusal, neglect, or inability to timely publish the notice, the public body shall (1) post the notice on its website, if available, and (2) post the notice in a conspicuous public place within the body's jurisdiction. The public body shall keep a written record of such posting, which shall be evidence that posting occurred and fulfilled the publication requirement. Neb. Rev. Stat. § 84-1411(1)(b)(iv).
- v. Governing bodies of political subdivisions and their advisory committees may also provide notice of their meetings by any other

appropriate method designated by the public body. Section 84-1411(1)(c). Section 84-1411(1)(d) requires each public body to record the method(s) and date(s) of such notice in its minutes.

b. Beginning January 1, 2025:

- i. Governing bodies of political subdivisions and their advisory committees must give notice by (1) publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (2) posting on the newspaper's website, if available, and (3) posting on nepublicnotices.com. The newspaper shall place the notice in the newspaper and on the websites. Neb. Rev. Stat. § 84-1411(2)(b)(i)(A).

OR

Give notice by (1) posting on the newspaper's website, if available, and (2) posting on nepublicnotices.com if no edition of a newspaper will be finalized for printing prior to the time and date of the meeting. The newspaper shall place the notice in the newspaper and on the websites. Neb. Rev. Stat. § 84-1411(2)(b)(i)(B).

- ii. Governing bodies of cities of the second class and villages, and their advisory committees, or governing bodies of rural or suburban fire protection districts must give notice by (1) publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (2) posting on the newspaper's website, if available, and (3) posting on nepublicnotices.com. The newspaper shall place the notice in the newspaper and on the websites. Neb. Rev. Stat. § 84-1411(2)(b)(ii)(A).

OR

Give notice by (1) posting on the newspaper's website, if available, and (2) posting on nepublicnotices.com if no edition of the newspaper will be finalized for printing prior to the time and date of the meeting. The newspaper shall place the notice in the newspaper and on the websites. Neb. Rev. Stat. § 84-1411(2)(b)(ii)(B).

OR

Give notice by posting written notice in three conspicuous places in the city, village or district. Notice must be posted in the same three places for each meeting. Neb. Rev. Stat. § 84-1411(2)(b)(ii)(C).

- iii. For all other public bodies, notice shall be given by a method designated by the public body. Neb. Rev. Stat. § 84-1411(2)(b)(iii).

 - iv. In case of the newspaper's refusal, neglect, or inability to publish the notice, the public body shall (a) post the notice on its website, if available, (2) submit a post on nepublicnotices.com, and (3) post the notice in a conspicuous public place within the public body's jurisdiction. The public body shall keep a written record of such posting, which shall be evidence that posting occurred and fulfilled the publication requirement. Neb. Rev. Stat. § 84-1411(2)(b)(iv).
2. **Agenda.** Under § 84-1411(1)(e), an agenda maintained at the office of a public body for public inspection must be kept continually current and may not be altered later than 24 hours before the scheduled commencement of the public meeting (or 48 hours before commencement of a meeting of a city council or village board if that meeting is noticed outside the corporate limits of the municipality). A public body may modify an agenda to include items of an emergency nature only at such public meeting.

a. New language was added to § 84-1413 in 2021 requiring the governing body of a natural resources district, the city council of a metropolitan class, primary

class, or first class city, the county board of a county with a population greater than twenty-five thousand inhabitants, and school boards to make available on their websites the agenda [and minutes] of any meeting of the governing body. The agenda must be placed on the website at least twenty-four hours before the meeting. The public body shall make the agenda available on the website for at least six months. This requirement became effective July 31, 2022. 2021 Neb. Laws LB 83, § 14.

3. **Specificity of the Agenda.** LB 898 from 2006 added language to § 84-1411(1) which states that agenda items shall be “sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.” That statutory change arose out of a sense that lack of specificity in meeting agendas was a major issue of concern around the state. Government, Military and Veterans Affairs Committee Hearing on LB 898, 99th Nebraska Legislature, Second Session (2006) at 19. The intent of the change was to require public bodies to include sufficient detail in their agendas regarding issues to be discussed or acted upon so as to provide information and notice to the public. Floor Debate on LB 898, 99th Nebraska Legislature, Second Session, March 28, 2006 at 11701 (Statement of Senator Preister). The change was also intended to require sufficient detail in an agenda so that members of the public are not forced to look at past agendas in order to understand the issue to be discussed and/or the action to be taken. *Id.*

4. **Circumvention of Open Meetings Act.** Under § 84-1411(3), virtual conferencing may not be used to circumvent any of the public government purposes established by the Open Meetings Act. Neither may emails, faxes, or other electronic communication be used for such purposes.

5. **News Media.** Section 84-1411(4) requires that the secretary or other designee of each public body shall maintain a list of news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to that list of media of the time and place of each meeting and the subjects to be discussed at that meeting.

6. **Virtual Appearance.** Under § 84-1411(7), a public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing. 2021 Neb. Laws LB 83, § 12.

7. **History.**

a. The provision of § 84-1411 which prohibits altering an agenda within 24 hours of a meeting was added in 1983 to prevent addition of last-minute matters to an agenda which did not really represent emergencies. Floor Debate on LB 43, 88th Nebraska Legislature, First Session, March 22, 1983, at 1896.

b. In *Rauert v. School District I-R of Hall County*, 251 Neb. 135, 555 N.W.2d 763 (1996), the court stated that the Open Meetings Act requires public bodies to give reasonable advance publicized notice of the time and place of their meetings, in part so that the public may attend and speak at those meetings.

c. The Legislature has imposed only two conditions on public bodies regarding the method of notification for their meetings: 1. the public body must give reasonable advance publicized notice of the time and place of each meeting, and 2. the method of notification must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007). There is no minimum time period for public notification of a special meeting, and an agenda for a public meeting can be created (not altered) later than 24 hours before the scheduled meeting. *Id.* In the *City of Elkhorn* case, the court held that notice of a meeting of the Omaha City Council posted and placed on the city's website at 10:15 a.m. for a meeting at 10:00 p.m. the same day was sufficient under the facts of the case where the local newspaper

printed an article about the meeting in its afternoon edition and four television broadcasters were present at the meeting. The court also indicated that any defect in notice intended for the benefit of council members would not invalidate a council meeting when all of the members of the council attended without objection.

- d. The purpose of the agenda requirement is to give some notice of the matters to be considered at the meeting so that persons who are interested will know which matters are under consideration. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010); *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979); *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007). In *Pokorny*, the agenda at issue, considered with all the previous records of the city council involved, was sufficient to satisfy the open meetings statutes. *Pokorny* also indicates that posting notice at 10 p.m. on March 15 before a meeting at 10:30 a.m. on March 16 does not constitute reasonable notice. Posting notice one week ahead does.
- e. In *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999), the Court of Appeals considered whether an agenda item which simply stated "Work Order Reports" was sufficient to give adequate public notice of a decision to approve a work order which involved expenditure of over \$47 million for the construction of a 96-mile power transmission line across privately held property to connect two power substations. The court held that the agenda item was insufficient under the Open Meetings Act. The court also seemed to suggest, based upon the *Pokorny* case, that the sufficiency of an agenda item might be measured, at least to some degree, in the context of the other meetings of the public body immediately prior to the public meeting in question.
- f. A member of the public should not be required to hunt up and read the documents underlying an agenda of a public body to determine what is actually on that agenda. *Hansmeyer v. Nebraska Public Power District*, 6

Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999).

- g. If a public body uses or publishes its agenda to give the required notice for a particular meeting, then the notice contained in the agenda must comport with the law for giving notice of what is to be considered at the meeting. *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999).

- h. A notice of a hearing, given by a school board, which stated that a hearing would be held, and that an agenda would be available for inspection, once established, is not proper notice. An agenda must be available. *Allen v. Greeley County School District No 501*, 1994 WL 272223, 1994 Neb. App. LEXIS 186 (Neb. Ct. App. 1994) (Not approved for publication).

- i. When governmental subdivisions which hold annual meetings, such as townships, conduct their annual meetings, electors who participate in the annual meeting must place matters which they wish to discuss on the agenda for the annual meeting. *State ex rel. Newman v. Columbus Township Board*, 15 Neb. App. 656, 735 N.W.2d 399 (Neb. Ct. App. 2007). Electors under those circumstances may not simply appear at the annual meeting and bring up any subject falling within the broad powers of electors if that subject is not on the agenda. *Id.*

- j. Two separate public bodies may publish notice of their meetings on the same sheet of paper and need not use separate sheets when the notices contain only the time and place of their meetings, and when the notices direct interested citizens to the place where agendas for each body may be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009). In addition, two separate public bodies may combine their agendas when the combined agendas make it clear which

items are to be addressed by each body. *Id.* The same rule applies to combined minutes. *Id.* The *Wolf* case involved a situation where a county board met both as a county board and as a county board of equalization.

- k. Placing notice of future meetings in minutes of a prior meeting does not give sufficient notice under the Open Meetings Act. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009).
- Notice of recessed or reconvened meetings of a public body must be given in the same fashion as notice of the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009).
- m. In *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010), the Nebraska Supreme Court seemed to indicate that the requirement to formally record the method of notice in the meeting minutes may be met by a public body if it is possible, through the minutes of past meetings, to discern a customary and consistent method used by the public body to notify the public of its meetings. It does not appear that the choice of method for giving notice of meetings must be formally set forth in the minutes of the public body as such. *See also Robinson v. Morrill County School District #63*, 299 Neb. 740, 910 N.W.2d 752 (2018) (Failure to record the particular method of notice used by the school board in the meeting minutes does not nullify actual notice properly given. The record showed that Robinson and members of the public received reasonable advanced notice and attended the meeting. The record further showed that the method of notice for the meeting at issue was used by the school board and recorded in its minutes at least 21 times during the preceding two years.).
- The Attorney General has concluded that “advance publicized notice” means a separate, specific advance notice must be given for each

meeting. 1971-72 Rep. Att’y Gen. 314 (Opinion No. 137, dated August 8, 1972).

- o The Attorney General has also determined that (1) an agenda may not be used as the minutes of a meeting, (2) reasonable notice under the statute means notice reasonably calculated to give appropriate notice to citizens of the time and place of a meeting and notice which complies with the formal requirements of the statute. 1975-76 Rep. Att’y Gen. 150 (Opinion No. 116, dated August 29, 1975).

- p. In Op. Att’y Gen. No. 96071 (October 28, 1996), the Attorney General indicated that the Quality Jobs Board should give its normal 10-day published notice of meeting rather than an “informal’ notice where the Board had recessed a previous meeting on a tax credit application pending a renewed meeting call from the Governor after issuance of an opinion from the Attorney General.

E. PUBLIC MEETINGS BY VIRTUAL CONFERENCING. Section 84-1411(3) allows certain public bodies to meet by virtual conferencing. Virtual conferencing was added to the Open Meetings Act in 2021 with the enactment of LB 83. Virtual conferencing is defined as “conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.” Neb. Rev. Stat. § 84-1409(3), amended 2021 Neb. Laws LB 83, § 11. Provisions relating to videoconferencing and telephone conference calls were struck.

1. **Public Bodies Eligible.** In 1993, § 84-1411 was amended by LB 635 to allow certain public bodies to meet by means of videoconferencing. Under the current version of § 84-1411(2), the public bodies allowed to meet by virtual conferencing include: (1) various bodies of state government including state agencies, boards, commissions, councils and committees, together with their advisory committees; (2) organizations created under the Interlocal Cooperation Act, the Joint Public Agency Act or the Municipal Cooperative Financing Act; (3) the governing body of a public power district with a chartered territory of more than one county in this state; (4) the governing

body of a public power and irrigation district with a chartered territory of more than one county in this state; (5) boards of educational service units; (6) the Educational Service Unit Coordinating Council; (7) an organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act; (8) a community college board of governors; (9) the Nebraska Brand Committee; (10) a local public health department; (11) a metropolitan utilities district; (12) a regional metropolitan transit authority; and (13) a natural resources district.

a. The Judicial Resources Commission was removed from the list by 2022 Neb. Laws LB 922, § 13.

2. **Requirements.** The public bodies listed above may hold meetings by virtual conferencing if the following requirements are met:

a. Reasonable advance publicized notice is given pursuant to § 84-1411(1) and (2). The notice must include a dial-in number or link to the virtual conference.

b. There must be at least one physical site open to the public and identified in the notice.

c. The public body must make reasonable arrangements to accommodate the public's right to attend and participate as provided in § 84-1412, including reasonable seating.

d. The physical site must have at least one member of the public body or designee in attendance.

e. The virtual conference is recorded by audio or visual recording devices.

f. Members of the public are provided a reasonable opportunity to provide input, including public comment or questions, to the same extent if virtual conferencing was not used.

g. The physical site must have at least one copy of all documents being considered at the meeting.

h. The public body must provide links to the agenda, all documents being considered at the meeting, and the current version of the Act.

See Neb. Rev. Stat. § 84-1411(3)(b)(i)-(iii).

3. Limitation on Number of Virtual Meetings. Except as provided in Neb. Rev. Stat. §§ 70-1014(1), 70-1014.02(2) or 79-2204(4), public bodies authorized to conduct virtual conferencing can hold no more than one-half of their meetings by virtual conferencing in a calendar year. The following entities may hold more than one-half of their meetings by virtual conferencing if at least one meeting in a calendar year is not virtual: An organization created under the Interlocal Cooperation Act that sells electricity or natural gas, an organization created under the Municipal Cooperative Financing Act, the governing body of a risk management pool and any advisory committee of the governing body, and any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act. See § 84-1411(3)(b)(iv). Amended by 2024 Neb. Laws LB 287, § 74 and LB 399, § 4.

4. Neb. Rev. Stat. § 84-1411(9) (enacted 2022 Neb. Laws LB 908) authorizes public bodies not listed in § 84-1411(3)(a) to hold meetings by virtual conferencing if the following requirements are met: (a) the purpose of the virtual meeting is to discuss items that are scheduled to be discussed or acted on at a subsequent in-person meeting of the public body; (b) no action is taken by the public body at the virtual meeting; and (c) the public body complies with subdivisions § 84-1411(3)(b)(i) and (ii) (see E.2.a.-f. above).

5. Hybrid Meetings Not Allowed. Following the enactment of 2021 Neb. Laws LB 83, the Attorney General considered whether one or more members of a public body could attend and participate virtually at an in-person meeting. The Attorney General informally concluded that § 84-1411 authorizes virtual attendance by members of the public body only at meetings that satisfy the requirements pertaining to virtual conferencing.

6. Neb. Rev. Stat. § 84-1411 does not apply to meetings subject to Neb. Rev. Stat. § 70-1034 conducted by the Nebraska Power Review Board or a public power district, a public power and irrigation district, an electric membership association, an electric cooperative company, a municipality having a generation and distribution system, or a registered group of

municipalities. Neb. Rev. Stat. § 84-1411(10), added as a result of 2024 Neb. Laws LB 1370, § 8.

F. EMERGENCY MEETINGS. Section 84-1411 allows public bodies to hold emergency meetings without reasonable advance public notice under two statutory schemes.

1. **Emergency Meetings Under Neb. Rev. Stat. § 84-1411(6).** In order to hold an emergency meeting under § 84-1411(6), a public body must meet the following requirements: (1) the nature of the emergency shall be stated in the minutes, and any formal action taken shall pertain only to the emergency; (2) the provisions of § 84-1411(5) dealing with notice to the media shall be complied with in connection with an emergency meeting; and (3) complete minutes of the emergency meeting 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.

a. Emergency meetings may be held by virtual conferencing. 2021 Neb. Laws LB 83, § 12.

b. In *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994), the Court indicated, in a case involving allegations of a violation of the open meetings statutes, that an emergency is defined as “any event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition.” In that case, the Court held that a township board meeting to consider the job status of a township employee, convened as an emergency meeting because of a snowstorm, was not a proper emergency meeting because the employee was given two weeks’ notice of his resultant termination, and because the reasons given for the employee’s termination were based upon his past performance.

c. In *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009), the Court of Appeals considered whether a number of items taken up at meetings of a county board without any listing on the board’s agenda were “emergency” items. In making that determination in each case, the court

focused upon whether there was anything in the record which indicated that a particular item required immediate action or involved pressing necessity.

d. The Attorney General has also stated that an item of an emergency nature is one that requires immediate resolution by the public body, and one which has arisen in circumstances impossible to anticipate at a time sufficient to place on the agenda of a regular, called, or special meeting of the body. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975).

e. In Op. Att'y Gen. No. 95063 (August 9, 1995), the Attorney General indicated that action taken during a meeting of the Nebraska Equal Opportunity Commission by a telephone conference call which did not comply with the requirements of the open meetings statutes for emergency meetings was void.

2. **Emergency Meetings Under Neb. Rev. Stat. § 84-1411(8)**. Section 84-1411(8) allows any public body in the state to meet by virtual conferencing if an emergency is declared by the Governor under the Emergency Management Act, and the territorial jurisdiction of the public body falls within the declaration. Unlike emergency meetings authorized under § 84-1411(6), public bodies may do any of the things set out in the definition of public meeting in § 84-1409(2): "Briefing, discussion of public business, formation of tentative policy, or the taking of any action" This provision was added to § 84-1411 by 2021 Neb. Laws LB 83, § 12.

- a. **Requirements.** Public bodies must meet several requirements when holding meetings under § 84-1411(8): (i) reasonable advance publicized notice must be provided pursuant to § 84-1411(1) and (2); (ii) the notice must include information regarding meeting access for the public and news media; (iii) access to the meeting must be provided via a dial-in number or link to the virtual conference; (iv) the public body must provide links to the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; (v) reasonable arrangements must be made to accommodate the public's right to hear and speak at the meeting and record the meeting; (vi) notice to the media under § 84-1411(5) must be provided; (vii) the nature of the emergency shall be stated in the minutes; and (viii) complete minutes of the meeting specifying the nature of the

emergency and any formal action taken by the public body shall be made available in accordance with § 84-1413(5).

G. PUBLIC MEETINGS; RIGHTS OF THE PUBLIC ATTENDING. Section 84-1412 establishes the rights of members of the public attending a meeting of a public body.

1. Members of the public have the right to attend and the right to speak at meetings of public bodies, and all or any part of a public meeting except closed sessions under § 84-1410, may be videotaped, recorded, televised, broadcast, photographed, etc. by any person.

2. With the enactment of 2024 Neb. Laws LB 43, § 21, **public bodies must allow members of the public an opportunity to speak at each meeting, except for closed sessions.** This provision became operative on July 19, 2024.

3. Public bodies may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, or recording their meetings, including meetings held by virtual conferencing.

4. Members of the public cannot be required to identify themselves as a condition for admission to a public meeting. In 2021, § 84-1412(3) was amended to require public bodies to have any member of the public desiring to address the body to identify himself or herself, including providing an address and the name of any organization represented by such person. The public body may waive the address requirement to protect the security of the individual. 2021 Neb. Laws LB 83, § 13.

4. No public body shall, to circumvent the open meetings laws, hold its meeting in a place known to be too small to accommodate the anticipated audience. However, a public body shall not be in violation of this prohibition if it meets in its traditional meeting place in this state.

5. LB 898 from 2006 added language to § 84-1412 which provides that public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the

public. At the beginning of any meeting, the public shall be informed about the location of the posted information. The legislative history of LB 898 indicates that “posting” a copy of the Open Meetings Act means putting it up in some fashion, including attaching it to a bulletin board, hanging it by a chain or fastening it to a wall. Floor Debate on LB 898, 99th Nebraska Legislature, Second Session, March 28, 2006, at 11697 (Statement of Senator Preister). “Posting” does not include placing the Act on a table as a loose document which can be removed and therefore might not be available throughout the meeting. *Id.* If a meeting of a public body is moved to another location to accommodate a larger audience, then the posted copy of the Act should be moved and posted in the new location. *Id.*

6. In 2008, LB 962 amended § 84-1412 to provide that public bodies may not require that “the name of any member of the public be placed on the agenda prior to . . . [a] meeting in order to speak about items on the agenda.” That change was made so that members of the public are not required to place themselves on the agenda of a public body prior to a meeting in order to speak on agenda items during the times at that meeting set aside for public comment. Floor Debate on LB 962, 100th Nebraska Legislature, Second Session, February 28, 2008 at 2 (Statement of Senator Preister). That change in statutory language was not intended to affect the right of a public body to make reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, or recording its meetings. *Id.*

7. A public body may hold a meeting outside the State of Nebraska only if all the following conditions are met: a. a member entity of the public body is located outside of the state and the meeting is in that member’s jurisdiction; b. all out-of-state locations identified in the notice of meeting are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience; c. reasonable arrangements are made to accommodate the public’s rights to attend, hear and speak at the meeting, including making virtual conferencing available at an instate location to members, the public, or the press, if requested twenty-four hours in advance; d. no more than 25% of the public body’s meetings in a calendar year are held out-of-state; e. out-of-state meetings are not used to circumvent any of the public government purposes established by the Open Meetings Act; and f. the public body publishes notice of the out-of-state meeting at least 21 days before the date of the meeting in a legal newspaper of statewide circulation. These requirements for out-of-state meetings were added to

§ 84-1412 by 2001 Neb. Laws LB 250, § 2, and amended to add meetings by virtual conferencing in 2021. 2021 Neb. Laws LB 83, § 13.

9. A public body shall, upon request, make a reasonable effort to accommodate the public's right to hear discussion and testimony at a public meeting.

10. Public bodies shall make at least one copy of reproducible written material discussed at an open meeting available at the meeting or at the in-state location for virtual conferencing provided in § 84-1412(6)(c) for examination and copying by members of the public. The materials may be provided in paper or electronic form. 2021 Neb. Laws LB 83, § 13.

11. **History.** Many of the initial provisions in § 84-1412 dealing with the rights of the public were added as a result of LB 43 in 1983.

a. The language requiring a reasonable effort to allow all parties to hear a public meeting does not involve an absolute requirement that all persons present shall be able to hear. Floor Debate on LB 43, 88th Nebraska Legislature, First Session, March 21, 1983, at 1794-1795.

H. PUBLIC MEETINGS; MINUTES AND VOTING PROCEDURES. Section 84-1413 contains several provisions regarding the minutes which are to be maintained by public bodies and the voting procedures for public bodies.

1. **Minutes.** Every public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes of all meetings and evidence or documentation received or disclosed during open session shall be public records, open to public inspection during normal business hours. Minutes shall be written or kept as an electronic record and available for inspection within 10 working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional 10 working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

- a. 2015 Neb. Laws LB 365, § 2 amended § 84-1413 to provide that minutes of the meetings of school boards and educational service units may be kept as an electronic record. In 2022, the Legislature extended the ability to keep minutes electronically to all public bodies. 2022 Neb. Laws LB 742, § 2.

- b. As noted in D.2.a. above, beginning July 31, 2022, the governing body of a natural resources district, the city councils of metropolitan class, primary class, and first class cities, the county board of a county with a population greater than twenty-five thousand inhabitants, and school boards shall place their agenda and minutes on their websites. Minutes shall be posted once they are available for inspection as provided in § 84-1413(5). The information shall be available on the website for at least six months. 2021 Neb. Laws LB 83, § 14.

2. **Voting Procedures.** Any action taken on any question or motion duly made and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The vote to elect leadership within a public body may be by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

a. **Electronic Voting Devices.** The roll call or viva voce vote requirements of the Open Meetings Act may be satisfied by a public body which uses an electronic voting device which allows the vote of each member of the governing body to be readily seen. 2016 Neb. Laws LB 876, § 1. Prior to the enactment of LB 876, only certain public bodies, e.g., a municipality, a county, a learning community, a joint entity created pursuant to the Interlocal Cooperation Act, a joint public agency created pursuant to the Joint Public Agency Act or an agency formed under the Municipal Cooperative Financing Act, were authorized to use electronic voting devices under the Act.

3. In *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1984), the Supreme Court held that the requirement of § 84-1413(2) that the record shall state how each member of a body voted could not be satisfied by a nunc pro

tunc amendment to the body's minutes showing that the recording of the vote in the minutes was performed prior to the time the actual recording in the minutes took place. However, when the same case was before the court a second time, the court held that, as a general rule, a public body may, if no intervening rights of a third person have arisen, order the minutes of its own proceedings at a previous meeting to be corrected according to the facts to make them speak the truth. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).

4. Section 84-1413 is violated by a failure to make or take a vote in accordance with the statute rather than a failure to record a properly taken vote. *State ex rel. Schuler v. Dunbar* (1983), *supra*.

5. Section 84-1413(2) dealing with roll call votes does not require the record to state that the vote was by roll call but only requires that the record show if and how each member voted. Neither does that statute set a time limit for recording the results of a vote. *State ex rel. Schuler v. Dunbar* (1983), *supra*.

6. The statutory requirements here dealing with voting and minutes are mandatory since the Legislature provided that action taken in violation of this statute is void. *State ex rel. Schuler v. Dunbar* (1981), *supra*.

7. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) seems to indicate that the Open Meetings Act does not require that minutes of meetings be "published," but only that they be written and available for inspection within 10 working days or prior to the next convened meeting of the public body.

8. The legislative history of the original open meetings statutes, LB 325 from 1975, indicates that the requirement of a roll call vote was directed at votes on questions that would bind the particular public body. Other procedural questions were not covered. Government Committee Hearing on LB 325, 84th Nebraska Legislature, First Session (1975) at 10.

9. The Attorney General has stated that nothing in the open meetings statutes requires approval of the minutes of a public body prior to their publication. Op. Att'y Gen. No. 162 (December 28, 1981).

10. In Op. Att’y Gen. No. 98045 (November 4, 1998), the Attorney General indicated that detailed minutes of all matters discussed need not be maintained when a public body is meeting in closed or executive session, so long as the requirements of § 84-1410 pertaining specifically to the minute entries necessary for a closed session are met.

I. CLOSED SESSIONS OF A PUBLIC BODY. Section 84-1410, pertaining to closed sessions of public body, has generated the most controversy of all the portions of the open meetings statutes. Section 84-1410(1) provides that any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary (1) for the protection of the public interest, or (2) for the prevention of needless injury to an individual, if such individual has not requested a public meeting. Closed meetings may not be held for discussion of the appointment or election of a new member to any public body. Nothing in § 84-1410 should be construed to require that any meeting be closed to the public.

1. Under § 84-1410(1), examples of reasons for a closed session include:

a. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body.

b. Discussion regarding deployment of security personnel or devices.

c. Investigative proceedings regarding allegations of criminal misconduct.

d. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

e. For a Community Trust created under Neb. Rev. Stat. § 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster. [Amended into § 84-1410(1) by 2011 Neb. Laws LB 390.]

f. For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional

negotiations with any referral source that is required by federal law to be conducted at arm's length. [Amended into § 84-1410(1) by 2012 Neb. Laws LB 995.]

These examples are not exclusive; they are merely examples, and other reasons may exist. Government Committee Hearing on LB 325, 84th Nebraska Legislature, First Session (1975) at page 3; 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975); Op. Att'y Gen. No. 65 (April 17, 1985).

2. LB 898 from 2006 amended some of the provisions of § 84-1410 pertaining to the mechanics of holding a closed session. The subject matter of the closed session and reason necessitating the closed session shall be identified in the motion to hold a closed session. The vote to hold a closed session must be taken in open session, and the entire closed session motion, the vote of each member on the question of holding a closed session, and the time when the closed session commences and ends must be recorded in the minutes. If the motion to close passes, then the presiding officer shall restate on the record immediately prior to the closed session the limitation of the subject matter of the closed session. The public body holding a closed session shall restrict its consideration of matters during the closed session to only those purposes set forth in the motion to close as the reason for the closed session. The meeting must be reconvened in open session before any formal action may be taken, and "formal action" in that context is defined in § 84-1410(2) to mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy. Under an amendment to § 84-1410(2) effected by LB 621 in 1994, formal action by the body in that context does **not** include, "negotiating guidance given by members of the public body to legal counsel or other negotiators in a closed [strategy] session authorized [for collective bargaining, real estate purchases, etc.] under subdivision 1(a) of [Section 84-1410]."

3. Any member of the public body can challenge the continuation of a closed session if he or she determines that the session has exceeded the original reason for the closed session, or if he or she contends that the closed session is neither clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual. Such a challenge can only be overruled by a majority vote of the members of the

public body. The challenge and its disposition shall be recorded in the minutes.

4. **History.** One of the purposes for the initial open meetings statute, LB 325 from 1975, was to tighten restrictions on closed or executive sessions of public bodies. Introducer's Statement of Purpose for LB 325, 84th Nebraska Legislature, First Session (1975). The fourth example of reasons for closed meetings was added by LB 43 in 1983. The provisions dealing with pending or imminent litigation and defining formal action in a closed session were added as a part of LB 1019 in 1992.

5. It is not entirely clear what vote of the public body is necessary to go into closed session. The statute states that "an affirmative vote of a majority of [the body's] voting members" is necessary for a closed session. On its face, the normal meaning of this language would presumably be a majority of those members present and voting. This is particularly true since the later subsection (3) of § 84-1410 requires a "majority vote of the members of the public body" to overrule a challenge to the continuation of the closed session. However, the legislative history of LB 325 makes it quite clear that the legislators intended to make the requirement for a closed session a vote of the majority of the body rather than a vote of the majority of those present and voting. Floor Debate on LB 325, 84th Nebraska Legislature, First Session, May 14 and May 20, 1975, at 4616, 5015. Moreover, there is some indication that "voting" members in § 84-1410(1) refers to particular members of bodies such as the Board of Regents which has both voting and non-voting members. Government Committee Hearing on LB 325, 84th Nebraska Legislature, First Session (1975) at 27-28. The safer approach is to authorize a closed session of the public body by a majority vote of the members of the body rather than by a majority vote of just those members present.

6. The landmark case for what is permissible in a closed session is *Grein v. Board of Education of the School District of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984). *Grein* involved a closed session by a school board for discussion of the low bid on a construction project. The Nebraska Supreme Court held that the closed session was improper. That case indicates:

a. Provisions of the statute permitting closed sessions must be narrowly and strictly construed. *See also State ex rel. Upper Republican Natural Resources*

District v. District Judges of the District Court for Chase County, 273 Neb. 148, 728 N.W.2d 275 (2007).

b. The public interest which is protected in § 84-1410(1) is “that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities.” 216 Neb. at 165, 343 N.W.2d at 723. *See also Wasikowski v. Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002).

c. Good faith motivation for a closed session is not a cure for non-compliance with the public meetings laws.

d. The prohibition against decisions or formal actions in a closed session proscribes crystallization of a secret decision and then ceremonial acceptance in open session.

e. There is a guiding principle with respect to closed sessions: “If a public body is uncertain about the type of session to be conducted, open or closed, bear in mind the policy of openness promoted by the Public Meetings Laws and opt for a meeting in the presence of the public.” 216 Neb. at 168, 343 N.W.2d at 724.

7. *Pokorny v. City of Schuyler, supra*, indicates that there is nothing in the open meetings statutes which requires that negotiations for the purchase of land be conducted in open meeting, but deliberations of a public body as to whether an offer to purchase should be made must be done in an open meeting.

8. In a case involving the revocation of a land surveyor’s license, the supreme court held that a closed session was improper since there was no showing of either necessity or of the reasons set out in § 84-1410(1). *Simonds v. Board of Examiners of Land Surveyors*, 213 Neb. 259, 329 N.W.2d 92 (1983).

9. Neb. Rev. Stat. § 79-832 (1996), dealing with hearings involving cancellation, amendment or termination of a teacher’s contract mandates a closed hearing upon an affirmative vote of a majority of the school board’s members present and voting and upon specific request of the certificated employee or the certificated employee’s representative. However, under that section, formal action by the school board requires that the school board reconvene in open

session. *Stephens v. Board of Education of School District No. 5, Pierce County*, 230 Neb. 38, 429 N.W.2d 722 (1988).

10. The provisions of the open meetings statutes dealing with closed sessions, in part, reflect the Legislature's judgment of the appropriate balance between the public's interest in open discussion of governmental issues and the rights of individuals, such as state employees, to have their performance as employees considered in private if they so choose. *Meyer v. Board of Regents of the University of Nebraska*, 1 Neb. App. 893, 510 N.W.2d 450 (Neb. Ct. App. 1993).

11. If the primary purpose for a closed session of a public body is authorized under the open meetings statutes, then any necessary discussion of incidental matters is also authorized. *Meyer v. Board of Regents of the University of Nebraska*, 1 Neb. App. 893, 510 N.W.2d 450 (Neb. Ct. App. 1993). In the *Meyer* case, the Nebraska Court of Appeals indicated that the University Board of Regents could properly discuss the appointment of an interim president for the University during a closed session called to evaluate and consider the employment status of the president.

12. In *Wasikowski v. Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002), the court held that if a person who is present at a meeting of a public body observes an alleged violation of the Open Meetings Act in the form of an improper closed session and fails to object, then that person waives his or her right to object to the closed session at a later date. However, that case appears to be legislatively overruled by LB 898 from 2006 which provides that it shall not be a defense to a citizen lawsuit under § 84-1414(3) that the citizen attended the meeting and failed to object at that time.

13. There is no absolute evidentiary privilege which applies to all communications made during a closed session of a public body, and communications made during such closed sessions are discoverable. *State ex rel. Upper Republican Natural Resources District v. District Judges of the District Court for Chase County*, 273 Neb. 148, 728 N.W.2d 275 (2007). However, to the extent that communications made during a closed session implicate other recognized privileges such as the attorney-client privilege, those communications are protected. *Id.*

14. The statutory provision allowing public bodies to hold closed sessions for strategy sessions regarding litigation or threatened litigation by necessity encompasses discussions and decisions regarding whether to make or reject a settlement offer. Such decisions regarding litigation strategy should not have to be discussed publicly, during an open session, in front of the body's opponent. *Becker v. Allen*, 1996 WL 106217, 1996 Neb. App. LEXIS 73 (Neb. Ct. App. 1996) (Not approved for publication). In addition, the strategic meetings which a public body has with its attorney when threatened with or engaged in litigation, in which the public body may give direction to its attorney, are protected by the attorney-client privilege. *Id.*

15. **Opinions of the Attorney General:**

a. A closed session is not proper simply because matters permitting a closed session might arise. Such a closed session is permitted only when such matters do arise and must be dealt with. Op. Att'y Gen. No. 94035 (May 11, 1994); Op. Att'y Gen. No. 11 (January 20, 1983).

b. Discussions of legal matters between a county board and a county attorney involving pending litigation or legal consequences of specific action are suitable for a closed session. 1975-76 Rep. Att'y Gen. 150 (Opinion No. 116, dated August 29, 1975).

c. A public body can go into a proper closed session for discussion of personnel matters and then reconvene for a public vote with no lengthy explanation of the rationale underlying the decision. Op. Att'y Gen. No. 89063 (October 12, 1989).

d. The closed session exception for prevention of needless injury to reputation is for the protection of individual employees and not for the protection of governmental officers on the public body. *Id.*

e. In Op. Att'y Gen. No. 98045 (November 4, 1998), the Attorney General indicated that detailed minutes of all matters discussed need not be maintained when a public body is meeting in closed or executive session, so long as the requirements of § 84-1410 pertaining specifically to the minute entries necessary for a closed session are met.

f. A county clerk, county attorney and county treasurer acting as a group under § 32-567(3) to make an appointment to fill a vacancy on a county board may not go into closed session for evaluation of the merits of the candidates based upon the express language of § 84-1410(1). Op. Att’y Gen. No. 97050 (September 18, 1997).

g. In Op. Att’y Gen. No. 17-004 (June 5, 2017), the Attorney General indicated that the Public Service Commission may not discuss management and operational issues outside of a duly convened meeting which satisfies all requirements of the Open Meetings Act, except when conducting judicial proceedings. Alternatively, the commission could discuss these issues in closed sessions under limited circumstances or form subcommittees of less than a quorum, which are generally excluded from the act.

h. The Attorney General has indicated informally that developing testimony for an upcoming Legislative hearing is not a proper reason for a state agency to go into closed session. On the other hand, the Attorney General has also indicated informally that discussion of “sensitive medical and financial information” pertaining to specific individuals who applied for admission to a state home could be conducted in a closed session so long as the actual vote on admission was done in an open meeting.

J. CIRCUMVENTION OF THE OPEN MEETINGS ACT. Section 84-1410(4) prohibits a person or a public body from circumventing the purpose of the open meetings statutes by failing to invite a portion of its members to a meeting or by designating itself as a subcommittee of the whole body. That section also prohibits the use of any closed session, informal meeting, chance meeting, social gathering, email, fax or other electronic communication for the purpose of circumventing the requirements of the open meetings statutes.

1. This provision was added to the open meetings statutes by LB 43 in 1983. This section was directed at the intentional circumvention of the open meetings statutes rather than inadvertent acts. Government, Military and Veterans’ Affairs Committee Hearing on LB 43, 88th Nebraska Legislature, First Session (1983) at 5.

2. 2004 Neb. Laws LB 1179 added emails, faxes and other electronic communications to the list of mediums which could not be used to circumvent the requirements of the Open Meetings Act.

3. Similar language prohibiting the use of virtual conferencing, emails, faxes, or other electronic communications to circumvent any of the public government purposes of the Open Meetings Act is contained in § 84-1411(3).

4. The Attorney General has indicated that intent is a necessary element of the conduct prohibited by § 84-1410(4), and that members of a public body can communicate with other members of that body by electronic means, even if that communication is directed to a quorum of the body, so long as there is no course of communication which becomes sufficiently involved so as to evidence an intent or purpose to circumvent the Open Meetings Act. Op. Att'y Gen. No. 04007 (March 8, 2004).

K. ACTIONS FOR ENFORCEMENT. Section 84-1414 sets out various enforcement options available to individuals who believe that the open meetings statutes have been violated.

1. Any motion, resolution, rule, ordinance, or formal action of a public body made or taken in violation of the public meetings statutes shall be declared void by the district court if the suit is commenced within 120 days of the meeting of the public body at which the alleged violation occurred. Any such motion or other action taken in substantial violation of the public meeting statutes shall be voidable by the district court if the suit is commenced after more than 120 days but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

2. Under § 84-1414(3), any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the open meetings statutes, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the open meetings statutes to discussions or decisions of the public body. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007). The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under

§ 84-1414(3). Under LB 898 from 2006, it shall not be a defense to such a suit that the citizen attended the meeting and failed to object to violations at such time.

3. The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the provisions of the open meetings statutes.

4. **History.** The original version of § 84-1414(1), which was a part of LB 325 passed in 1975, simply provided that actions taken in violation of the public meetings statutes should be void. The void/voidable distinction was added by LB 43 in 1983. The apparent intent of that later language was to allow a court to void an action by a public body taken when there was any violation of the open meetings statutes if the action was filed within four months of the meeting in question. After four months, the violation of the open meetings statutes would have to be substantial to allow a court to void the action of the public body. In any event, no action could be brought after one year of the public meeting in question. Floor Debate on LB 43, 88th Nebraska Legislature, First Session, March 22, 1983, at 1892.

5. The legislative history of LB 325 from 1975 indicates that the initial intent of that statute was to have the county attorney responsible for enforcement proceedings involving public bodies at a local level. The Attorney General would be responsible for enforcement against state entities. Floor Debate on LB 325, 84th Nebraska Legislature, First Session, May 14, 1975, at 4620.

6. The Nebraska Supreme Court has indicated that action by a public body which is proper under the open meetings statutes may cure defects in actions previously taken by the same public body. In such an instance, an action by a public body which previously might have been declared void will be declared proper. *Pokorny v. City of Schuyler, supra*. On the other hand, under those circumstances, the original improper meeting itself is still void. *Steenblock v. Elkhorn Township Board*, 245 Neb. 722, 515 N.W.2d 128 (1994). *Pokorny* also indicates that the effect of an invalid public meeting under the open meetings laws is the same as if the meeting had never occurred.

7. A county lacks capacity to maintain an action to declare its official conduct void for noncompliance with the open meetings statutes. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).

8. Reading of a city ordinance in accordance with a city charter constitutes “formal action” of a city council which may be voided in a lawsuit under § 84-1414(1). *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

9. A number of Nebraska cases deal with waiver of rights under the Open Meetings Act by a failure to make a timely objection to violations of the Act. *Stoetzel & Sons, Inc. v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003) (if a person who attends a meeting of a public body believes that copies of documents discussed by the body should be made available to the public at the meeting, a timely objection should be made, or that person waives his or her right to object); *Wasikowski v. Nebraska Quality Jobs Board*, 264 Neb. 403, 648 N.W.2d 756 (2002); *Otey v. State*, 240 Neb. 813, 485 N.W.2d 153 (1992); *Witt v. School District No. 70, Frontier County*, 202 Neb. 63, 273 N.W. 2d 669 (1979) (any person who has notice of a meeting and attends the meeting is required to object specifically to a lack of public notice at the meeting or waive his rights to object on that ground under the open meetings statutes); *Hauser v. Nebraska Police Standards Advisory Council*, 264 Neb. 944, 653 N.W.2d 240 (2002) (if a person present at a meeting observes and fails to object to an alleged open meetings violation in the form of a failure to conduct roll call votes before taking action on questions or motions pending, that person waives his or her right to object at a later date); *Alexander v. School District No. 17 of Thurston County*, 197 Neb. 251, 248 N.W.2d 335 (1976) (where teachers had notice of a termination hearing, appeared, and no objection was made to a failure of the school board to give proper notice under the open meetings statutes, those teachers waived any objection they might have had to violations of the open meetings law). Those cases appear to be legislatively overruled by LB 898 from 2006 which provides that it shall not be a defense to a citizen lawsuit under § 84-1414(3) that the citizen attended the meeting and failed to object at that time.

10. In *Robinson v. Morrill County School District #63*, 299 Neb. 740, 910 N.W.2d 752 (2018), the Nebraska Supreme Court declined to consider the propriety of the school board's closed session to deliberate on the cancellation of Robinson's teaching contract following an evidentiary hearing since Robinson failed to object to the closed session or the process followed by the school board in closing the meeting.

11. Actions for relief under the open meetings statutes are tried as equitable cases, given the fact that the relief sought is in the nature of a declaration that particular action taken in violation of the laws is void or voidable. Such cases are also considered as equitable cases on appeal. *Stoetzel & Sons, Inc. v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003); *Hauser v. Nebraska Police Standards Advisory Council*, 264 Neb. 944, 653 N.W.2d 240 (2002); *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009); *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999).

12. The *Hansmeyer* case also discusses the distinction between "void" and "voidable" under § 84-1414. "Void" means ineffectual and having no legal force or binding effect, while "voidable" means that which may be avoided or declared void, not absolutely void. In *Hansmeyer*, the court considered factors such as whether any purpose would be served or whether decisions were made in secret without public discussion in determining whether a voidable vote by the Nebraska Public Power District should, in fact, be voided.

13. Once a meeting has been declared void pursuant to the Open Meetings Act, the members of the public body involved are prohibited from considering any information which they obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009); *Alderman v. County of Antelope*, 11 Neb. App. 412, 653 N.W.2d 1 (2002).

14. The decision to award attorney's fees to a "successful plaintiff" in an action under § 84-1414 is discretionary with the trial court. *Hansmeyer v. Nebraska Public Power District*, 6 Neb. App. 889, 578 N.W.2d 476 (1998), *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999). The court in *Hansmeyer* also held that the plaintiffs in that case were "successful plaintiffs" who could recover attorney's fees under

§ 84-1414 because there was a finding that a substantial violation of the open meetings statutes had occurred, and because the public body involved amended its practices to prepare proper agendas after the plaintiffs filed their action. The court reached that conclusion even though it ultimately determined that the improper action of the public body at issue should not be voided. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) also contains a discussion regarding the basis for an award of attorney's fees in that case, including the court's analysis of why it reduced a fee award on appeal.

15. Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009). The court in the *Wolf* case also specifically considered whether violations of the Open Meetings Act were "substantial" violations in determining whether it was appropriate to void actions of a county board when the enforcement lawsuit was filed more than 120 days after the meetings in question.

16. In *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (Neb. Ct. App. 2009) there was no evidence in the record which established that a county board had published notice of its meetings anywhere. The Court of Appeals held that in the absence of contrary evidence, it may be presumed that public officers faithfully performed their official duties. *Id.* In addition, absent evidence showing misconduct or disregard for the law, the regularity of official acts is also presumed. *Id.* In *Wolf*, the court also indicated that the plaintiffs had the burden at all times to show that it was more probable that notices of meetings were not posted than probable that they were.

17. The United States District Court for the District of Nebraska has indicated that it has supplemental jurisdiction over claims under § 84-1414 based upon 28 U.S.C. § 1367(a). *Buzek v. Pawnee County Nebraska*, 207 F. Supp. 2d 961 (D. Neb. 2002).

18. "Citizens," as well as members of the general public and reporters or other representatives of the news media, are the intended beneficiaries of the Open Meetings Act, and have standing to bring an action under that Act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010). This is true even though individual citizens may not be able to allege a particularized injury as a result of action by a public body or the pecuniary interest in the public body's action

which might be necessary for common law standing. *Id.* An action under § 84-1414 is permissible when the ultimate result of the questionable meetings of the public body is annexation. *Id.*

19. The plaintiffs in *Pierce v. Drobny*, 279 Neb. 251, 777 N.W.2d 322 (2010), contended that a local school board held a number of secret meetings without notice or public participation to plan for a special election for the issuance of bonds for a new school. A resolution authorizing the special election was subsequently passed by the board at a public meeting, and at the special election, voters approved the school bond issue. The plaintiffs sought to void the board's resolution for the special election under the Open Meetings Act rather than filing an election contest. The Nebraska Supreme Court held that an election contest was the exclusive remedy under such circumstances, and that a separate challenge under the Open Meetings Act did not exist once the bond issue was voted upon by the public.

L. CRIMINAL SANCTIONS. Section 84-1414(4) provides that any member of a public body who knowingly violates or conspires to violate the Open Meetings Act, or who attends or remains at a meeting knowing that the public body is in violation of any provision of that Act, shall be guilty of a Class IV misdemeanor for a first offense, and a Class III misdemeanor for a second or subsequent offense.

1. The legislative history of LB 325 from 1975 indicates that the criminal sanctions included in this section were originally directed at intentional behavior rather than at inadvertence. Government Committee Hearing on LB 325, 84th Nebraska Legislature, First Session (1975) at 16.

2. The criminal sanctions for violation of the open meetings statutes were first increased as a result of LB 1019 passed in 1992. Also, that same bill in 1992 added language which made knowingly remaining at or attending a meeting in violation of the open meetings statutes a crime. The present language which applies criminal sanctions to those members of a public body who remain at a meeting knowing that the public body is in violation of the open meetings statutes was added by LB 621 in 1994.

3. Under Neb. Rev. Stat. § 28-106 (2016), a Class IV misdemeanor is punishable by a fine of \$100 to \$500 and no imprisonment. In addition, a

Class III misdemeanor is punishable by up to 3 months imprisonment or up to a \$500 fine, or both. A Class III misdemeanor has no minimum penalty.

Rev. 7/2024

Blair Community Schools
 Financial Report to the Board of Education
 Cash-Bank Reconciliation
 July 31, 2024

07/01/2024 through 7/31/24

Book Balance

Beginning Balance		\$10,447,226.33
Total Receipts		\$436,968.31
Total Disbursements		-\$1,995,793.43
Reconciled Book Balance-Ending Balance		\$8,888,401.21

Bank Balance

Beginning Balance		\$1,328,165.64
Deposits	\$1,259,964.30	
Interest	\$158.47	
Total Receipts		\$1,260,122.77
Total Disbursements		-\$2,042,238.95
Bank Balance Ending Balance		\$546,049.46
Less Outstanding Checks/Wires		-\$236,177.62
Reconciled Bank Balance-Ending Balance		\$309,871.84

Reconciled Balance		\$309,871.84
Total Investments		\$8,578,529.37
Total General Fund Balance		\$8,888,401.21

Leslie Watts

 Leslie Watts, Board of Education Treasurer

8/1/24

 Date

Blair Community Schools
 Financial Report to the Board of Education
 Building Fund
 July 31, 2024

07/01/2024 through 7/31/24

Beginning Balance	\$2,471,908.97
Total Receipts	\$37,010.90
Total Disbursements	-\$13,809.00
Building Fund Balance	\$2,495,110.87

Bank Balance

Bank Balance Ending Balance	\$683,577.45
Less Outstanding Checks/Wires	\$0.00
Reconciled Bank Balance	\$683,577.45
Total Investments	\$1,811,533.42
Total Building Fund Balance	\$2,495,110.87

Blair Community Schools
 Financial Report to the Board of Education
 Savings Depreciation
 July 31, 2024

07/01/2024 through 7/31/24

Beginning Balance	\$1,745,281.71
Total Receipts	\$5,384.57
Total Disbursements	-\$26,478.69
Savings Depreciation Fund Balance	\$1,724,187.59

Bank Balance

Bank Balance Ending Balance	\$1,724,187.59
Less Outstanding Checks/Wires	\$0.00
Total Savings Depreciation Fund Balance	\$1,724,187.59

ACTIVITY FUND & STUDENT FEE FUND-CHECKS ISSUED IN JULY 2024 TO BE RATIFIED 8/12/2024

VENDOR	TOTAL	ORGANIZATION	DESCRIPTION
VISA	\$1,614.00	AP ADVISORY COUNCIL	KONA ICE
STEVE CALLAGHAN	\$37.58	TRACK-OMS	TRACK SUPPLIES
AMAZON CAPITAL SERVICES	\$89.99	ALL SPORTS	STORAGE CONTAINER
POUNDS PRINTING INC	\$440.00	ADULT SPORT PASSES	24-25 ATHLETIC PASSES
TYLER SIECKE	\$281.80	TENNIS	EMPLOYEE MILEAGE
TYLER SIECKE	\$103.58	TRACK-BHS	EMPLOYEE MILEAGE
BLACK SQUIRREL ENTERPRISES LLC	\$1,059.29	TRACK-BHS	MIKE LEHL TRACK MEET
CASH	\$416.00	TRACK-BHS	MEAL \$
STEVE CALLAGHAN	\$37.58	TRACK-BHS	TRACK SUPPLIES
EASTERN MIDLANDS CONFERENCE	\$207.50	TRACK-BHS	FINANCIAL REPORT
TYLER SIECKE	\$103.58	TRACK-BHS	EMPLOYEE MILEAGE
BLACK SQUIRREL ENTERPRISES LLC	\$1,059.29	TRACK-BHS	MIKE LEHL TRACK MEET
CASH	\$416.00	TRACK-BHS	MEAL \$
EASTERN MIDLANDS CONFERENCE	\$207.50	TRACK-BHS	FINANCIAL REPORT
HOLIDAY INN EXPRESS & SUITES	\$404.90	BOYS GOLF	STATE GOLF LODGING
HAUFF SPORTS	\$792.00	WRESTLING	WRESTLING SUPPLIES
JIM & CONNIE'S BLAIR BAKERY	\$58.70	BOARD OF ED	STAFF BREAKFAST
VISA	\$90.95	BOARD OF ED	COUNTRY GARDENS
TYLER SIECKE	\$144.59	BASEBALL	EMPLOYEE MILEAGE
WILLIAM PERCIVAL	\$75.00	BASEBALL	UMPIRE
DREW MATHEWS	\$75.00	BASEBALL	UMPIRE
VISA	\$225.00	F. F. A.	WORKING GENIUS
VISA	\$539.20	F. F. A.	TOP GOLF
VISA	\$68.11	F. F. A.	SCOOTERS
VISA	\$85.76	F. F. A.	WALMART
VISA	\$126.27	HS FACULTY CONCESSIONS	DULCE VIDA
EMILY MITCHELL	\$7.98	GRADUATED CLASSES	WALMART
EMILY MITCHELL	\$540.00	GRADUATED CLASSES	COTTONWOOD CATERING
EMILY MITCHELL	\$100.00	GRADUATED CLASSES	AMAZON GIFT CARD
VISA	\$493.00	DANCE TEAM	FLUFFY DANCE
CASHELL SHONKA	\$342.40	DANCE TEAM	DANCE TEAM TANKS
BRAXTON CARR	\$6,000.00	SHOW CHOIR	CHOREOGRAPHER
TYLER SIECKE	\$106.93	ALL SPORTS	EMPLOYEE MILEAGE
NSAA	\$2,175.00	ALL SPORTS	MEMBERSHIPS
FREMONT HIGH SCHOOL	\$1,115.24	SWIM TEAM COOP	SWIM TEAM
HAUFF SPORTS	\$971.13	CAMP-BASEBALL	BASEBALL CAMP SHIRTS
RYLAN BLATTERT	\$100.00	F. F. A.	BEAR BREW 2023-24
PRIMA DISTRIBUTION INC	\$72.04	BHS CONCESSIONS	CONCESSION SUPPLIES
DIETZE MUSIC HOUSE	\$142.00	BAND INSTRUMENT USEAGE	INSTRUMENT REPAIRS
MATHESON TRI-GAS INC	\$66.35	VOCATIONAL EDUCATION	WELDING GAS
FREMONT HIGH SCHOOL	\$2,230.48	SWIM TEAM COOP	SWIM TEAM

GENERAL FUND CLAIMS - 8/12/2024

VENDOR	AMOUNT	DESCRIPTION
AAA RENTS	\$1,034.75	BHS GRADUATION RENTAL
ABE'S TRASH SERVICE INC	\$3,919.65	TRASH SERVICES
AE SUPPLY	\$6,100.00	PLUMBING SUPPLIES & EQUIPMENT
AJ'S SERVICE AND REPAIR INC	\$5,199.71	BUS REPAIRS, INSPECTIONS & SUBURBAN REPAIRS
ALBIREO ENERGY	\$360.00	BHS HVAC REPAIRS
AMAZON CAPITAL SERVICES	\$2,357.75	CLASSROOM, TECHNOLOGY, GRANT, OFFICE, CUSTODIAL/MAINTENANCE SUPPLIES
AMY TESSENDORF	\$170.72	EMPLOYEE MILEAGE
APPLE INC	\$357.00	APPLE PENCIL- BHS ART CLASS
BALLS OUT MOTORS LLC	\$95.00	GROUNDS MOWER REPAIRS
BIL-DEN GLASS	\$8,666.00	DOOR REPAIRS & MASTER KEYS
BILL BROWN	\$75.00	EMPLOYEE REIMB- BUS DRIVER LICENSE
BLAIR ACE HARDWARE	\$276.89	MAINTENANCE SUPPLIES
BOMGAARS	\$475.96	GROUNDS SUPPLIES
CANDLEWOOD SUITES	\$589.85	TRAINING LODGING
CAPITAL BUSINESS SYSTEMS INC	\$2,213.00	COPIER SERVICES
CITY OF BLAIR	\$3,149.15	UTILITY - WATER/SEWER
CORNHUSKER INTERNATIONAL TRUCKS	\$2,918.92	BUS REPAIRS
CPI TELECOM	\$490.00	PHONE SYSTEM REMOTE SUPPORT
CROWNE PLAZA KEARNEY	\$418.00	TRAINING LODGING
DGR PAINTING CONTRACTORS	\$13,605.00	CONTRACTED PAINTERS (AP)
DICK'S ELECTRIC	\$569.82	ELECTRICAL REPAIRS
EAKES OFFICE PLUS	\$117.13	FAX SVCS - JULY24
ECHO GROUP INC.	\$187.65	ELECTRICAL MAINTENANCE SUPPLIES
ED MILLS	\$275.00	CONTRACTED LABOR- BHS CALMING ROOM DEVELOPMENT
EDUCATIONAL SERVICE UNIT #3	\$715.00	EMPLOYEE TRAINING, MIPS
ENTERPRISE PUBLISHING CO INC	\$62.00	NEWSPAPER SUBSCRIPTION
ESU COORDINATING COUNCIL	\$914.50	LIBRARY- WORLD BOOK SOFTWARE RENEWAL
FAIRWAY OIL CO	\$440.84	BUS & VEHICLE FUEL- JULY24
FASTWYRE BROADBAND CABLE	\$1,888.92	PHONE, NETWORK SERVICES
FIREGUARD LLC	\$6,300.70	FIRE ALARM REPAIRS
GRAINGER	\$1,534.44	MAINTENANCE SUPPLIES
GRUNWALD MECHANICAL	\$14,103.43	ROOF DRAIN, DRINKING FOUNTAIN REPAIRS
HOMETOWN REPAIR SERVICES LLC	\$1,478.69	ICE MACHINE MAINTENANCE (BHS)
IDEAL PURE WATER	\$213.99	PURIFIED DRINKING WATER
INFRASTRUCTURE, LLC	\$965.51	GYM JOIST REPAIRS (BHS)
INSPIRA FINANCIAL	\$167.70	FLEX PLAN FEE- JULY24
INSTRUCTURE INC	\$3,062.00	RECORD KEEPING SERVICES SOFTWARE
JCMF CHILDRENS CHARITIES	\$2,500.00	SIXPENCE TRAINING
JOHN DEERE FINANCIAL	\$133.48	MOWER PARTS
JOSHUA COLLINGSWORTH MEMORIAL FOUND	\$215.00	SIXPENCE BOOKS
KEYMASTERS LOCKSMITH	\$220.00	KEYS
LESLEY WARD	\$90.03	EMPLOYEE REIMB- SIXPENCE TRAVEL REIMBURSEMENT
LIL JONESY'S LINES	\$4,270.00	PARKING LOT LINES
LONG'S OK TIRE	\$91.95	MOWER TIRE REPAIRS
MARGIE BANSEN	\$80.00	EMPLOYEE REIMB- BUS DRIVER LICENSE
MATT ASCHOFF	\$16.25	EMPLOYEE REIMB- BUS DRIVER LICENSE
MCKINNIS ROOFING INC	\$1,206.73	BHS ROOF REPAIRS
MECHANICAL SYSTEMS INC	\$13,932.80	HVAC REPAIRS (S,DF,AP,OMS,BHS,N)
MEMORIAL COMMUNITY HOSPITAL	\$166.00	BUS DRIVER PHYSICAL
MIDWEST ALARM SERVICES	\$1,445.28	FIRE EXTINGUISHERS
NANNEN PHYSICAL THERAPY	\$20,833.34	PHYSICAL THERAPY & OCCUPATIONAL THERAPY CONTRACT
NCSA	\$1,235.00	ADMIN DAYS CONFERENCE & TRAINING
NEBR AIR FILTER INC	\$521.88	DF AIR FILTERS
NEBR SAFETY CENTER	\$100.00	BUS DRIVER TRAINING
NEBRASKA CENTRAL EQUIPMENT INC	\$132.10	BUS 16 REPAIRS
OFFICE DEPOT	\$2,027.27	OFFICE & DISTRICT PAPER SUPPLIES
OMAHA PUBLIC POWER DISTRICT	\$27,918.98	UTILITY - ELECTRICITY
ONESOURCE THE BACKGROUND CK CO	\$213.55	BACKGROUND CHECKS
PEST SOLUTIONS 365	\$725.00	PEST CONTROL
QUADIENT FINANCE USA INC	\$2,000.00	POSTAGE
QUADIENT LEASING USA INC	\$359.94	POSTAGE MACHINE LEASE
RANDALL GILSON	\$33.50	EMPLOYEE MILEAGE
REGAL AWARDS INC	\$38.40	BOARD OF ED NAME PLATES

RENAISSANCE LEARNING	\$8,039.85	FASTBRIDGE SOFTWARE RENEWAL
ROSETTA STONE	\$900.00	TITLE III GRANT- ROSETTA STONE LICENSES
S E SMITH & SONS	\$1,058.66	SPED AND MAINTENANCE SUPPLIES
SMITTY'S AUTO SERVICE	\$2,211.38	VEHICLE REPAIRS
SPARTAN STORES LLC	\$61.05	FCS SUPPLIES
STAPLES BUSINESS ADVANTAGE	\$193.29	ADMIN OFFICE SUPPLIES & CALENDARS
STERICYCLE INC	\$187.87	SHREDDING SERVICES
STERLING COMPUTER CORPORATION	\$203.56	TECHNOLOGY SUPPLIES
STEVE CALLAGHAN	\$33.50	BG&T MEETING IN FREMONT MILEAGE
STRATUS BUILDING SOLUTIONS	\$19,090.00	CUSTODIAL CONTRACT CLEANING SERVICES- AUG24
TAMMY HOLCOMB	\$265.32	EMPLOYEE MILEAGE
THE HOME DEPOT PRO	\$6,160.60	CUSTODIAL SUPPLIES
THE OMNI GROUP	\$24.00	403B FEES
THE SIGN DEPOT	\$1,412.51	STAFF SHIRTS, SIGNS, & SUPPLIES
TIM WELCH	\$33.50	BG&T MEETING IN FREMONT MILEAGE
UNITE PRIVATE NETWORKS LLC	\$2,096.43	DISTRICT NETWORK SERVICES
US CELLULAR	\$217.45	MIFI WIFI'S
VERIZON	\$249.81	MIFI AND WIRELESS PHONE
WILD ROOTS GREENHOUSE	\$468.82	GREENHOUSE PLANTS
YOST CONCRETE CONSTRUCTION INC	\$12,560.00	CONCRETE WORK (OMS)
Summary	\$221,443.75	

GENERAL FUND-CHECKS ISSUED TO BE RATIFIED 8/12/2024

VENDOR	TOTAL	DESCRIPTION
WOODHOUSE FORD	\$500.00	INSURANCE DEDUCTIBLE- FORD F250 REPAIRS
ABE'S TRASH SERVICE INC	\$3,566.14	TRASH SERVICES
VISA	\$4,531.66	TRAVEL, DUES, TRAINING & INSERVICE, SUPPLIES, MISC, REPAIRS, MEETINGS, EQUIPMENT, TECHNOLOGY NEEDS, CLASSROOM SUPPLIES & MATERIALS, STAFF RECOGNITION & APPRECIATION, GROUNDS & MAINTENANCE SUPPLIES, POSTAGE, STAFF SHIRTS
THREE RIVERS DISTRICT HEALTH DEPT	\$1,850.00	CPR STAFF TRAINING/CERTIFICATONS
Summary	\$10,447.80	

GENERAL FUND-JUNE 2024 PAYROLL & BENEFITS TO BE RATIFIED 8/12/2024

GROSS PAYROLL	\$1,202,987.22	GROSS SALARY & WAGES
NET PAYROLL - DIRECT DEPOSITS	\$832,344.52	NET PAY CHECKS- DIRECT DEPOSIT TOTALS
NET PAYROLL - MANUAL CHECKS	\$0.00	NET PAY CHECKS - MANUAL CHECK TOTALS
NEBRASKA REVENUE NEB EPAY.	\$43,188.57	NE STATE W/H
OMNI FINANCIAL1 CORP COLL	\$4,467.00	P/R DEDUCTION - 403(B) INVESTMENTS
OUTGOING WIRE TO US TREASURY	\$285,191.31	FEDERAL W/H, FICA W/H & FICA TAXES
RETIREMENT	\$226,912.57	RETIREMENT DEDUCTION & BENEFIT
VISION SERVICE PLAN INSURANCE CO	\$1,400.52	P/R DEDUCTION - VISION INSURANCE
MADISON NATIONAL LIFE INSURANCE CO.	\$4,506.49	EMPLOYEE LTD INSURANCE
SECTION 125	\$8,097.54	P/R DEDUCTION - FLEX PLAN CONTRIBUTIONS
BLUE CROSS BLUE SHIELD	\$275,596.71	EMPLOYEE HEALTH & DENTAL INSURANCE
ERIN MCCARTNEY	\$185.00	P/R DEDUCTION - GARNISHMENT

SAVINGS DEPRECIATION FUND-ISSUED TO BE RATIFIED 8/12/2024

VENDOR	TOTAL	DESCRIPTION
WOODHOUSE FORD	\$16,026.00	FOOD TRUCK ENGINE OVERHAUL
Summary	\$16,026.00	

BUILDING FUND-ISSUED TO BE RATIFIED 8/12/2024

VENDOR	TOTAL	DESCRIPTION
D R ANDERSON CONSTRUCTION	\$8,934.00	AP RESTROOM PROJECT FINAL PAYMENT
Summary	\$8,934.00	

LUNCH FUND CLAIMS 8/12/2024

VENDOR	TOTAL	DESCRIPTION
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NANCY SANCHEZ	\$48.85	LUNCH ACCOUNT REFUND
STEPHANIE AGUILAR	\$23.85	LUNCH ACCOUNT REFUND
HEARTLAND PAYMENT SYSTEMS	\$4,539.00	NUTRIKIDS SOFTWARE 2024-25
HOME TOWN REPAIR SERVICES	\$1,910.43	ICE MACHINE CLEANER
Summary	\$6,522.13	

BUILDING FUND CLAIMS 8/12/2024

VENDOR	TOTAL	DESCRIPTION
SUPERIOR LIGHTING	\$98,360.00	EXTERIOR LIGHTING PROJECT (S,DF,AP,OMS,BHS,ADMIN)
EGAN SUPPLY CO	\$50,971.76	REFINISH GYM FLOOR (BHS)
AE SUPPLY	\$11,000.00	WATER BOTTLE FILLING STATION (BHS)
ALBIREO ENERGY	\$5,600.00	WELDING SHOP RTU REPLACEMENT (BHS)
SPORTS FACILITY MAINTENANCE	\$33,808.20	NEW BACKSTOPS IN GYM (BHS)
MECHANICAL SYSTEMS INC	\$25,000.00	WELDING SHOP RTU REPLACEMENT (BHS)
Summary	\$224,739.96	

SAVINGS/DEPRECIATION FUND CLAIMS 8/12/2024

VENDOR	TOTAL	DESCRIPTION
APPLE INC	\$2,602.97	APPLE TV, IPADS (BHS)
STERLING COMPUTER CORPORATION	\$7,051.41	SERVER REPLACEMENT (BHS)
THE HOME DEPOT PRO	\$16,453.54	FLOOR SCRUBBER (BHS)
Summary	\$26,107.92	

Policy/Curriculum Committee Meeting Minutes

Monday, July 15, 2024
Call to Order at 12:00pm
Central Office

Committee Members Present: Deb Parks (Chair), Denise Cada, and Courtney Tabor

Others Present: Dr. Randall Gilson, Dr. Violet Glasshoff, Brett Schwartz, Steve Callaghan, and Angie Conety

1. Old Business

A. Policy 612.10-Curriculum Review Cycle

Policy 612.10-Curriculum Review Cycle was brought to the Board at the July Board meeting for a first reading. After discussion, the Board recommended a further review of the policy. Dr. Glasshoff and Mr. Schwartz collaborated and have developed two different options for the Board to consider moving forward.

Option 1

	Year 1 Research Best Practices and Review Existing Program Data (Year 1)	Year 2 Assessing, Planning, Refining, and Developing (Year 2)	Year 3 Implementation and Monitoring (Year 3)
2022-23	-	-	K-12 ELA
2023-24	-	-	Math
2024-25	F-Lang/Art/Music	Science	-
2025-26	ELA*/ELL	F-Lang/Art/Music	Science
2026-27	HAL/Library/CTE	ELA*/ELL	F-Lang/Art/Music
2027-28	Social Studies	HAL/Library/CTE	ELA*/ELL
2028-29	Guide/SEL/Health/PE	Social Studies	HAL/Library/CTE
2029-30	Math	Guide/SEL/Health/PE	Social Studies
2030-31	-	Math	Guide/SEL/Health/PE
2031-32	Science	-	Math
2032-33	HAL/Library/CTE	Science	-
2033-34	Social Studies	HAL/Library/CTE	Science
2034-35	Guide/SEL/Health/PE	Social Studies	HAL/Library/CTE
2035-36	Math	Guide/SEL/Health/PE	Social Studies

2036-37	-	Math	Guide/SEL/Health/PE
2037-38	Science	-	Math
2038-39	HAL/Library/CTE	Science	-

ELA *= Reading, English, Speech, Drama, and Journalism

Option 2

	Year 1 Assessing, Reviewing, Researching, Planning, Refining, and Developing	Year 2 Implementation and Monitoring
2022-23	-	K-12 ELA
2023-24	-	Math
2024-25	Science	-
2025-26	F-Lang/Art/Music	Science
2026-27	ELA*/ELL	F-Lang/Art/Music
2027-28	HAL/Library/CTE	ELA*/ELL
2028-29	Social Studies	HAL/Library/CTE
2029-30	Guide/SEL/Health/PE	Social Studies
2030-31	Math	Guide/SEL/Health/PE
2031-32	-	Math
2032-33	Science	-
2033-34	HAL/Library/CTE	Science
2034-35	Social Studies	HAL/Library/CTE
2035-36	Guide/SEL/Health/PE	Social Studies
2036-37	Math	Guide/SEL/Health/PE
2037-38	-	Math
2038-39	Science	-

Once the Board has made a decision, the cycle will be incorporated accordingly to policy 612.10. It may be presented at the August 12th Board meeting for a first reading.

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the first reading of new policy 612.10-Curriculum Review Cycle reflecting Option 1; 3-year cycle or Option 2; 2-year cycle as presented.**

B. Policy Revisions (600's)

The committee will be recommending a second and final reading on new policies. All new policies are listed on the Board agenda for viewing.

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the second and final reading of new policies 600.00, 601.00, 602.00, 610.00, 611.00, 611.20, 611.40, 611.50, 611.60, 611.70, 612.00, 620.00, 620.10, 620.10A, 621.00, 621.10, 621.10A, 621.20, 621.30, 621.40, 621.50, 622.00, 623.00, 624.00, 624.10, 626.00, 627.00, 628.00, 628.10, 628.20, 628.30, 628.30A, 628.30B, 628.30C, 628.40, 628.50, 628.60, 628.70, 628.80, 629.00, 630.00, 631.00, 632.00, 636.00, 636.10, 636.20, 636.30, 637.00, 638.00, 639.00, 639.10, 640.00, 641.00, 650.00, 660.00, 670.00, 680.00, 690.00, 691.00, 692.00, 692.00A, 692.00B, 692.10, 693.00, and 693.10 as presented.**

C. Policy Updates

The committee will be recommending second and final reading of the following new and revised policies in response to new legislative and federal mandates.

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the second and final reading of new policies 501.03-Preschool Enrollment, 520.10-Promotion & Retention, 731.40-Contracting Services, 324.10-Emergency Response Mapping, 357.10-Meal Charge Policy, and 414.10-Teacher Training as presented.**

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the second and final reading revised policies 500.83-Compulsory Attendance, 510.10-Student Discipline, 502.50-Graduation Requirements, 206.02-Board Association Membership, 204.07-Meeting Notice, 204.12-Public Participation at Board Meetings, 1003.01-Public Examination of District Records, and 706.01-Purchasing Procedures as presented.**

D. Reading Task Force Update

The Reading Task Force met on Thursday, July 11th. Dr. Glasshoff shared a presentation with the committee that was presented to the task force. The next meeting is being held this morning, Monday, July 15th at 11:00am.

2. New Business

E. Objectives & Key Results (OKR's)

Dr. Gilson shared his 2nd semester OKR's (Objectives and Key Results) and Guiding Statements.

F. Next Scheduled Policy/Curriculum Committee Meeting

Monday, August 19, 2024 at 12:00pm.

3. Adjournment

G. Adjournment:

The committee adjourned at 1:20pm.

Buildings, Grounds, and Transportation Committee Meeting Minutes

Monday, July 29, 2024
Call to Order at 4:00pm
Central Office

Committee Members Present: Steve Callaghan (Chair) and Tim Welch

Absent Committee Member: Ginger Fredericksen

Present: Dr. Randall Gilson, Jeffrey Steinbeck, and Angie Conety

1. Old Business

A. High School Auditorium Stage Rigging System Replacement

Mr. Steinbeck spoke with Jeff Payne, a structural engineer from InfraStructure, regarding the Blair High School auditorium curtain rigging system. Back in 2020, InfraStructure conducted an on-site visit to assess the existing stage rigging structure. Their report highlighted that reinforcements would be necessary for the beams to support a new curtain system.

The Board had approved the purchase of a new curtain system in June 2020 for \$110,000 from Heartland Scenic Studio. However, it became clear at that time that the entire structure needed to be replaced. Additional information will be provided at the next upcoming scheduled meetings.

2. New Business

B. Director of Operations Monthly Report – July 2024

Mr. Steinbeck shared a Director of Operations report. The report is attached to the agenda for viewing.

C. Arbor Park Concrete

Mr. Steinbeck received quotes for the addition of a 6-foot concrete sidewalk at Arbor Park Elementary. The sidewalk would run from the two kindergarten doors on the east side of the building and connect to the playground sidewalk. In addition, Mr. Steinbeck requested concrete to be added to two areas by the main playground entrance. These areas currently have wood chips that tend to create a mess by the doors. The total amount of concrete is 1,140 square feet.

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the bid from Bart Moore Subcontracting, Inc. in the amount of \$6,800 for the addition of concrete at Arbor Park Elementary.**

D. Deerfield Elementary HVAC Units – Gym/Cafeteria/Kitchen

Dr. Gilson and Mr. Steinbeck informed the 10-ton Air Conditioning and Heating unit (HVAC) on the roof top at Deerfield Elementary started leaking coolant into the condenser. As a result, the unit is permanently damaged and requires immediate replacement. The unit is a Mammoth 2008 model, which is no longer manufactured, and no parts are available for repairs. This HVAC unit was purchased and installed with the same building bond as the high school gym units that we had to replace this year. Given the age and condition, it is not surprising that this unit is failing now.

Fortunately, Mechanical Systems was able to locate a Daikin unit for approximately \$30,790. The unit uses 4/10/A coolant, which is being phased out due to government regulations in favor of R32 coolant. However, we will still be able to obtain parts and coolant for the Daikin unit, just not new units. In addition to the recommendation to purchase the unit, Dr. Gilson is recommending the replacement of the cafeteria and kitchen units, which are a 15-ton unit in the amount of \$35,500/each. If these units fail

during the school year, we will face similar challenges with new government regulations. The purchase of all three units would allow the district to save on costs and avoid potential disruptions. Although this is a significant expense, it is prudent to address this issue preemptively, as the cafeteria unit is likely to break down this year.

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the purchase of three HVAC units from Mechanical Systems in the amount of \$99,500.00 for Deerfield Elementary.**

E. School Surplus Auction

The Annual Surplus Sale is scheduled to be held September 9th – September 11th at the bus barn and distribution building. This timing aligns well with the start of school and allows us time to identify and mark the surplus accordingly. The Sealed bids for the items will be reviewed September 12th and shared at the October 14th Board meeting for approval. The Board reserves the right to reject any or all bids.

F. Board/Superintendent Goals

Dr. Gilson shared his 2nd semester OKR’s (Objectives and Key Results) and Guiding Statements.

G. Girls Wrestling Wall Mats

There is approximately 80ft of wall to cover on the girls’ wrestling deck at the high school, and currently, there is an exposed block wall that the floor mats reach. Coach Bellamy has expressed the need for mats to prevent any injuries from hitting the wall while wrestling.

Mr. Steinbeck received two bids: one from Sports Graphics and another from Cornhusker Industries. Sports Graphics provided the lowest bid at \$4,020. Mr. Steinbeck will handle the installation of the mats upon their arrival.

H. Agriculture Curriculum Annual Subscription

With the addition of a second Agriculture instructor and the implementation of the middle school Agriculture program, our district needs to acquire curriculum that aligns with the Nebraska Agriculture Standards as adopted by the Nebraska Department of Education. Currently, the middle school does not have any curriculum in place.

Dr. Gilson was presented, before the BG&T Committee Meeting but after the Policy/Curriculum Meeting, with a recommendation for a subscription for 75 students to iCEV for curriculum and certification testing. The total cost for this subscription is \$4,012.50. This resource will align with the state standards and provide prep materials to ready students.

I. Next Scheduled BG&T Committee Meeting

Tuesday, August 27, 2024 at 4:00pm.

3. Adjournment

J. The meeting adjourned at 5:15pm.

Finance Committee Meeting Minutes

Tuesday, August 6, 2024

Call to Order at 12:00pm

Central Office

Committee Members Present: Brandi Petersen (Chair), Kari Loseke, and Courtney Tabor

Also Present: Tom Shearer, Dr. Violet Glasshoff, Tyler Siecke, and Angie Conety

1. Old Business

A. Reading Task Force Update

Dr. Violet Glasshoff shared an update on the effort the Reading Task Force has been doing to develop a plan that would assist our teachers in the best way to utilize our current curriculum to support improving our students' reading skills and overall academic performance. The Reading Task Force will be presenting to the Board at the Work Session scheduled for Monday, August 12th at 6:00pm.

B. Activity Fund Support Transfer from General Fund

The district budgeted \$60,000 to support the District's Activity Fund deficits. By State Statute, deficits in the Activity Fund shall be supported by the General Fund. Mr. Shearer shared a revenue and expenditure analysis of the activity fund's sport category. The analysis showed that spending was down from the previous year, but revenue was also down. Mr. Siecke highlighted the revenue decrease from a drop in gate from football, boys & girls basketball, softball, volleyball, and concessions was largely due to fewer scheduled home games in 2023-24. Mr. Shearer informed an additional amount could be requested above the budgeted amount depending on scoreboard advertisement collections received in August. The previous 3-year agreement with sponsors for advertising ended at the conclusion of 2023-24 and the district is in the process of gathering a list of renewal agreements. The committee would like to recommend the transfer of the budgeted amount of \$60,000 with the possibility of an additional amount being presented at the upcoming scheduled August 26th Special Board Meeting.

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the transfer of \$60,000 from the General Fund to the Activity Fund to help offset any deficits with the accounts.**

C. Unified Sports & Jr. High Cross Country

The Board recently approved the addition of two (2) new programs, Jr. High Cross Country and Unified Bowling, beginning the 2024-25 school year. Currently, these programs are not on the co-curricular schedule located in the 2024-25 & 2025-26 Negotiated Agreement. Mr. Shearer shared the BEA (Blair Educator's Association) Negotiation Committee was willing to take it to their members for a vote to be held later in the week after being presented with the proposed addendum. The Board approved the Unified Track program in May 2022 and it is included in the addendum. Under the recommendation of Tyler Siecke, District Activities Director, the addendum reads as follows:

<u>Cross Country (Category)</u>	
Head 7 th / 8 th Cross Country	5.0%
Asst. 7 th / 8 th Cross Country	4.0%

<u>Unified Sports (Category)</u>	
Head Unified Track	7.0%
Asst. Unified Track	4.5%

Head Unified Bowling	5.0%
Asst. Unified Bowling	3.5%

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve the recommended addendum to the 2024-25 & 2025-26 Negotiated Agreement as presented.**

D. 2024-25 Budget Update

Prior year legislation had passed a new property tax request authority restriction after it passed the \$1,500 per student Foundation Aid funded through State Aid. NDE (Nebraska Department of Education) calculated School Districts' property tax request authority using the prior year total revenue plus 3%. NDE has provided the district a property tax request authority in the amount of \$19,842,203. The prior year property tax request authority was \$20,244,636, a decrease of (\$402,433).

The prior year property tax authority factored in the State Aid increase for Foundation Aid, but did not factor in an anticipated increase in SPED state reimbursement that was also the result of new legislation. The district realized an increase of \$1.3 million in SPED reimbursement from the state in 2023-24. While the state allowed for the district's total Revenue Cap to increase by the 3% or \$918,651, this increase in SPED reimbursement is what caused the Property Tax Authority to be \$400K less for the 2024-25 budget than last year's request. Note, the district is able to access an additional \$1,627,658 in property tax authority, but it would require a 70% Board Approval.

Mr. Shearer provided a preliminary budget that shows how much Property Tax Request the district would need for the General Fund to break even and what would be available for a Building Fund property tax request. More details and consideration will be shared at the August 21st and August 22nd budget workshops.

2. New Business

E. Monthly Financials – July 2024

Mr. Shearer provided the financial recap of the monthly financials to the committee for them to review when time allows.

- General Fund, Tax Collections Analysis, Cash Flow Forecasts, Lunch Fund, Building Fund, and Activity Fund.

F. Coop Agreement – Fremont Swim Team

Blair Community Schools charged an upfront \$1,250 as a student fee to participate in the 2023-24 Coop Swim Team program with Fremont Public Schools. The program is a pay to play with student fee costs not to exceed \$2,500/student. Fremont Public Schools charged \$1,115.24/student swimmer for the 2023-24 year. The district has since issued \$134.76 refund to the students that paid for swim team. The committee agreed to keep the upfront student fee the same for the 2024-25 school year.

G. Adult Meal Prices

Mr. Shearer proposed an update to the adult meal prices for the 2024-25 school year. This proposal matched the setting meal prices guidelines from the Nebraska Department of Education Nutrition Services. The adult meal prices would increase from \$2.75 to \$2.80 for breakfast and from \$4.60 to \$4.95 for lunch.

A motion may be brought at the August 12, 2024 Board of Education meeting **to approve adult meal prices of \$2.80 for breakfast and \$4.95 for lunch for the 2024-25 school year.**

H. Savings Depreciation Transfer

The district budgeted \$826,000 to be transferred from the General Fund to the Savings Depreciation Fund for 2023-24 year and will be proposing \$1,000,000 for the 2024-25 year. Mr. Shearer shared the current status of the Savings Depreciation fund and recommends transferring the \$826,000 as budgeted at the August 26th Special Board Meeting unless there is consideration for a lesser amount should the Activity Fund require more than the \$60,000 budgeted to cover deficit balances.

I. 2024-25 Insurance Renewal Rates – ALICAP

Mr. Shearer received the NASB (Nebraska Association of School Boards) ALICAP insurance premium rates for 2024-25 in the amount of \$315,793. A \$3,138.00 increase from the prior year. It was noted, ALICAP’s board formally approved a property deductible change from \$500 to \$2,500 per occurrence.

J. Next Scheduled Finance Committee Meeting

Tuesday, September 3, 2024 at 12:00pm.

3. Adjournment

The meeting was adjourned at 1:54pm.

ADDENDUM TO NEGOTIATED AGREEMENT

This Addendum to Negotiated Agreement is entered into by and between the Board of Education of School District No. 89-0001 of Washington County, Nebraska, a/k/a Blair Community Schools, a political subdivision of the State of Nebraska, and the Blair Education Association.

WHEREAS, on January 16, 2024, the parties entered into a Negotiated Agreement setting forth certain terms and conditions of employment for the 2024-2025 and 2025-2026 contract years, and

WHEREAS, said Negotiated Agreement provides for the provision of compensation and other conditions of employment, and

NOW, THEREFORE, as the result of scheduling issues and the desire of both parties to compensate employees in a fair and equitable manner, the parties agree as follows:

1. Effective at the beginning of the 2024-2025 school year, the Appendix E “Blair Community Schools – Co-Curricular Salary Schedule” shall be revised to include or update the following categories for added positions and pay rates:

	<u>Cross Country (Category)</u>	
	Head 7 th /8 th Cross Country	5.0%
	Asst. 7 th /8 th Cross Country	4.0%

	<u>Unified Sports (Category)</u>	
	Head Unified Track	7.0%
	Asst Unified Track	4.5%
	Head Unified Bowling	5.0%
	Asst Unified Bowling	3.5%

Dated this 13th day of August, 2024.

Blair Education Association

School District No. 89-0001 of Washington
County, Nebraska, a/k/a Blair Community Schools

By: _____
President, Blair Education Association

By: _____
President, Board of Education

July-24

Blair Community Schools Budget Comparison Receipts

Description	Code	2023-2024				2022-2023			
		Mon Rec	YTD Rec	Budget	%	Mon Rec	YTD Rec	Budget	%
Local Receipts									
Local Property Taxes	11100	\$73,728	\$15,464,622	\$16,450,818	94.0%	\$102,632	\$17,346,839	\$17,470,198	99.3%
Property Tax Interest & Penalties	11140	\$1,441	\$33,600	\$38,000	88.4%	\$1,145	\$38,556	\$37,000	104.2%
Carline Tax	11115	\$0	\$5,649	\$1,200	470.7%	\$0	\$1,153	\$8,500	13.6%
OPPD In Lieu	11120	\$0	\$221,416	\$232,000	95.4%	\$0	\$244,890	\$220,000	111.3%
Motor Vehicle Tax	11125	\$160,967	\$1,647,192	\$1,750,000	94.1%	\$165,228	\$1,619,026	\$1,700,000	95.2%
Tuition ESU#3 (PT Contract)	11315	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Tuition Other Districts (SPED)	11323	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Tuition for Summer School	11312	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Tuition for Preschool	11370	\$0	\$50,925	\$45,000	113.2%	\$0	\$50,953	\$40,000	127.4%
Transportation School Districts	11423	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Transportation Private Sources	11440	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Interest	11510	\$27,004	\$109,658	\$26,000	421.8%	\$6,219	\$41,463	\$14,000	296.2%
Local License Fee	11911	\$75	\$6,365	\$6,500	97.9%	\$0	\$6,340	\$7,000	90.6%
Police Court Fines	11921	\$299	\$1,025	\$900	113.9%	\$0	\$968	\$600	161.3%
Community Service Fees	11800	\$0	\$2,052	\$2,000	102.6%	\$0	\$0	\$1,800	0.0%
Rentals - Facilities and Equip	11910	\$0	\$8,700	\$5,000	174.0%	\$0	\$6,940	\$4,000	173.5%
Contributions/Donations	11920	\$30	\$2,666	\$4,000	66.7%	\$110	\$6,712	\$4,000	167.8%
Grant - Corporate/Private Interest	11925	\$0	\$27,517	\$0	100.0%	\$0	\$17,164	\$0	100.0%
Misc Revenue-Other School Districts	11951	\$0	\$400	\$0	100.0%	\$0	\$0	\$0	100.0%
Misc Revenue-Local Government	11960	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Other Local Receipts	11990	\$0	\$0	\$0	100.0%	\$0	\$385	\$0	100.0%
Total		\$263,544	\$17,581,786	\$18,561,418	94.7%	\$275,334	\$19,381,389	\$19,507,098	99.4%
Intermediate Source									
County Fines & Licenses	12110	\$0	\$154,519	\$110,000	140.5%	\$0	\$114,150	\$107,000	106.7%
ESU #3 Receipts	12210	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Total		\$0	\$154,519	\$110,000	140.5%	\$0	\$114,150	\$107,000	106.7%
State Source									
State Aid	13110	\$0	\$3,752,253	\$3,752,253	100.0%	\$0	\$438,874	\$438,874	100.0%
Special Education	13120	\$0	\$2,590,227	\$2,499,504	103.6%	\$0	\$1,268,820	\$1,310,000	96.9%
SPED Sch Age Transportation	13125	\$0	\$115,378	\$101,000	114.2%	\$0	\$100,850	\$120,000	84.0%
Homestead Exemption	13130	\$67,938	\$339,690	\$375,000	90.6%	\$78,770	\$393,850	\$425,000	92.7%
Payments for Hi Ability	13535	\$0	\$11,734	\$11,410	102.8%	\$0	\$10,436	\$9,740	107.1%
Flex Funding: Before Age 5	13165	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Flex Funding: School Age	13166	\$0	\$0	\$0	100.0%	\$0	\$0	\$8,000	0.0%
Pro-Rate Motor Vehicles	13180	\$0	\$30,129	\$45,000	67.0%	\$0	\$39,018	\$41,000	95.2%
State Apportionment	13400	\$0	\$421,971	\$370,000	114.0%	\$0	\$429,646	\$310,000	138.6%
Property Tax Credit	13131	\$0	\$1,151,381	\$850,000	135.5%	\$577,380	\$1,154,526	\$1,000,000	115.5%
Personal Property Tax Credit	13132	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%

July-24

Blair Community Schools Budget Comparison Receipts

Description	Code	2023-2024				2022-2023			
		Mon Rec	YTD Rec	Budget	%	Mon Rec	YTD Rec	Budget	%
Education Innovation Grant	13575	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Teacher Training Grants	13551	\$0	\$8,147	\$0	100.0%	\$0	\$0	\$0	100.0%
State Field Trip Grant (NAC)	13590	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
NDEQ Transportation Grant	13500	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Early Childhood Grant	13540	\$56,667	\$72,405	\$72,405	100.0%	\$48,274	\$63,927	\$63,560	100.6%
SixPence Early Childhood Grant	13541	\$0	\$14,919	\$85,000	17.6%	\$0	\$65,977	\$105,558	62.5%
NDEQ Transportation Grant	13599	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Other	13990	\$0	\$900	\$0	100.0%	\$0	\$780	\$0	100.0%
Total		\$124,605	\$8,509,133	\$8,161,572	104.3%	\$704,424	\$3,966,703	\$3,831,732	103.5%
Federal Sources									
IDEA Part B, Peak Grant	14418	\$0	\$0	\$0	100.0%	\$0	\$1,651	\$0	100.0%
Title I Current	14505	\$0	\$22,800	\$185,092	12.3%	\$0	\$17,700	\$193,496	9.1%
Title I - Accountability	14506	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Title II Part A	14509	\$0	\$0	\$44,146	0.0%	\$0	\$49,709	\$49,826	99.8%
Title IV	14969	\$0	\$0	\$15,795	0.0%	\$0	\$0	\$12,169	0.0%
IDEA PART B (611) ARP	14421	\$0	\$0	\$0	100.0%	\$0	\$12,535	\$0	100.0%
IDEA PRESCHOOL (619) ARP	14422	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
IDEA BASE AGE 0-3/3-5	14512	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
IDEA 619 Ages 3-4	14516	\$0	\$12,290	\$12,503	98.3%	\$0	\$0	\$12,290	0.0%
IDEA Part B (611) Base Allocation	14518	\$0	\$450,230	\$470,581	95.7%	\$0	\$64,737	\$450,230	14.4%
IDEA Part B Proportionate Share	14521	\$0	\$4,350	\$8,160	53.3%	\$0	\$0	\$4,530	0.0%
IDEA Special Projects	14523	\$35,000	\$35,000	\$0	100.0%	\$0	\$0	\$0	100.0%
MIPS	14708	\$0	\$61,803	\$45,000	137.3%	\$0	\$59,550	\$30,000	198.5%
MEDICAID ADMIN	14709	\$0	\$12,294	\$22,000	55.9%	\$0	\$21,170	\$26,000	81.4%
Forest Reserve: De Soto	14707	\$13,819	\$13,819	\$14,000	98.7%	\$14,812	\$14,812	\$13,500	109.7%
Perkins Grant	14525	\$0	\$20,216	\$18,961	106.6%	\$0	\$0	\$20,216	0.0%
Title III NCLB-LEP	14527	\$0	\$0	\$3,000	0.0%	\$0	\$456	\$3,108	14.7%
Head Start	14309	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Disaster Aid (FEMA-Covid19)	14995	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
ESSER Grant (Covid19)	14996	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
ESSER II Grant (Covid19)	14997	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
ESSER III Grant (Covid19)	14998	\$0	\$0	\$215,670	0.0%	\$0	\$156,298	\$551,685	28.3%
Other Fed Categorical	14530	\$0	\$84,729	\$0	100.0%	\$0	\$0	\$0	100.0%
Total		\$48,819	\$717,532	\$1,054,908	68.0%	\$14,812	\$398,618	\$1,367,050	29.2%
Non Revenue Receipts									
Insurance Adjustment	15301	\$0	\$0	\$0	100.0%	\$0	\$13,408	\$0	100.0%
Transfer of Funds In	15200	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
Refunds from Prior Years Expenses	11980	\$0	\$5,176	\$0	100.0%	\$0	\$14,862	\$0	100.0%
Other Non-Revenue Rec	15690	\$0	\$1,354	\$0	100.0%	\$0	\$1,482	\$0	100.0%

July-24

Blair Community Schools Budget Comparison Receipts

Description	Code	2023-2024				2022-2023			
		Mon Rec	YTD Rec	Budget	%	Mon Rec	YTD Rec	Budget	%
Total		\$0	\$6,530	\$0	100.0%	\$0	\$29,752	\$0	0.0%
Non Program Receipts									
Sale of Property	15300	\$0	\$7,736	\$0	100.0%	\$0	\$23,666	\$0	100.0%
Total		\$0	\$7,736	\$0	100.0%	\$0	\$23,666	\$0	100.0%
GRAND TOTAL		\$436,968	\$26,977,236	\$27,887,898	96.7%	\$994,570	\$23,914,279	\$24,812,880	96.4%

Period: 11
 Month: JULY
 Year: 2023-2024

Receipts to be Collected	\$27,887,898	\$24,812,880
Local Property Taxes-State Budget 11101	-\$1,319,641	\$1,567,515
Cash Balance Estimated on Budget	\$5,518,862	\$5,226,297
County Treasurer Balance Estimated on Budget	<u>\$6,192,422</u>	<u>\$5,997,351</u>
Total Receipts	<u><u>\$38,279,541</u></u>	<u><u>\$37,604,043</u></u>

Blair Community Schools Budget Comparison Expenditures

		2023-2024				2022-2023			
Program Name	Month Exp	YTD Exp	Budget	%	Month Exp	YTD Exp	Budget	%	
201100	Regular Instruction	\$973,226	\$11,352,583	\$12,952,745	87.6%	\$958,260	\$11,069,313	\$12,521,159	88.4%
201125	Regular Instruction - FLEX	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
201150	Instruction - Limited English Programs	\$4,205	\$51,252	\$69,556	73.7%	\$5,419	\$99,406	\$109,213	91.0%
201160	Instruction - Poverty Programs	\$49,005	\$611,263	\$541,833	112.8%	\$56,253	\$521,464	\$530,225	98.3%
	Subtotal REGULAR INSTRUCTION	\$1,026,436	\$12,015,098	\$13,564,135	88.6%	\$1,019,933	\$11,690,182	\$13,160,597	88.8%
201200	Special Education	\$196,314	\$2,684,623	\$2,808,063	95.6%	\$197,735	\$2,523,789	\$2,875,420	87.8%
202141	Special Education (Psychology)	\$14,723	\$183,796	\$413,219	44.5%	\$34,643	\$350,847	\$418,318	83.9%
202151	Special Education (Speech Path)	\$24,334	\$224,322	\$217,909	102.9%	\$19,159	\$220,430	\$195,922	112.5%
202161	Special Education (Occup Therapy)	\$5,208	\$66,880	\$158,389	42.2%	\$10,359	\$108,461	\$128,082	84.7%
202171	Special Education (Physical Therapy)	\$5,208	\$58,266	\$1,183	4923.2%	\$0	\$165	\$569	29.0%
202181	Special Education (Vision Services)	\$8,707	\$108,587	\$85,000	127.7%	\$8,508	\$77,224	\$85,000	90.9%
	Subtotal SPED - SCHOOL AGE	\$254,495	\$3,326,473	\$3,683,763	90.3%	\$270,404	\$3,280,917	\$3,703,311	88.6%
201190	Early Childhood Education	\$13	\$33,350	\$27,086	123.1%	\$62	\$31,835	\$1,200	2652.9%
201291	Preschool - SPED - Ages 3-5	\$2,359	\$73,532	\$98,887	74.4%	\$4,836	\$166,591	\$344,508	48.4%
201292	Preschool - SPED - Ages 0-2	\$0	\$43	\$1,078	4.0%	\$0	\$0	\$200	0.0%
202142	Preschool - Psych - Ages 3-5	\$3,860	\$32,614	\$0	100.0%	\$0	\$323	\$0	100.0%
202143	Preschool - Psych - Ages 0-2	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
202152	Preschool - Speech Path - Ages 3-5	\$74	\$1,693	\$3,983	42.5%	\$0	\$8,202	\$2,242	365.9%
202153	Preschool - Speech Path - Ages 0-2	\$6,960	\$54,168	\$39,470	137.2%	\$4,304	\$32,731	\$40,420	81.0%
202162	Preschool - Occup Therapy - Ages 3-5	\$2,604	\$29,876	\$20	149382.2%	\$2,014	\$21,362	\$24,200	88.3%
202163	Preschool - Occup Therapy - Ages 0-2	\$2,604	\$28,754	\$299	9618.2%	\$2,014	\$22,125	\$24,380	90.8%
202172	Preschool - Physical Therapy - Ages 3-5	\$2,604	\$31,302	\$60,075	52.1%	\$1,198	\$30,592	\$40,576	75.4%
202173	Preschool - Physical Therapy - Ages 0-2	\$2,604	\$26,199	\$35,200	74.4%	\$1,284	\$30,847	\$40,701	75.8%
202182	Preschool - Vision Services - Ages 3-5	\$1,244	\$13,729	\$20,000	68.6%	\$1,891	\$16,579	\$20,000	82.9%
202183	Preschool - Vision Services - Ages 0-2	\$1,244	\$13,729	\$14,000	98.1%	\$945	\$8,290	\$14,000	59.2%
	Subtotal PRESCHOOL (non-reimbursed)	\$26,170	\$338,987	\$300,098	113.0%	\$18,549	\$369,477	\$552,426	66.9%
202610	Operation of Plant	\$111,087	\$1,425,817	\$1,486,522	95.9%	\$101,931	\$1,371,127	\$1,392,281	98.5%
202620	Maintenance of Plant	\$54,473	\$555,898	\$410,956	135.3%	\$42,319	\$340,980	\$280,425	121.6%
202630	Grounds Maintenance	\$13,553	\$149,724	\$176,787	84.7%	\$13,498	\$145,601	\$142,931	101.9%
202640	Equipment Maintenance	\$3,329	\$35,104	\$19,400	180.9%	\$4,105	\$20,869	\$11,200	186.3%
202650	Non-Student Vehicle Maint & Purch	\$687	\$10,070	\$68,696	14.7%	\$880	\$15,237	\$68,869	22.1%
202660	Security	\$4,532	\$81,547	\$89,200	91.4%	\$0	\$90,152	\$84,200	107.1%
202670	Safety	\$14,319	\$65,412	\$57,893	113.0%	\$1,850	\$53,571	\$52,484	102.1%
202680	Operation/Maintenance of Plant-Other	\$0	\$0	\$4,000	0.0%	\$0	\$3,900	\$3,000	130.0%
	Subtotal MAINTENANCE COSTS	\$201,979	\$2,323,572	\$2,313,454	100.4%	\$164,583	\$2,041,439	\$2,035,389	100.3%
202710	Reg Pupil Transportation-Operating	\$2,345	\$378,291	\$676,862	55.9%	\$5,840	\$326,642	\$342,126	95.5%
202712	SPED Transportation-Operating	\$595	\$70,026	\$64,376	108.8%	\$1,062	\$55,845	\$151,221	36.9%
202713	SPED Transport-Preschool-Operating	\$0	\$2,133	\$0	100.0%	\$0	\$472	\$0	100.0%
202720	Reg Pupil Transportation-Monitoring	\$5,387	\$60,855	\$65,256	93.3%	\$5,202	\$105,609	\$2,095	5041.0%
202722	SPED Transportation-Monitoring	\$1,855	\$53,049	\$72,976	72.7%	\$1,794	\$76,364	\$47,227	161.7%
202730	Reg Pupil Transportation-Maintenance	\$1,124	\$89,270	\$84,473	105.7%	\$2,206	\$87,652	\$379,914	23.1%
202732	SPED Transportation-Maintenance	\$0	\$19,356	\$31,390	61.7%	\$0	\$14,943	\$30,893	48.4%
202790	Reg Pupil Transportation-Other	\$32	\$369	\$1,168	31.6%	\$33	\$721	\$120,159	0.6%
202792	SPED Transportation-Other	\$0	\$0	\$3,435	0.0%	\$0	\$4,872	\$47,290	10.3%

Blair Community Schools Budget Comparison Expenditures

		2023-2024				2022-2023			
Program Name	Month Exp	YTD Exp	Budget	%	Month Exp	YTD Exp	Budget	%	
202793	SPED Transportation-Other Preschool	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
	Subtotal STUDENT TRANSPORTATION	\$11,339	\$673,351	\$999,937	67.3%	\$16,137	\$673,119	\$1,120,925	60.1%
202110	Attendance & Social Work Services	\$3,815	\$41,962	\$0	100.0%	\$3,676	\$29,771	\$0	100.0%
202120	Guidance Services	\$39,190	\$440,155	\$371,762	118.4%	\$39,864	\$430,053	\$489,740	87.8%
202130	Health Services	\$13,688	\$230,496	\$238,902	96.5%	\$12,154	\$221,038	\$241,264	91.6%
202140	Psych Services	\$0	\$20,263	\$32,850	61.7%	\$0	\$4,736	\$25,000	18.9%
202190	Other Pupil Supp Services	\$10,609	\$100,713	\$136,244	73.9%	\$10,019	\$115,413	\$133,080	86.7%
202210	Improvement of Instruction	\$8,577	\$99,720	\$46,172	216.0%	\$0	\$62,541	\$132,911	47.1%
202212	Curriculum & Assessment	\$0	\$3,365	\$15,073	22.3%	\$0	\$4,135	\$46,838	8.8%
202213	Instructional Staff Training/Development	\$4,763	\$24,921	\$61,698	40.4%	\$5,578	\$39,732	\$64,901	61.2%
202211	School Improvement	\$0	\$0	\$0	100.0%	\$0	\$0	\$1,410	0.0%
202214	Implementation of Standards	\$0	\$1,506	\$276	545.3%	\$2,781	\$2,781	\$0	100.0%
202220	Library Services	\$38,057	\$477,321	\$603,596	79.1%	\$45,151	\$513,354	\$597,778	85.9%
202230	Instruction-Related Technology	\$25,382	\$299,757	\$199,054	150.6%	\$25,268	\$198,769	\$325,131	61.1%
202223	Audio-Visual Services	\$0	\$7,995	\$7,300	109.5%	\$27	\$7,891	\$7,300	108.1%
202240	Academic Student Assessment	\$12,500	\$27,500	\$35,125	78.3%	\$0	\$32,653	\$45,121	72.4%
202310	Board of Education	\$3,970	\$40,147	\$41,649	96.4%	\$4,590	\$32,814	\$40,799	80.4%
202320	Executive Admin Services	\$62,354	\$595,794	\$698,977	85.2%	\$59,642	\$319,153	\$365,379	87.3%
202330	Legal Services	\$2,553	\$15,552	\$14,850	104.7%	\$238	\$12,101	\$17,500	69.1%
202410	Office of Principal	\$104,281	\$1,292,298	\$1,351,186	95.6%	\$99,486	\$1,241,535	\$1,355,457	91.6%
202490	School Administration - Other	\$2,094	\$11,083	\$9,200	120.5%	\$18	\$10,001	\$10,700	93.5%
202510	Gen Business Support	\$27,340	\$401,681	\$426,437	94.2%	\$33,586	\$363,840	\$384,872	94.5%
202520	Warehousing & Distribution	\$0	\$297	\$301	98.8%	\$0	\$554	\$1	55418.0%
202530	Printing, Publishing, Duplicating Services	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
202540	Planning, R&D, & Evaluation Services	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
202560	Public Information Services	\$4,961	\$9,589	\$0	100.0%	\$0	\$0	\$0	100.0%
202570	Personnel Services	\$25,179	\$27,993	\$2,500	1119.7%	\$0	\$2,478	\$3,000	82.6%
202580	Technology-Administration Services	\$0	\$3,953	\$7,300	54.1%	\$0	\$9,635	\$3,750	256.9%
202900	Other Support Services	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
203300	Community Services	\$408	\$497	\$1,542	32.3%	\$355	\$450	\$2,015	22.3%
203400	Corporate/Private Interest Grants	\$874	\$48,141	\$0	100.0%	\$125	\$7,742	\$0	100.0%
203535	High Ability Learners Grant	\$2,257	\$11,734	\$11,410	102.8%	\$0	\$10,436	\$10,130	103.0%
203540	State Early Childhood Grant	\$8,188	\$64,855	\$72,405	89.6%	\$7,849	\$56,123	\$63,560	88.3%
203541	Sixpence Early Childhood Grant	\$13,407	\$81,542	\$85,000	95.9%	\$0	\$62,856	\$105,558	59.5%
203551	Extended Learning Opportunity Grant	\$0	\$3,778	\$0	100.0%	\$0	\$0	\$0	100.0%
203590	Career Education Grant	\$0	\$1,088	\$0	100.0%	\$0	\$0	\$0	100.0%
203599	State Categorical Grants-NDEQ Grant	\$0	\$2,160	\$0	100.0%	\$0	\$0	\$0	100.0%
201300	Summer School	\$4,158	\$4,158	\$0	100.0%	\$0	\$0	\$0	100.0%
208000	Activity Fund Transfers	\$0	\$0	\$60,000	0.0%	\$30,000	\$30,000	\$30,000	100.0%
209000	NON-PROGRAM EXPEND	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
	FEDERAL PROGRAMS			\$0					
206200	Title I	\$18,550	\$202,864	\$245,033	82.8%	\$8,568	\$199,839	\$255,491	78.2%
206210	Title I Accountability	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
206310	Title IIA	\$0	\$44,263	\$0	100.0%	\$0	\$49,709	\$0	100.0%
206404	IDEA 611 BIRTH TO	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
206406	IDEA 619 AGES 3-4	\$0	\$12,503	\$12,503	100.0%	\$0	\$12,290	\$12,290	100.0%

Blair Community Schools Budget Comparison Expenditures

Program Name	2023-2024				2022-2023			
	Month Exp	YTD Exp	Budget	%	Month Exp	YTD Exp	Budget	%
206408 IDEA - SPED BASE-EP	\$37,103	\$441,611	\$470,581	93.8%	\$36,916	\$416,734	\$450,230	92.6%
206410 IDEA - SPED Preschool	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
206412 IDEA - Part B Proportionate Share	\$0	\$8,160	\$8,160	100.0%	\$0	\$4,350	\$4,350	100.0%
206415 IDEA SPECIAL PROJECTS	\$0	\$35,000	\$0	100.0%	\$320	\$320	\$0	100.0%
206418 IDEA PART B PEAK PROJECTS	\$0	\$985	\$0	100.0%	\$0	\$3,409	\$0	100.0%
206421 IDEA PART-B (611) ARP BASE & ENROLL	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
206422 IDEA PRESCHOOL (619) ARP	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
206700 PERKINS GRANT	\$0	\$18,451	\$18,961	97.3%	\$0	\$20,216	\$20,216	100.0%
206925 Title III	\$1,116	\$1,116	\$3,000	37.2%	\$0	\$2,590	\$3,108	83.3%
206940 HEAD START	\$0	\$0	\$0	100.0%	\$0	\$0	\$0	100.0%
206990 FEDERAL CATEGORICAL GRANTS	\$0	\$9,530	\$0	100.0%	\$0	\$77,900	\$0	100.0%
206998 ARP - ESSER III GRANT	\$0	\$13,157	\$215,669	6.1%	\$131,023	\$353,412	\$551,685	64.1%
TOTAL	\$1,995,793	\$23,857,138	\$26,366,105	90.5%	\$2,046,839	\$23,018,489	\$26,373,212	87.3%

Period: 11 (JULY)
 Year: 2023-2024

Total Budget of Disbursements	\$26,366,105	\$26,373,212
Debt Service (Spending Authority Adjustment)	\$10,316,750	\$9,709,723
Necessary Cash Reserve	\$1,596,686	\$1,521,108
Total Requirements	\$38,279,541	\$37,604,043