

Board of Education Regular Meeting
Monday, June 9, 2025 5:30 PM

Tekamah-Herman Public Schools
112 N 13th St
Tekamah, NE 68061

Agenda

1. Call the meeting to order
2. Open Meetings Law
3. Roll Call
4. Consent Agenda
 - 4.1. Approval of Minutes
 - 4.2. Approval of General Fund Bills
 - 4.3. Approval of Board Member Absence
5. Treasurer's report
6. Recognition of Students and Staff
7. Recognition of Visitors/Public Comment
8. ACTION ITEMS
 - 8.1. Declare items as surplus for immediate sale or disposal(tractor,welders)
 - 8.2. Public input and approval of Policy 5018
9. DISCUSSION ITEMS
 - 9.1. Discuss KSB policy and legislative updates
 - 9.2. Summer project update
 - 9.3. Discuss and review the Tekamah-Herman Schools annual report
 - 9.4. Discuss the findings from the Federal Motor Carrier Safety Administration audit
 - 9.5. Spring activities update
10. Principal Reports
 - 10.1. Elementary Principal
 - 10.2. Secondary Principal
11. Board Reports
 - 11.1. Building, Grounds, and Transportation Committee
12. Superintendent Report
13. Next meeting date and time: Monday, July 14th, 2025 at 5:30 pm in the Library
14. Adjournment

Board of Education Regular Meeting

Monday, May 12, 2025 5:30 PM

Tekamah-Herman Public Schools, 112 N 13th St, Tekamah, NE 68061

Chris Booth: Present
Abby Mathistad: Present
Mandyn Pruess: Present
Burt Rogers: Present
Bill Skinner: Present
Sheryl Stansberry: Present

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|-------------------------------------|-------------------------------------|
| 1. Call the meeting to order | Speaker(s) : Board President |
| 2. Open Meetings Law | Speaker(s) : Board President |
| 3. Roll Call | Speaker(s) : Board President |

4. **Consent Agenda**

Action(s) :

The motion to approve the Consent Agenda including the April 14th minutes and current claims Passed with a motion by Burt Rogers and a second by Chris Booth.

Voting Detail:

Chris Booth: Yea
Abby Mathistad: Yea
Mandyn Pruess: Yea
Burt Rogers: Yea
Bill Skinner: Yea
Sheryl Stansberry: Yea

Voting Summary: Yea: 6, Nay: 0

4.1. Approval of Minutes

4.2. Approval of General Fund Bills

4.3. Approval of Board Member Absence

5. **Treasurer's report**

Discussion: Mr. Kjar reviewed the March 2025 Treasurer's report with the Board

6. **Recognition of Students and Staff**

Discussion: Mrs. Beck recognized the students of the month for May. Beck also thanked Shelly Start and the 3-6 grade teachers as they completed NSACAS testing for our students in the month of April. There was significant growth for our students.

Mr. Heitz reported on the upcoming graduation, scholarship recipients, Honors Convocation, Booster Club all-sports banquet and the spring sports season progress.

7. **Recognition of Visitors/Public Comment**

Discussion: No visitors addressed the Board.

8. **ACTION ITEMS**

8.1. Approve Kelsey Lewis as a substitute teacher

Action(s) :

The motion to approve Kelsey Lewis as a substitute teacher for the 2025-26 school year Passed with a motion by Sheryl Stansberry and a second by Chris Booth.

Voting Detail:

Chris Booth: Yea
Abby Mathistad: Yea
Mandyn Pruess: Yea
Burt Rogers: Yea
Bill Skinner: Yea
Sheryl Stansberry: Yea

Voting Summary: Yea: 6, Nay: 0

8.2. Approve Powerschool contract for the 2025-2026 school year

Action(s) :

The motion to approve the PowerSchool contract for the 2025-2026 school year in the amount up to \$7,437 Passed with a motion by Burt Rogers and a second by Chris Booth.

Voting Detail:

Chris Booth: Yea
Abby Mathistad: Yea
Mandyn Pruess: Yea
Burt Rogers: Yea
Bill Skinner: Yea
Sheryl Stansberry: Yea

Voting Summary: Yea: 6, Nay: 0

8.3. Approve contract with BSN sports to have Nike as the official uniform and clothing provider for THS

Action(s) :

The motion to approve the BSN apparel contract as presented Passed with a motion by Sheryl Stansberry and a second by Chris Booth.

Voting Detail:

Chris Booth: Yea
Abby Mathistad: Yea
Mandyn Pruess: Yea
Burt Rogers: Yea
Bill Skinner: Yea
Sheryl Stansberry: Yea

Voting Summary: Yea: 6, Nay: 0

Discussion: The District has entered into a contract with BSN Sports. Tekamah-Herman School will be taking part in the BSN Sports Nike Rewards Program for the purchase of athletic

apparel and equipment for use by the school and its interscholastic programs. Our school agrees that BSN sports will be the sole provider of Nike uniforms, travel/warm-ups and coach apparel. It is our responsibility to transition all varsity teams to Nike uniforms by the end of the 4th year. Wrestling will have a secondary uniform option. Junior High does not have to order Nike and will have access to BSN victory uniforms. The BSN Sports Nike Rewards Program is a five-year contract beginning on July 1, 2025, and ending on June 30, 2030.

- 8.4. Approve Anna Wakehouse as a K-12 PE Teacher for the 2025-2026 school year

Action(s) :

The motion to approve Anna Wakehouse as a K-12 PE Teacher for the 2025-26 school year Passed with a motion by Chris Booth and a second by Bill Skinner.

Voting Detail:

Chris Booth:	Yea
Abby Mathistad:	Yea
Mandyn Pruess:	Yea
Burt Rogers:	Yea
Bill Skinner:	Yea
Sheryl Stansberry:	Yea

Voting Summary: Yea: 6, Nay: 0

- 8.5. Declare items as surplus for immediate sale or disposal

Action(s) :

The motion to approve the items associated with the elementary casework/countertop project as surplus for immediate sale or disposal Passed with a motion by Chris Booth and a second by Sheryl Stansberry.

Voting Detail:

Chris Booth:	Yea
Abby Mathistad:	Yea
Mandyn Pruess:	Yea
Burt Rogers:	Yea
Bill Skinner:	Yea
Sheryl Stansberry:	Yea

Voting Summary: Yea: 6, Nay: 0

9. **DISCUSSION ITEMS**

- 9.1. Summer project updates

Discussion:

Elementary Casework/Countertop is set to begin on Wednesday, May 21st. We will have Hausmann Contruction, Cass Plumbing and Allison Electic working on this project.

Also planned is the resurfacing and face-lift of the north gym floor and new scoreboards. Security Camera Updates, finishing carpet replacement in a few classrooms, and adding a concrete pad for the gaga ball pit are in the works.

10. Principal Reports

10.1. Elementary Principal

Discussion: Enrollment for March was 283 students PK-6. We had two students transfer out and a previous student return to us. Mrs. Beck reported: on April 24 I "graduated" from the NAESP PK-3 Leadership Academy. Those of us in the academy presented our projects, and were able to spend some time learning professionally from each other. I enjoyed this opportunity, and was able to network with other elementary leaders from across the state throughout the year.

10.2. Secondary Principal

Discussion: Mr Heitz reported on the activities happening during the last few days of school and the process of student and teacher check-outs.

11. Board Reports

11.1. Buildings, Grounds, and Transportation Committee Report

Discussion: The committee met with Bob and continued preliminary long-term planning work on future construction projects and/or renovation projects for the district. Discussion centered around stadium updates and elementary add-ons. There are no dollar amounts discussed at this.

11.2. Finance Committee Report

Discussion: The finance committee met in April to review current financial information regarding all funds and discuss planning and preparation for the 2025-2026 budget cycle. All the financial information discussed has already been presented to all board members.

12. Superintendent Report

Discussion: Mr. Kjar announced and invited the Board members to attend our year-end recognition breakfast/meeting for staff recognition. He also extended the invitation to the Board to attend the annual staff golf outing. Mr. Kjar also invited the Americanism committee members to stick around after this meeting to hear from Mrs. Fleischman and Sarah Smith regarding how our elementary classrooms promote Americanism.

13. Next meeting date and time: Monday, June 9th, 2025, at 5:30 pm in the library

14. Adjournment

Action(s):

The motion to adjourn meeting at 5:58pm Passed with a motion by Chris Booth and a second by Bill Skinner.

Voting Detail:

Chris Booth: Yea
Abby Mathistad: Yea
Mandyn Pruess: Yea
Burt Rogers: Yea
Bill Skinner: Yea
Sheryl Stansberry: Yea
Voting Summary: Yea: 6, Nay: 0

Board Secretary

144935	ACADIENCE LEARNING INC	1,486.25
144936	ACCESS SYSTEM LEASING	4,604.51
144937	ACCO BRANDS USA LLC	1,074.27
144938	AMAZON CAPITAL SERVICES, INC	888.33
144939	AMERICAN SCHOOL COUNSELOR	129.00
144940	ARR-BOONE BROTHERS ROOFING	685.00
144941	BLICK ART MATERIALS	852.06
144942	BOMGAARS SUPPLY INC	270.22
144943	BRANIFF SERVICE	1,834.35
144944	BRUMMOND DISPOSAL LLC	415.00
144945	BSN SPORTS	2,054.15
144946	Cannon	628.46
144947	CAROLINA BIOLOGICAL SUPPLY CO	409.56
144948	CASS PLUMBING	1,475.59
144949	CDW Government, Inc.	171.57
144950	CENTURYLINK	516.08
144951	CITY OF TEKAMAH	443.34
144952	CRAIG RESOURCES INC, DBA CRAIG	10,639.72
144953	DANSIE CURRICULUM DESIGN LLC	99.00
144954	DISTRICT MANAGEMENT GROUP	1,800.00
144955	EDUCATION QUEST	713.80
144956	ESU #2	20.00
144957	ESU #2	#####
144958	FAS-BREAK	210.00
144959	GOODWILL INDUSTRIES INC	375.00
144960	GRAINGER	832.74
144961	HEGGERTY	199.36
144962	INSTITUTE FOR MULIT-SENSORY EDUCAT	662.17
144963	IXL LEARNING	1,987.50
144964	CAYLE KLEIN	62.16
144965	KSB SCHOOL LAW, PC LLO	2,248.50
144966	LAKESHORE LEARNING MATERIALS	39.75
144967	LEE ENTERPRISES ADVERTISING	467.56
144968	HOLLY LOFTIS	134.40
144969	Mackin Library Media	484.17
144970	MATHESON TRI-GAS, INC	252.28
144971	MCKINNIS INC.	744.41
144972	MEMORIAL COMMUNITY HOSPITAL	70.00
144973	Midwest Service Co.	186.30
144974	Midwest Technology Products	147.90
144975	NE COUNCIL SCHOOL ADMINISTRATORS	75.00
144976	NEBRASKA PUBLIC POWER	5,800.00
144977	NO TEARS LEARNING INC	1,680.57
144978	NOTEABLE INC	2,881.50
144979	OPEN UP RESOURCES	12,765.00
144980	BRAD PAUL	144.34
144981	PITSCO EDUCATION	72.80
144982	Popplers Music Inc	193.35
144983	PYRAMID SCHOOL PRODUCTS	197.20
144984	RAPIDS	436.70
144985	RESPONDUS	3,195.00
144986	RISE BROADBAND	110.19
144987	ROOTS TO WINGS	390.00
144988	SAVEMORE MARKET	370.96
144989	SCHOOL HEALTH	134.17
144990	School Mate	1,158.00
144991	SCHOOL NURSE SUPPLY, INC	381.79
144992	School Specialty, Inc.	3,782.09
144993	SMARTSIGN	401.41
144994	STAPLES	6,599.45
144995	TOBII DYNAVOX	580.50
144996	TYPING.COM	1,677.90
144997	ULINE	1,148.66
144998	VERIZON WIRELESS	90.30
144999	VESTIS	70.62
145000	WALTER LYDICK	6,960.00
145001	WAYNE STATE COLLEGE	818.80
145002	WOODRIVER ENERGY LLC	692.04
145003	FIRST NATIONAL BANK	5,551.86
145004	FIRST NATIONAL BANK	68.42
145005	FIRST NATIONAL BANK	902.70
	CREXENDO	1,295.94
	BRIDGET ABRAHAM	144.48

MANNI BELFRAGE	33.60
VANESSA BRAND	134.40
CARRIE BRANIFF	36.96
BRIDGETTE BRAYMEN	109.20
Abra Bridges	117.60
CARI BRODERSEN	117.60
JAMIE BRUMMOND	84.00
SARAH BRUSEGAARD	137.76
SABINA CAMERON	84.00
JILL CONNEALY	117.60
KENDAL DORN	31.92
ROBERT & BREANNE EVASIC	89.04
ASHLEY FISHER	100.80
DEANNA GOODWIN	151.20
JOEL HAMAN	139.44
CHELSEA HANSEN	78.96
JON HANSEN	85.68
LINDSEY HANSEN	67.20
BUCK OR ALLIE HOIER	58.80
KATHY HUESER	129.36
ANNABELLE OR FRANCOIS JACOBS	53.76
MACKENZIE KAHLANDT	157.92
PAIGE KNAUSS	201.60
TIMOTHY OR GINA LANDSPERGER	47.04
KATIE LEICHLITER	201.60
MICHAELA MANN	84.00
TIFFANY MARQUARDT	90.72
LAURA MCELMURAY	62.16
CARISSA OR ANDY OLIGMUELLER	23.52
RYANN PAGELS	252.00
JACOB OR TIFFANY PETTIT	151.20
JODIE SCHUETT	110.88
SHAUNA SELF	233.52
AARON SNOW	67.20
SEAN THIEMANN	139.44
MICHELLE TOBIN	156.24
ASHLEY TYSON	<u>134.40</u>
	#####

2,201.55

1755	CARLSON WEST POVONDRA	5,641.86
1756	CASS PLUMBING	33,830.00
1757	COURT FLOORS	#####
1758	HWI CUSTOM INTERIORS	#####

GENERAL FUND		
Apr-25		
CASH ON HAND	\$ 2,137,736.51	
GENERAL REIMBURSEMENT FUND		
CASH BALANCE		\$ 2,137,736.51
BURT COUNTY TAXES	\$ 2,048,209.49	
WASHINGTON COUNTY TAXES	\$ 251,465.14	
STATE OF NEBRASKA	\$ 1,918.77	
BURT CO FINES AND FEES	\$ 3,416.45	
MAPS	\$ 371.78	
EDUCATIONQUEST GRANT	\$ 1,427.60	
SPED SA	\$ 155,076.00	
STATE AID	\$ 83,973.00	
INTEREST	\$ 228.83	
	T. EXPENDITURES	\$ 2,546,087.06
		\$4,683,823.57
PAYROLL	\$ 580,233.32	
EXPENDITURES	\$ 91,267.32	
	T. EXPENDITURES	
		\$ 671,500.64
Ending Balance 4/30/2025		\$4,012,322.93
DEPRECIATION FUND		
Apr-25		
CASH ON HAND	\$ 136,701.51	
CASH BALANCE		\$ 136,701.51
TRANSFER		
INTEREST	\$ 276.39	\$ 276.39
	TOTAL REVENUE	\$136,977.90
EXPENDITURES	\$ 6,341.76	
	TOTAL EXPENDITURE	\$ 6,341.76
Ending Balance 4/30/2025		\$130,636.14
EMPLOYEE BENEFIT FUND		
Apr-25		
CASH ON HAND	\$ 54,056.72	
CASH BALANCE		\$ 54,056.72
INTEREST	\$ 107.55	
NON-REVENUE RECEIPTS (REFUND)		
		\$ 107.55
	TOTAL REVENUE	\$ 54,164.27

EXPENDITURES	\$ 3,432.00	
	TOTAL EXPENDITURES	\$ 3,432.00
ENDING BALANCE 4/30/2025		\$50,732.27
ACTIVITY FUND		
Apr-25		
CASH ON HAND	\$ 161,705.49	
CASH BALANCE		\$ 161,705.49
DEPOSITS	\$ 17,769.52	
TRANSFER IN		
INTEREST	\$ 333.73	
		\$ 18,103.25
TOTAL REVENUE		\$179,808.74
EXPENDITURES	\$ 33,020.80	
	TOTAL EXPENDITURES	\$ 33,020.80
Ending Balance 4/30/2025		\$146,787.94
LUNCH FUND		
Apr-25		
CASH ON HAND	\$ 106,971.23	
CASH BALANCE		\$ 106,971.23
DEPOSITS	\$ 8,918.95	
TRANSFER IN		
INTEREST	\$ 234.16	
		\$ 9,153.11
	TOTAL REVENUE	\$ 116,124.34
PAYROLL	\$ 9,952.61	
EXPENDITURES	\$ 14,097.31	
		\$ 24,049.92
Ending Balance 4/30/2025		\$92,074.42
BOND FUND		
Apr-25		
CASH ON HAND	\$ 1,061,668.66	
CASH BALANCE		\$ 1,061,668.66
BURT COUNTY TAXES	\$ 237,028.30	

WASHINGTON COUNTY TAXES	\$ 47,827.27	
INTEREST	\$ 2,141.18	
		\$ 286,996.75
	TOTAL REVENUE	\$1,348,665.41
EXPENDITURES	\$ -	
	TOTAL EXPENDITURES	\$ -
Ending Balance 4/30/2025		\$1,348,665.41
BUILDING FUND		
Apr-25		
CASH ON HAND	\$ 2,239,777.37	
CASH BALANCE		\$ 2,239,777.37
BURT COUNTY TAXES	\$ 178,383.32	
WASHINGTON COUNTY TAXES	\$ 21,596.96	
INTEREST	\$ 3,839.77	
		\$ 203,820.05
	TOTAL REVENUE	\$ 2,443,597.42
EXPENDITURES	\$ 2,291.73	
		\$ 2,291.73
Ending Balance 4/30/2025		\$ 2,441,305.69

Tekamah-Herman Board Meeting
Secondary Report

6/9/25

Staff and Student Recognition

- “Give It All You Got” awards
 - 7th grade: Bryx Leichter and Elizabeth McElmuray
 - 8th grade: Wyatt Evasic and McKenna Miller
 - Freshmen: Kaleb Kjar and Hailey Rempe
 - Sophomores: Brayten Beiler and Isabella Evasic
 - Juniors: Sayla Altemose and Jager Leichter
 - Teacher: Juliet Jensen

Principal’s Report

- AI workshop at ESU
- Leadership Coaching
- Student handbooks (July meeting)











5018 Parent Involvement in Education Practices

For purposes of this policy, “parent” includes a parent, guardian, or educational decisionmaker (a person designated or ordered by a court to make educational decisions on behalf of a student).

The school district recognizes the importance of parental involvement in the education of their children. To the extent practicable, the school district will make a reasonable effort to make any learning materials, including original materials, available for inspection by a parent upon request.

The school district will take the following steps to ensure that the rights of parents to participate in the education of their children are preserved.

1. Parents will be provided access to textbooks, tests, activities information; digital materials; websites or applications used for learning; training materials for teachers, administrators, and staff; procedures for the review and approval of training materials, learning materials, and activities; and other curriculum materials (“curricular materials”) as follows:
 - a. A parental request to review specific curricular materials (written, visual, or audio) should be made to the principal of the building where the curricular materials are used.
 - b. The building principal will assess the request and determine the allowable volume and time frame of the review to prevent disruption to the efficient operations of the district.
 - c. The purpose of this provision is to allow reasonable access to the extent practicable. Individuals who make requests (a) for the purpose of adding staff burden; (b) at an unreasonable frequency or volume; or (c) for purposes inconsistent with the efficient operations of the district may be denied access to materials.
 - d. A parental request to review specific standardized and criterion-referenced tests used in the district should be made in writing to the building principal. Copies of the most recent tests used in the district will be available for parent review. Parents wishing to review statewide assessments will be provided with sample questions and a copy of a practice test, but will not be provided with copies of the actual assessment due to testing security. In the case of other secure tests such as the ACT, parents must contact the publisher to obtain copies of the test.

2. Parents will be permitted, within district procedures, to attend and observe courses, assemblies, counseling sessions, and other instructional activities.
 - a. Parents are invited to make appointments with the building principal to visit classes, assemblies, and other instructional activities. The principal shall give permission after determining that parental observation would not disrupt the activity. Observations that last more than 60 minutes or occur on consecutive days are typically disruptive and will not be permitted absent unusual circumstances, in the sole discretion of the building principal.
 - b. Parents may contact the building principal to request permission to attend counseling sessions in which their child is involved.
3. Parents may request that their children be excused from testing (except as provided below), classroom instruction, learning materials, activities, guest speaker events, and other school experiences ("school events") that parents find objectionable.
 - a. Parents must submit this request in writing to the building principal for consideration.
 - b. Building principals may excuse a student from any school events at the parent's written request if, in the principal's professional judgment, excusal from the activity would not result in diminution of the student's educational experience.
 - c. When the building principal determines it appropriate, alternative experiences may be provided for the student by the school.
4. Parents will be informed through the student handbook and district policies of the manner that the district will provide access to records of students.
5. Parents will be informed of the standardized and criterion-referenced district testing program. Parents may request additional information from the building principal.

6. Parents will be informed of the circumstances under which they may opt-out of state and federal assessments.

a. In accordance with federal law, at the beginning of the school year, the District shall provide notice of the right to request a copy of this policy to parents of students attending schools receiving Title I funds. The District will provide a copy of this policy to a requesting parent in a timely manner.

b. State Assessments

State and federal law simultaneously require students to take state assessments, with few exceptions, but also permit parents to request to opt their students out of these assessments. Approval of opt out requests is contrary to the mandatory testing laws, so the District cannot "approve" the request. Parents who do not present their child for testing will result in the child receiving the lowest score possible on the assessment.

c. National Assessment of Educational Progress

As a condition of receiving federal funds, the District participates in the National Assessment of Educational Progress (NAEP). To help ensure that the District has a representative sample of students taking the NAEP, which will allow the District to assess the quality and effectiveness of its programming on a national level, the District strongly encourages all eligible students to participate. However, student participation in NAEP is voluntary.

The District shall provide parents of eligible students with reasonable notice prior to the exam being administered. Parents wishing to opt their students out of the NAEP assessment must notify the district in writing at least **three** days prior to the exam date to ensure that the District can coordinate supervision and alternative activities for students who have opted out.

7. Parents will be notified of their right to remove their children from surveys prior to district participation in surveys.

a. The principal must approve all surveys intended to gather information from students before they are administered to students.

- b. Students' participation in surveys is voluntary. Parents may restrict their child from participating in any survey.
 - c. If the school administers (1) a survey requesting that students provide sexual information, mental health information, medical information, information on health-risk behaviors, religious information, information of political affiliation, or any other information that the school board deems to be sensitive in nature or (2) a non-anonymous survey requesting students provide information relating to drug, vape, alcohol, or tobacco use, the school district shall, at least fifteen days prior to the administration of the survey, notify parents, guardians, and educational decisionmakers of students that are to receive such survey. The notice will be made through the school's electronic notification system or by physical mail to the address on file for the student. The notice will describe the nature and types of questions included in the survey, the purposes and age-appropriateness of the survey, how information collected by the survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results of such survey will be disclosed.
 - d. Parents have the right to: (1) request that a copy of the survey be sent through the school's electronic notification system or physical mail to the address on file for the student, (2) review the survey in person at the school, and (3) exempt their child from participating in the survey.
 - e. Unless required by federal or state law or regulation, school personnel administering any survey shall not disclose personally identifiable information of a child.
 - f. No survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six.
 - g. The district will also comply with any survey requirements found in the district's policy on Protection of Pupil Rights.
8. The district will make this policy accessible by a prominently displayed link on its public website. Any amended policy will be made accessible within a reasonable time of its amendment.

Adopted on: _____

Revised on: _____

Reviewed on: _____

KAREN A. HAASE ^{NE, SD, IA, WY}
STEVE WILLIAMS ^{NE, SD}
BOBBY TRUHE ^{NE, SD}
COADY H. PRUETT ^{NE, CO, SD}



JORDAN JOHNSON ^{NE, WY, NE}
TYLER COVERDALE ^{SD}
SARA HENTO ^{NE, SD}
SHARI RUSSELL, Paralegal

M E M O R A N D U M

To: KSB Policy Service Subscribers
FROM: KSB School Law
DATE: May 28, 2025
RE: Annual Policy Updates

It's time for the 2025 KSB School Law policy updates. Below, we discuss the policy changes, the changes to our standard forms, and some issues raised by certain laws that do not necessarily require a policy change but present new obligations or things to keep in mind as you enter the 2025-26 school year. We have broken these down into 3 sections: "Policy Changes;" "Forms Changes;" and "Other Issues to Consider."

Please keep in mind that most approved bills go into effect three months after the legislature adjourns. This year the Unicameral is currently scheduled to adjourn sine die on June 9, so the effective date of most bills will be September 9, 2025. However, if a bill has a specific effective date or an emergency clause, it goes into effect on the stated date or when passed and approved according to law. That also means there could be some new bills approved after the release of these updates which will require us to supplement the updates. There are also a handful of bills that passed in previous sessions but go into effect for the upcoming 2025-26 school year.

To assist subscribers in implementing these policy changes and the other considerations laid out in this Memo, **KSB will hold a webinar on Monday,**

301 SOUTH 13TH STREET, SUITE 210
LINCOLN, NEBRASKA 68508

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ATTORNEYS LICENSED IN STATES INDICATED

300 NORTH DAKOTA AVENUE, SUITE 609
STOUX FALLS, SOUTH DAKOTA 57104

June 2, 2025, at 9:00 a.m. Central Time. In the webinar, we will give a brief overview of the changes and then answer questions from attendees regarding the policies and other considerations. We will also record the webinar and post it in the KSB School Law portal in the Policy Updates section. Please contact us if you have any additional questions about the policy updates or portal.

Policy Changes

REVISION OF POLICY 1002: CREATION, AMENDMENT AND DISTRIBUTION OF POLICIES

As the list of required policies, reviews, reapprovals, and hearings grows, we eliminated the list from this policy so it did not need to change so often. Instead, we will continue to update and provide subscribers with the Annual Notices, Hearings, Reviews, and Trainings document that is released with the policy updates each year. There is no requirement to list these obligations inside of a policy.

This change is required, unless you want to continue maintaining the list of requirements in this policy.

REVISION OF POLICY 2006: COMPLAINT PROCEDURE

We made just a couple of tweaks to this policy to remove references to the Biden Administration Title IX rules, which are no longer in effect.

This change is required.

REVISION OF POLICY 3003: BIDDING FOR CONSTRUCTION, REMODELING, REPAIR, or SITE IMPROVEMENT

School districts are generally prohibited from engaging “in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by” a licensed Nebraska architect or professional engineer. However, the law provides an exception to this requirement when the “contemplated expenditures for the complete project” are below a certain dollar amount. In July 2024, the Nebraska Board of Engineers and

Architects increased this exemption from \$119,000 to \$144,000. Our recommended changes to Policy 3003 reflect this higher dollar amount for the projects that are exempt from the mandate to engage a licensed Nebraska architect or professional engineer.

This change is required.

REVISION OF POLICY 3004.1: FISCAL MANAGEMENT FOR PURCHASING AND PROCUREMENT USING FEDERAL FUNDS

During our regular review of policies, we noticed a citation was partially removed from Section G Allowability of Costs. This citation has been corrected.

This change is required.

REVISION OF POLICY 3023: RECORD MANAGEMENT AND RETENTION

During some federal fund audits, the auditors recommended adding a provision to this policy to address the retention of federal award records. We have added such a provision to the policy.

This change is required.

REVISION OF POLICY 3026: HANDBOOKS

We have updated this policy to reflect how changes to the handbooks operate. We've included the one sentence that was in policy 5034, and 5034 has now been eliminated. We made a few other tweaks that hopefully will clarify the handbook updating process, especially as new legal interpretations and guidance seem to be coming out daily.

Administration is permitted to make changes without board approval unless it is required by law or conflicts with a policy. Administration is also permitted to make changes (whether or not requiring board approval) and provide notice to affected individuals by just sharing the amendment and not resharing the full handbook, unless required by law. For example, if you add a new student conduct rule to the handbooks and intend for that to be used for discipline, under the Student Discipline Act the "board" would have to

approve that rule, and both students and parents must be provided notice prior to it being implemented. However, you wouldn't have to reprint or reshare the entire handbook. You could just provide the amended section or provision.

This change is required.

REVISION OF POLICY 3036: PURCHASING (CREDIT) CARD PROGRAM

This policy change eliminates an inappropriate reference to a nonexistent reimbursement.

This change is required.

REVISION OF POLICY 3043: DESIGN-BUILD CONTRACTS

One of the legal requirements for school districts using the design-build project delivery system for school construction projects is for the school district to hire a performance-criteria developer (PCD), a licensed Nebraska architect or professional engineer. For projects with a cost of \$896,000 or below, the timeframe and procedures for selecting and hiring the PCD can be shortened and simplified. The proposed revisions to this policy reflect that alternative. While updating this policy, we have also included changes in the organization of the policy and reformatting.

This change is required.

REVISION OF POLICY 3047: DATA BREACH RESPONSE

We have amended this policy in light of the PowerSchool data breach this past year. The amendment provides that the district's data directory will include a list of approved vendors and contractors to ensure that information exists in a consolidated format. Additionally, as part of the incident response plan, this policy change encourages contacting an insurance provider as part of a school district's response.

Note that the first section of this policy requires you (or your tech coordinator) to keep an updated list of computing devices, software, vendors with access to personally identifiable information and staff members'

usernames and passwords for any district software. The PowerSchool data breach is also a good reminder to be sure that this information is updated and that you know where to find it in the event of a breach.

This change is highly recommended.

REVISION OF POLICY 3057: TITLE IX

Death, taxes, and Title IX policy updates. These are the constants in life.

As many of you are aware, the Biden administration issued regulations in 2024 that necessitated updates to this policy. The updates also allowed for more streamlined investigations but expanded definitions of sex discrimination. However, a federal court vacated the 2024 updates in their entirety. The new White House has stated its belief that the regulations from 2020 are still in effect.

As a result of these changes, KSB is once again recommending a policy change.

Option 1 is a significantly pared-down version of the 2020 policy, which maintains the required substance in a simplified version. We have also improved this policy based on our five years of experience addressing Title IX complaints under the framework instituted by the previous Trump administration. We believe this policy would satisfy any requirements required by a Trump-led Office of Civil Rights.

Option 2 is a more aggressive option. This version is based on a close reading of the court decision that struck down the 2024 regulations, part of which rested on a rationale that vacating the 2024 rule would “cause a return to the status quo’ that existed for more than 50 years prior to its effective date.” KSB believes the basis for this recent decision suggests that the 2020 regulations contain similar flaws. Thus, this policy focuses on the clear mandate laid out in federal statute and court decisions that require public school districts to respond to allegations of sexual harassment in their education programs and activities promptly and in a way that is not deliberately indifferent. This option is no less rigorous in requiring schools to be responsive, but it is less detailed and proscriptive in the granular procedures dictating *how* schools respond. This option allows for maximum flexibility in investigations, in exchange for undertaking some risk that the

procedures that the school district employees may not strictly comply with a hyper-technical reading of the 2020 regulations.

We will have additional Title IX guidance and forms available on the portal based on the option your board elects to assist your Title IX team comply with your board's choice.

One of these policies is required. Please note that your handbooks must include the version of this policy that your board selects (and our handbook redlines will have a prompt for adding the policy option your board chose as you update them).

**REVISION OF POLICY 4051:
STAFF AND DISTRICT SOCIAL MEDIA USE**

The last time we reviewed this policy, X was called Twitter. In light of the changes in the social media landscape and recent court cases addressing official government accounts, it's time for some updates.

We have proposed a host of relatively small and simple tweaks, but they are important. For example, we have added more detail, differentiating between personal and school-owned accounts. We've clarified staff use of social media for instructional purposes. We address "tagging," where the school accounts are tagged or mentioned in outside posts to increase traffic to the post.

We have also updated the relevant rules for deleting comments, blocking posts and users, and banning outside users on school-owned accounts. It's important to note that this policy has always prohibited school-owned accounts from having comments "on" unless approved by the superintendent. When you enable comments, you take the bitter with the sweet. If you have not been following that part of the policy, now is a good time to review your practices and expectations for staff administering these accounts. If your practices differ from the policy, you should either change those or work with us to change the policy. There has been a lot of recent court action on the First Amendment rights of users interacting with individual school official accounts, like board members, and school-owned accounts operated by school employees.

These changes are required.

REVISION OF POLICY 4057: SUPERINTENDENT EVALUATION

We have amended this policy to eliminate the provision that required the superintendent evaluation to occur at a board meeting. You may still evaluate the superintendent at a board meeting if you wish, but now you may also conduct the evaluation with the board president and superintendent, with a committee of the board and superintendent, or any other way you deem appropriate.

Note that if your board decides to conduct the evaluation outside of a board meeting, you should review your superintendent contract, as well.

This change is highly recommended.

REVISION OF POLICY 4059: BEHAVIORAL AND MENTAL HEALTH TRAINING

We have revised this policy to remove the requirement that the training be at least one hour. Now, the length of the training is "a reasonable amount as determined by the school board." We have also added the statutory list of topics that may be covered in the training.

This change is required.

REVISION OF POLICY 5001: COMPULSORY ATTENDANCE AND EXCESSIVE ABSENTEEISM - TRADITIONAL APPROACH

This policy has been revised to provide clearer procedures for the Attendance Officer to follow in responding to excessive absenteeism. The policy previously referred to external procedures that were inconsistently developed and adopted.

This change is required.

REVISION OF POLICY 5015: PROTECTION OF PUPIL RIGHTS AND POLICY 5018: PARENT INVOLVEMENT IN EDUCATION PRACTICES

During the 2024 session, the Unicameral amended sections 79-530 through 79-533 through LB 71 to give parents, guardians, and educational decisionmakers greater access to information about and involvement in educational practices. Those changes are reflected in this policy. Additionally, the current Unicameral again amended section 79-532 through LB 428 to add various requirements related to surveys administered by the school. These changes include allowing parents to obtain copies of the surveys through various methods as well as the ability to exempt their children from participating in the surveys.

This policy must be adopted by July 1, 2025. The policy must be developed with parental input from parents, guardians, and educational decisionmakers. It must be the subject of a public hearing before the school board before adoption by the board. As previously required, the policy must be reviewed annually and either altered and adopted as altered or reaffirmed by the board following a public hearing. Any public hearing must include a reasonable opportunity for public comments.

The school district must make the policy accessible on the school district's website by August 1, 2025. The policy must be accessible by a "prominently displayed" link on the website. If the policy is altered, the new version of the policy shall be made accessible within a reasonable time thereafter.

Finally, the school district must continue to comply with the PPRA survey requirements. This means schools must comply with Policy 5015 (federal law requirements) and Policy 5018 (state law requirements) when administering surveys.

This change is required.

REVISION OF POLICY 5016: STUDENT RECORDS

The introductory paragraph of this policy clarifies that "student records" generally do not include transitory communications such as emails, text messages, handwritten notes between school and home, and similar items. These types of communications are not typically maintained by the district.

Following that introduction, the policy presents three different options for the board to consider regarding what types of records the district will officially “maintain.” Recently, we have seen a noticeable increase in requests from parents asking for complete copies of their children’s student records. At the same time, the rise in digital communication has complicated decisions about whether emails and text messages should be included in those records.

To address this, we have added a consistent reminder in each of the three options regarding what it means for the district to “maintain” a record. This serves as a clarification for both parents and school officials that, regardless of which option the board selects, the general rule excluding most emails and texts from the definition of “student records” still applies.

This change is highly recommended.

REVISION OF POLICY 5031: STUDENT APPEARANCE

Section 79-2,158 requires each school district to adopt a written dress code and grooming policy to be implemented at the start of the 2025-26 school year that is consistent with the model policy developed by the State Department of Education. We’ve revised our policy to be consistent with the Department’s model policy (don’t shoot the messengers), though hopefully a bit more concise.

This change is required.

ELIMINATION OF POLICY 5034: HANDBOOKS NOW “INTENTIONALLY LEFT BLANK”

The policy has been combined into policy 3026 and is now eliminated.

This change is required.

REVIEW OF POLICY 6025: STUDENT CELL PHONE AND OTHER ELECTRONIC DEVICES

LB 140 requires schools to have policies prohibiting the use of cell phones and other electronic devices while at school or attending a "school instructional function." Of course, that term is not defined. We assume they are talking about field trips and other off-site curricular activities, not extracurricular activities.

However, the bill also allows boards and administrators to permit use of cell phones when "determined appropriate." So you "shall" have a ban but may deem any use appropriate. Consequently, we have not proposed any changes to policy 6025, because all of those options remain lawful.

As a result, we believe some schools will keep their current policy in place heading into 25-26. Here's the issue. LB 140 says, "The development of the policy shall include stakeholder participation to ensure that such policies are responsive to the unique needs and desires of students, parents, and educators in each community." It's unclear what that means if you already have a policy in place that was approved at a public meeting. The law does not require the formation of a committee or that you prospectively seek input now. It ties that input to the "development" of a policy, not any future amendment.

Here's our opinion on your options. If you solicited stakeholder feedback when developing your policy initially, or if staff, students, and parents provided input voluntarily at that time, we believe it would be lawful to simply move forward without seeking additional feedback or even reapproving the policy you have in place. For example, we know some schools conducted a stakeholder survey or invited stakeholders to board meetings if they had input when creating the policy. We believe that is sufficient to meet the requirements of LB 140.

If you did not receive stakeholder feedback initially, you have two choices. First, you could intentionally reach out for feedback in some way now, such as via survey, ad hoc working group, or to specific individuals whose input you think would be helpful. After obtaining that feedback, you could then reapprove the policy as it exists or with any amendments you see fit. We're happy to help with those. Second, you could take the slightly more aggressive approach that, because the policy was approved at a duly noticed

public board meeting with the policy on the agenda, stakeholders had an opportunity for feedback at that time. In our view, this is as much a political question as a legal one.

The bill also has 5 listed exceptions that schools must make to any restrictions on cell phone and device use. They are not required to be in the policy. Some of the exceptions we already include in our 4 policy options, such as use by a student when deemed necessary because of a disability accommodation, like a student with diabetes who uses a phone to monitor their levels.

One particular exception that could prove tricky permits students to use cell phones regardless of the strength of the school's ban in cases of "emergencies and perceived threats of danger." Of course, those terms are not defined, nor is it clear who decides what constitutes an emergency or threat. We have elected not to bring attention to this exception for fear that every student and parent will argue that the exception applies to them. You may see other policies throughout the state that list all of these exceptions, so we wanted to let you know it does exist and explain our rationale for not suggesting changes to our current policy options.

No changes required, but you must consider whether you met the requirement to obtain stakeholder input when your policy was developed.

REVISION OF POLICY 6031: EMERGENCY EXCLUSION

The policy had a discrepancy in the hearing request section. We aligned those timelines, which are already shortened to comply with the expedited hearing obligations under the emergency exclusion statute.

This change is required.

REVISION OF POLICY 6034: CONCUSSION AWARENESS

The policy requires updating to remove specific references to guidances and training that have since been updated. Review the approved trainings from DHHS and the NDE Brain Injury Support page for all updated materials.

This change is required.

NEW POLICY 6044: PARTICIPATION AND ASSIGNMENT OF ATHLETIC TEAMS

LB 89 establishes the Stand with Women Act. Originally, the bill would have required schools to designate locker rooms, bathrooms, and athletic teams based on sex as male, female, or coed. As the bill progressed, it was amended to include only requirements for designating athletic teams and limiting participation in athletics based on sex. The law defines sex in terms of reproductive organs and functions. The law also requires every school to have a policy implementing the new requirements.

There are a few other items to note. While the bill eliminated explicit provisions for bathrooms and locker rooms, it does require the policy to address the “conduct of visitors and the public.” We are not sure what that means, because there is no explanation in the bill. We assume that is a nod of deference to existing policies and practices as it relates to things like restrooms that patrons and visitors can use when on school grounds. For that reason, we have simply said all visitors and members of the public shall comply with existing policies and law.

This policy is required *if LB 89 becomes law.*

NEW POLICY 6045: BEHAVIORAL INTERVENTION

Section 79-262.01 requires school districts to develop and adopt a policy consistent with or comparable to the model policy developed by the State Department of Education. We went with “comparable to” and tried to draft a policy that won’t be too onerous compared to common and best practices we’ve seen prevalent across the state.

This policy is required.

Form Changes

Public Participation Rules for Public Comment

We've updated these rules slightly in light of some recent court decisions regarding public comment at school board meetings. However, the changes are not major. Recently, the Nebraska Attorney General's office representatives have shared informally that they believe public comment at board meetings can be limited to items on the board's agenda. We do have some concerns about that informal guidance in light of published decisions that say the opposite, but if your board is interested in exploring that limitation, give one of us a call to talk through that option.

Application for Employment

We reviewed LB 144 and determined that no changes to the employment application form are required. LB 144 revised the definition of spouse of a veteran and added language regarding the preference eligibility for the spouse of a service member. As such, we recommend reviewing the statutory standard and definition if you receive an application indicating veteran preference.

Title IX

For schools selection Option 1 for their Title IX policy, we will have updated forms and refresher training available this summer. In the meantime, if you receive a Title IX complaint prior to the start of next school year, give us a call to talk through your response options regardless of the policy you chose.

Other Issues To Consider

LB 306

Apparently, this bill has 9 lives. On May 21, it appeared dead. On May 22, it was revived. We will continue to monitor it along with any amendments. When AM1440 was discussed on May 21, only the LB 550 (religious instruction) section seemed to implicate a policy change. Even then, it said a school "may" adopt a policy. We simply don't yet know if this bill and any others amended into it will pass, or if the wording will remain the same. The

sections on funding 3 weeks of FMLA leave and restrictions on superintendent employment, for example, would not require policy changes but would require schools to consider their responses to those new provisions.

LB 390: Parent Right to Access School Library Materials

LB 390 (approved by the Governor on April 14, 2025) requires each school board of a public school district to adopt a policy relating to access by a parent, guardian, or educational decisionmaker to certain school library information. The new policy will provide parents, guardians, and educational decisionmakers the right to access a catalog of all books in the school district's library and the right to receive certain notifications when their student checks out a library book.

The deadline for adopting this policy is "for implementation at the beginning of the 2026-27 school year." We will provide you our recommended policy that complies with LB 390 with our 2026 annual updates.

LB 457: ANAPHYLAXIS POLICIES

LB 457 directs the Department of Health and Human Services, in consultation with the State Department of Education, to develop model anaphylaxis policies available for use in school districts and licensed child care programs setting forth guidelines and procedures to be followed for the prevention of anaphylaxis and during a medical emergency resulting from anaphylaxis.

On or before July 1, 2026, each school district must adopt a written policy to address incidents of anaphylaxis involving students at school. A school board may use the model policy mentioned above as a guide. The policy must not conflict with or hinder the implementation of an individualized anaphylaxis plan of a student and must be consistent with section 79-224 relating to self-management by a student.

Next year, we will review the policy developed by NDHHS and NDE and determine if we will revise Policy 5053 - Self-Management of Diabetes or Asthma/Anaphylaxis.

FAIR Leave Act (Modifying FMLA)

Under the FMLA, if both spouses work for the same employer, they are required to split the (up to) 12 weeks FMLA leave for things like bonding time with a newborn or adopted child or to care for a family member with a serious health condition. The "FAIR Leave Act" introduced in the House would eliminate this restriction. For example, if you employ two teachers who have a newborn, both would be permitted to take up to 12 weeks for bonding time. This bill is separate from what's happening with paid leave in the Unicameral. We will monitor the bill and provide updates, including an updated policy, if it advances.

Children's Online Privacy Protection Rule (COPPA) 2.0

The Federal Trade Commission's 2025 proposed amendments to the Children's Online Privacy Protection Rule (COPPA), AKA "COPPA 2.0," aim to modernize protections for children under 13 based on the changes in the tech world which have occurred since the last amendments to COPPA in 2013. The amendments take effect June 23, 2025. To note, while these amendments do not directly apply to schools, they may impact how schools interact with EdTech companies who provide classroom technologies, resources, and apps.

In the 2024 Notice of Proposed Rulemaking, the FTC proposed codifying a school authorization exception to parental consent and also new definitions of "school" and "school-authorized education purpose." However, in the Final Rule, the FTC chose not to finalize these EdTech-specific amendments which would impact schools. With the possibility of amendments to FERPA in the future, the Commission decided to wait to change any language regarding EdTech and schools within COPPA 2.0. For our schools, this means that the existing interpretation, where schools may consent on behalf of parents for the use of EdTech tools, so long as the information is used exclusively for educational purposes and not for commercial gain, remains in effect. Schools will also see enhanced notices from EdTech companies regarding how data is collected and utilized by these companies. We encourage you to review the notices received.

Because schools utilize technology and software that record a child's voice (e.g., speech to text), one of the new exceptions to parental consent requirements found in COPPA 2.0 is helpful. It allows operators to collect audio files containing a child's voice and no other personal information solely to respond to a child's specific request, provided the file is not used for any other purpose, is not disclosed, and is deleted immediately. Other finalized

revisions include reinforced data minimization standards, which limit the use of persistent identifiers and restrict data collection. The definition of “personal information” has been expanded to include biometric identifiers such as facial recognition data, voiceprints, and fingerprints. Once the law is finalized, we will blog about any specific guidance the FTC may release regarding EdTech and parental consent. If you would like light reading materials to lull you to sleep, the proposed commentary and rule is available [here](#).

KSB Superintendent Evaluation Platform

We are also pleased to announce that the KSB Superintendent Evaluation Platform is now live and available for use. This platform was designed specifically to align with Nebraska law and best practices, offering boards a streamlined, legally sound, and customizable way to conduct superintendent evaluations. Subscribers will be able to access the platform through the KSB portal. We have a summary of the platform’s features and a short video about it available [here](#). If you have questions about getting started or would like more information, please don’t hesitate to reach out.

CONCLUSION

It is all too easy to adopt policies that look good but that do not actually reflect how the school operates or assist the school in accomplishing its goals. Every year we stress that it is very important to us to give you a working, useful set of policies and a continuing ***policy service***. For our Complete Service subscribers, there is no additional charge for revisions to our policies or consultation about them. Please don't hesitate to contact any of us with questions about the updates or other policies. Our group e-mail address is ksb@ksbschoollaw.com.

Empowering learners to contribute in a changing world.

Mission Statement

Tekamah-Herman Schools, parents, and communities will provide a safe environment for learners to develop academic, technological and life skills needed to be career and/or college ready.

Accreditation

Tekamah-Herman Schools is accredited by the State of Nebraska and will utilize the Nebraska Framework.

Our District

Tekamah-Herman Schools is a state accredited district. The high school is a progressive Class C2 school and participates in 16 sanctioned activities through the Nebraska School Activities Association.

All PK-12 students are in one building located in Tekamah, NE. The district encompasses 269 square miles in Burt and Washington counties and had a total enrollment of 528 students. Currently, there are 48 certificated teachers on staff, indicating the certificated staff to student ratio is approximately one teacher to every 11 students.



Left to Right: Mandyn Pruess, Sheryl Stansberry, Abby Mathistad, Bill Skinner, Burt Rogers, and Chris Booth

Board of Education

Mandyn Pruess	President
Burt Rogers	Vice President
Chris Booth	Member
Abby Mathistad	Member
Bill Skinner	Member
Sheryl Stansberry	Member

Administration

Brad Kjar	Superintendent
Apryl Beck	K-6 Principal
Jason Heitz	7-12 Principal
Taylor Klein	Activities Director



Tekamah-Herman Schools

112 N 13th Street
Tekamah, NE 68061

(402) 374-2157

www.thtigers.org

www.thtigers.org

Tekamah-Herman Public Schools



Annual Report | 2024-25

T-H Demographics



Enrollment: 2024-2025

Grade	Total
PreSchool	38 students
K-6	245 students
7-8	85 students
9-12	160 students
Total	528 students

Attendance

95% of the K-12 students were in school everyday

Student Characteristics

35% of our students qualified for **Free & Reduced Meals**

22% of our students receive **Special Education Services**

Testing

Junior ACT Results

English Language Arts	17
Math	18
Science	20

NSCAS State Assessments

Combines Results for all grade levels tested. Percent Proficient.

English Language Arts	64%
Math	65%
Science	90%

Financial Information

2024-25 Valuations

Burt County	\$951,189,934
Washington County	\$196,918,627
Total	\$1,148,108,561

Tax Rates to Fund Levies

General Fund	\$0.5937
Bond Fund	\$0.0831
Special Building Fund	\$0.0522
Total	\$0.7290

Tekamah-Herman Schools	\$9.34M
Comparable School Districts	\$10.03M
Difference	\$690,000



HIGH SCHOOL



Graduated 43 students, 40 of whom are college or career bound



School board approved the addition of cross country as an NSAA sport



Remodeled the fine arts wing to include new bathrooms, carpet & paint

ELEMENTARY SCHOOL



Brand new all-inclusive playground



Installed a handicap ceiling track system in our Life Skills classrooms



Added 3-year olds to our PK program

DISTRICT



Added 2 new buses, an Explorer, Yukon, and a pickup to our fleet



Became an official Heart Safe School

UNITED STATES DEPARTMENT OF TRANSPORTATION



U.S. DOT#: 2432425
MC/MX#: 0

Legal: TEKAMAH HERMAN COMMUNITY SCHOOL
Operating (DBA):

Investigation Date:
05/15/2025

Investigation Type: Onsite Focused Investigation

Location of Investigation: Company principal place of business (PPOB)

Extent of Operations: Entire Operation

Physical Address

112 N 13TH STREET
TEKAMAH, NE 68061
United States

Mailing Address

112 N 13TH STREET
TEKAMAH, NE 68061
United States

Contact Information

Contact Name: Bradley Kjar
Email: bkjar@thtigers.org
Phone: (402)374-2157 **Cell:** ()- **Fax:** ()-

Business and Financial

Business Type: Other
Name of Gross Revenue Provider:
Title of Gross Revenue Provider:
Gross Revenue: \$ **For Year Ending:**
Federal Tax ID: 47-6001482 (EIN)

Operation Classification and Type

Type of Operation: Non-HM Intrastate Carrier

Cargo

Passengers

Operation Classification

Government Entity

Equipment

	Owned	Term Leased	Trip Leased
School Bus 16+	5		

Power units used in the U.S.: 5
Percentage of time used in the U.S.: 100%

Driver Information

Drivers	Intrastate	Interstate
< 100 Miles		
>= 100 Miles		8

Average trip leased driver/month: 0
Drivers with CDL: 8
Total Drivers: 8

Person(s) Interviewed

Name: Bradley Kjar

Title: SUPERINTENDENT

Name: Heidi Lindberg

Title: Administrative Assistant

Questions

Questions about this report or the Federal Motor Carrier 100 CENTENNIAL MALL N STE 406
Safety or Hazardous Materials regulations may be LINCOLN, NE 68508-3803
addressed to the Federal Motor Carrier Safety Phone: (402) 437-5986
Administration at: Fax: (402) 437-5837

This report will be used to assess your safety compliance.

Violations

1. Primary: 382.305(b)(2)

Failing to conduct random controlled substances testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.



Critical

At least 10% of the number checked had violations

Violations Discovered		
Fed	State	Total
2		2
Checked		
Fed	State	Total
4		4

BASIC Impacted
Controlled
Substances/Alcohol

Rating Factor 2:
Driver = Part 382

Example/Notes:

Driver Mitchell Burnett

Trip date 12-5-24

In Calendar year 2024 the School has an average of 8 Drivers, requiring 4 Random Drug Tests to meet the 50% testing rate required by the FMCSA Administrator. Only 2 Random Drug Tests were conducted throughout the year.

Drivers/Vehicles in Violation

Fed	State	Total
2		2
Checked		
Fed	State	Total
4		4

2. Primary: 382.105

Secondary: 40.213

Using an unqualified Screening Test Technician or Breath Alcohol Technician to conduct alcohol testing

Violations Discovered

Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

Driver name Johnnie Bottger

Trip date 12-7-2024

Name of unqualified BAT: School Nurse Jamie Brummond.

The School allowed an unqualified Breath Alcohol Tester to conduct Breath Alcohol Random Tests during Calendar Year 2024.

Drivers/Vehicles in Violation

Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

3. Primary: 382.105

Secondary: 40.215

Carrier failing to provide name and phone number of Designated Employer Representative to Consortia/Third Party Administrator, Blood Alcohol Technician and Screening Test Technician.

Violations Discovered

Fed	State	Total
1		1
Checked		
Fed	State	Total
1		1

Example/Notes:

Drivers/Vehicles in Violation

Employee Robert Swanberg

Trip date 10-9-24

Test date 9-16-24

The School failed to provide updated Designated Employer Representative contact information to their C/TPA to ensure immediate notification of adverse testing results of their Drivers.

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

4. Primary: 382.305(b)(1)

Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver Johnnie Bottger

Trip date 12-9-2024

Calendar year 2024

School failed to use a trained Breath Alcohol Technician to perform a Random Breath Alcohol Test for a Driver in Q3 of 2024 which resulted in no Breath Alcohol Tests being conducted.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

5. Primary: 382.601(a)

Failing to provide educational materials explaining requirements of part 382 and employer's drug and alcohol program policies.

Violations Discovered

Fed	State	Total
8		8

Checked

Fed	State	Total
8		8

Example/Notes:

Name Mitchell Burnett

Trip date 3-3-25

The School failed to provide a DOT Drug and Alcohol testing policy to all CDL employees meeting the requirements of part 382.601.

Drivers/Vehicles in Violation

Fed	State	Total
8		8

Checked

Fed	State	Total
8		8

6. Primary: 382.603

Failing to ensure person designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances.

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

Example/Notes:

Driver Bob Swanberg

Trip date 2-17-2025

Supervisor/Company official not trained. Bradley Kjar, Superintendent.

The School is required to have a direct supervisor of Drivers trained in "reasonable suspicion" in order to send a driver for drug testing that is suspected of being under the influence of drugs and/or alcohol.

Drivers/Vehicles in Violation

Fed	State	Total
2		2

Checked

Fed	State	Total
2		2

7. Primary: 382.701(b)(1)

Failing to conduct an annual query.

Violations Discovered

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

Example/Notes:

Driver Brad Kjar

Trip Date 2-24-25

School failed to conduct annual queries on current Drivers in the FMCSA Drug and Alcohol Clearinghouse at least once every 12 months.

Drivers/Vehicles in Violation

Fed	State	Total
5		5

Checked

Fed	State	Total
5		5

8. Primary: 382.711(b)

Failing to register in the Clearinghouse.

Violations Discovered

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Example/Notes:

Driver Stan Mencke

Trip Date 2-25-25

School failed to register in the FMCSA Drug and Alcohol Clearinghouse when the requirement to perform a query on a driver was present.

Drivers/Vehicles in Violation

Fed	State	Total
1		1

Checked

Fed	State	Total
1		1

Safety Fitness Rating

This Investigation is Not Rated

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Policies and Procedures

Tekamah-Herman Public Schools has a random drug testing program in place but is not meeting all the requirements of Part 382 and part 40 of the Federal Motor Carrier Safety Regulations.

The School is required to update their Driver employee list with HireRight at least 2 weeks prior to the next quarterly draw. HireRight's policy is to not perform a random draw for any company that did not update their quarterly employee listing. Due to the School not updating their quarterly list with HireRight for quarters 1, 2 and 4 in calendar year 2024, the required testing rate of 50% of employees for drugs was not met. Even though a 3rd party company is used to perform random draws using a scientifically valid method, the requirement to meet the 50% drug and 10% Breath alcohol testing rates is the responsibility of the employer of the drivers.

Jamie Brummond is the School Nurse and collector for Drug-urine testing and administering Breath Alcohol Tests. At the time of this investigation Jamie was not properly trained to administer Breath Alcohol Tests. This invalidated the Q3 test in 2024 for Driver Johnnie Bottger, which caused the school to not meet the 10% annual testing requirement for Breath Alcohol Testing. Until proper training is obtained by Jamie, all Breath Alcohol Tests must be conducted at an approved DOT Breath Alcohol Testing facility.

A DOT Drug and Alcohol Testing policy must be provided to all CDL Drivers for the School. The policy must meet all the requirements of part 382.601 and include a signature page for the driver to sign, acknowledging receipt of said policy. HireRight may be able to provide you with a policy.

A Direct Supervisor of Drivers must obtain Reasonable Suspicion training, which includes 60 minutes of drug and 60 minutes of alcohol training, with a DOT approved certificate provided. This training is required in order to send a driver to be tested if they appear to be under the influence of Drugs or Alcohol prior to, during, or after performing safety sensitive functions. The Trained person cannot be the same person who would conduct said reasonable suspicion tests. The trained person can be a Driver as well as a Supervisor (Bradley Kjar), but there needs to be an additional person trained as he cannot evaluate himself.

The School has a former employee listed as the Designated Employee Representative (DER) with HireRight and the MRO, Michelle Alexander (Escren). This person is designated to receive information from HireRight or the MRO and must be able to obtain the info without delay in the case of a positive drug test result, where a driver must be removed from performing safety sensitive functions immediately.

The School is required to register for the FMCSA Drug and Alcohol Clearinghouse and perform queries on drivers at least once every 12 months. The database tracks any adverse information about CDL drivers drug testing history. This database should be queried with any new hired driver, ensuring a "Driver not prohibited" result is received prior to allowing the Driver to perform safety sensitive functions. New hired drivers will have to create their own account in the Clearinghouse to provide "digital" consent for the School to perform the Full-Pre-Employment query. The database should also be queried annually for each driver to ensure no new information has been added to their license, a "Not Prohibited" result should also be received during this process. Ensure Drivers provide a signed paper consent form, allowing annual queries to be performed.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Policies and Procedures:

1. Develop a written company policy incorporating by reference all regulations regarding controlled substances and alcohol use, testing, training, and records retention for all employees.
2. Establish written policies and procedures that promote, verify, and enforce adherence to all controlled-substance and alcohol rules and regulations. Procedures should be tailored to company operations and should provide specific checks and guidelines for interacting with a consortium, if applicable.
3. Develop a policy to ensure that all alcohol testing is conducted immediately before or after the period that employees are performing a safety-sensitive function. Drivers can be tested on their day off only for controlled substances. Once notified of their selection, drivers must proceed immediately to the testing facility. If a driver refuses to go, this should be considered as equivalent to a positive result.

Recommendations

1. **Additional Information**

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

2. **Clearinghouse Registration - Employer**

Ensure you are registered in the Clearinghouse by visiting <https://clearinghouse.fmcsa.dot.gov>.

3. **Ensure that a trained technician conducts each alcohol test.**

Ensure that a trained breath alcohol technician, using the prescribed testing forms, conducts each alcohol test.

4. **Part 40 Violations**

Ensure that your drug and alcohol testing program conforms with all applicable parts of Part 40.

5. **Clearinghouse Driver Consent**

Ensure driver consent has been obtained and is on file before conducting a limited query.

6. **Drug and Alcohol Testing Company Policy (Educational Materials)**

Provide employees with a written controlled substance and alcohol testing policy that complies with all the requirements noted in Part 382.601(b). Also, ensure you maintain a certificate signed by the employee certifying they have received your company drug and alcohol testing policy.

7. **Clearinghouse Pre-employment Query**

Ensure pre-employment (full) queries are conducted in the Clearinghouse before hiring a driver to perform a safety sensitive function.

8. **Clearinghouse Annual Query**

Ensure annual queries are conducted in the Clearinghouse at least once per year. You may conduct a full or limited query to fulfill this requirement.

9. **Reasonable Suspicion Training**

Provide new-hire and refresher training, to all managers, other designated personnel, and the designated employer representative (DER), on controlled-substance and alcohol regulations and related company policies and procedures, including those pertaining to prohibited behavior; testing protocols and monitoring, for example, on grounds of "reasonable suspicion"; the consequences of a positive test result; referral to a substance-abuse professional (SAP); and confidentiality requirements in relation to recordkeeping.

10. **Random Test Selections**

After selection of drivers for random testing, the program coordinator should send confidential correspondence to whoever is informing the selected drivers, noting the selection date, selected names, proper notification procedure, testing location, and when test results need to be completed. Drivers should be reminded that refusal to take the test will be equivalent to a positive result.

Table 1: Violations Discovered During Review/Inspection

Violation	Date	Identifying Information	Description
382.305(b)(2) - Failing to do random drug tests at applicable annual rate			
1	12/05/2025	Driver: Mitchell Burnett	
2	12/12/2024	Driver: Bradley Kjar	

Spring Sports Report

Track

- 24 girls and 22 boys out. 3 seniors.
- Hosted 3 meets
 - Tiger Relays, Tiger JV Invite, Tiger Invite
 - Incorporated live results this year.
- Girls team placed 2nd at the Home Tiger Invite
- 4 Qualifiers for the Norfolk Classic Track Meet. Carsyn Magill in the 800m Run, Emily Stansberry in the High Jump, Ryan Roche in the 3200m Run, and Jessen Booth in the 300m Hurdles. Emily placed 3rd.
- At the conference meet, Emily was the champion in the high jump for the second straight year, the girls 4x800m relay and the 4x400m relay both placed 2nd, Jessen placed 2nd in the 300m hurdles, and Christopher Smith placed 2nd in the high jump.
- 8 State Qualifiers
 - High Jump - Emily Stansberry and Camdan Chase
 - Triple Jump - Carsyn Magill and Christopher Smith
 - 300m Hurdles - Jessen Booth
 - 800m Run - Cameron Brummond
 - 4x800m Relay - Cameron Brummond, Carsyn Magill, Edyn Goodwin, and Cassidy Magill
- 2 School Records Broken
 - Triple Jump by Carsyn Magill
 - 4x800m Relay by Cameron Brummond, Carsyn Magill, Edyn Goodwin, and Cassidy Magill

Baseball

- 16 boys out. 3 seniors.
- 1-16 record.
- We were able to play many more JV innings this year to give our younger players more developmental time which was great.
- All-State Honorable Mentions - Cale Belfrage, Grady Belfrage, and Lane Loftis.
- Cale Belfrage and Spencer Pagels are continuing their baseball careers at Concordia University.

Golf

- 6 boys out. 3 seniors.
- Won the Blair Triangular, won the Laurel Concord Coleridge Invite, Runner Up at North Bend Central Invite, 3rd at the Wayne Invite, Conference Champions for the 5th straight year, and won our home Tiger Invite.
- Brody Rogers won the Pender Invite, placed 3rd at the Oakland Invite, won the Logan View Invite, was Conference Champion for the 4th straight time, and won our home Tiger Invite.

- Brody Rogers placed 5th at Districts and became Tekamah-Herman's first ever 4-time individual state qualifier. He placed 15th at the state meet.
- Brody Rogers is continuing his golfing career at Northeast Community College next year.

JH Track

- 66 athletes out
- Hosted 2 home track meets.
 - JH Quad
 - New JH Tiger Invite
- 8th Grade girls won the East division of the EHC Track Meet.
- Sam Wolf qualified for the JH State track meet in the 400 and placed 15th.

46 Multi-Activity Award Winners

12 Sport Athlete Award - Jessen Booth and Griffin Breckenridge

Senior Male Athlete of the Year - Brody Rogers

Senior Female Athlete of the Year - Sammie Brodersen

Kenneth Miller Award - Emily Stansberry

Summer:

- North Gym Floor
- North Gym Scoreboards
- Hosting 7 basketball camps, 1 volleyball camp, and 2 wrestling camps
- 4 weight room sessions per day.

Tekamah-Herman Board Meeting
Secondary Report

6/9/25

Staff and Student Recognition

- “Give It All You Got” awards
 - 7th grade: Bryx Leichter and Elizabeth McElmuray
 - 8th grade: Wyatt Evasic and McKenna Miller
 - Freshmen: Kaleb Kjar and Hailey Rempe
 - Sophomores: Brayten Beiler and Isabella Evasic
 - Juniors: Sayla Altemose and Jager Leichter
 - Teacher: Juliet Jensen

Principal’s Report

- AI workshop at ESU
- Leadership Coaching
- Student handbooks (July meeting)