

**DATE:**  
**TO:** ESU #1 Board of Directors  
**FROM:** Bill Heimann, Administrator  
**RE:** Tuesday, September 15, 2020 Board Meeting

There will be a meeting of the ESU #1 Board of Directors, on Tuesday, September 15, 2020, at 5:30 PM in the

ESU #1 Conference Room  
211 Tenth Street  
Wakefield, NE 68784-5014

Consideration, discussion and any action necessary will be taken on the following items.

A. Budget Hearing 5:20 P.M.

Join Zoom Meeting  
<https://zoom.us/j/96814016331>

Meeting ID: 968 1401 6331

B. Public Hearing to Set the Final Tax Request 5:25 P.M.

Join Zoom Meeting  
<https://zoom.us/j/96814016331>

Meeting ID: 968 1401 6331

C. Notification of Open Meetings Law

D. Roll Call\*

E. Approve Agenda\*

F. Consent Agenda\*

1. Previous Minutes (copy attached)
2. Financial Reports
  - a. Revenue Report/Treasurer's Report
  - b. Cash Summary/Expenditure Report
3. Bills for September
4. Additional August Expenditures
5. Administrator's Monthly Report
  - a. Legislative Update
  - b. ESU #1 Superintendent Meeting
  - c. COVID-19 Update

G. Public Comment

H. Additional September Bills\*

I. Authorized Signers for Bank/Charge Accounts and Safety Deposit Box Access\*

J. 2020-2021 Budget\*

K. Property Tax Request\*

L. Title IX Policy\*

M. Education Assistance Administrative Regulation\*

N. Payroll Tax Deferral

O. Personnel\*

1. Consider, discuss, and take necessary action on employee contracts and personnel changes.

a. Resignation(s)

b. New Hire(s)

c. Contract Change(s)

d. Termination(s)

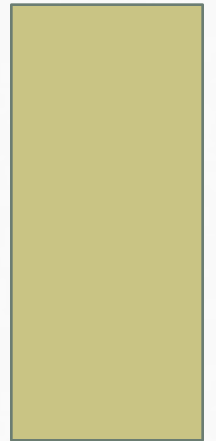
P. Adjournment

This agenda contains a list of subjects known at the time of its distribution on . A copy of the agenda reflecting any changes will be kept in the ESU #1 Administrative office and will be readily available for public inspection during normal office hours. Except for items of emergency nature, the agenda will not be enlarged later than twenty-four hours before the scheduled commencement of the meeting. The Board reserves the right to change the order of business discussed.

\*Action Items

# ESU #1 BUDGET

OVERVIEW FOR 2020-21



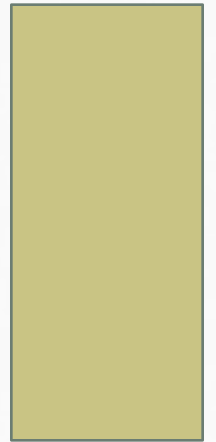
# BUDGET PROCESS

- Fiscal Year is September 1 to August 31
- County Assessor provides property valuation by August 20.
- Publish notice of budget hearing in newspaper
- Tuesday, Sept. 15 is our budget hearing and property tax request hearing at 5:20 P.M.
- Hearings are mandated by state statute.
- The ESU #1 Board will be asked to approve the 2020-2021 budget and tax asking during the September 15 regular meeting.
- Budget must be adopted and submitted to the state by September 20.

# PURPOSE OF OVERVIEW

1. Review our past and present finances using comparable data.
2. Explain proposed budget changes from previous year
3. Describe the effect this proposed budget would have on local property taxes
4. Receive feedback and direction from Board Members

HISTORICAL INFORMATION AND  
PROPOSED BUDGET



## HOW ARE ESU'S FUNDED?

- Contracted Services, Trainings, etc. (Schools)
- Grants (State or Federal)
- Core Service Dollars (State)
- Property Taxes (Local)
- Core Service dollars from the state are distributed amongst ESU's based on a formula
- What are Core Services and how are they funded?

# NEBRASKA DEPARTMENT OF EDUCATION

## RULE 84 (SECTION 8) CORE SERVICES

- TITLE 92 CHAPTER 84 008 Core Services
- 008.01 Provision of Core Services. Core services shall be provided by the ESU to all member school districts.
- Core services shall be defined by each ESU as follows:
- 008.01A Core services **shall be** within the following service areas in order of priority: **Staff development, which shall include staff development related to improving the achievement of all students including the achievement of students in poverty and students with diverse backgrounds; technology, including distance education services; and instructional materials services;**
- 008.01B Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting statewide requirements including but not limited to accountability requirements, and achieving statewide goals in the state's system of elementary and secondary education;

# CORE SERVICES CONTINUED

- 008.01C Core services shall provide schools with access to services that:
- 008.01C1 the ESU and its **member school districts have identified as necessary services;**
- 008.01C2 are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources;
- 008.01C3 can be efficiently provided by each ESU to its member school districts; and
- 008.01C4 can be adequately funded to ensure that the service is provided equitably to the state's public school districts;
- 008.01D Core services shall be designed so that the effectiveness and efficiency of the service can be evaluated on a statewide basis; and
- 008.01E Core services shall be provided by the ESU in a manner that minimizes the costs of administration or service delivery to member school districts.

# ESU1 CORE SERVICE DOLLARS HISTORY

Fiscal Year	Core Service Dollars	Change from previous year	Percent Change - previous year
2014-15	\$429,196	(\$98,858)	- 18.72%
2015-16	\$293,456	(\$135,740)	- 31.63%
2016-17	\$269,235	(\$24,221)	- 8.25%
2017-18	\$263,129	(\$6,106)	- 2.27%
2018-19	\$214,494	(\$48,635)	- 18.48%
2019-20	\$249,980	\$35,486	16.54%
<b>2020-21</b>	<b>\$354,492</b>	<b>\$104,512</b>	<b>41.81%</b>

# ESU1 PROPERTY VALUATION

Fiscal Year	Assessed Property Valuation	Change in Assessed Value – previous year	Percentage Change – previous year
2014-15	\$ 9,594,797,241	\$1,601,240,867	20.03%
2015-16	\$10,772,289,649	\$1,177,492,408	12.27%
2016-17	\$11,061,341,203	\$289,051,554	2.68%
2017-18	\$11,014,039,192	(\$47,302,011)	- 0.428%
2018-19	\$10,941,458,190	(\$72,581,002)	- 0.659%
2019-20	\$10,964,304,225	\$22,846,035	0.209%
<b>2020-21</b>	<b>\$10,995,897,967</b>	<b>\$31,593,742</b>	<b>0.288%</b>

# ESU1 PROPERTY TAX REQUEST HISTORY

Fiscal Year	Property Tax Request	Change – previous year	Percent Change – previous year
2014-15	\$1,439,220	\$240,187	20.03%
2015-16	\$1,615,843	\$176,623	12.27%
2016-17	\$1,659,201	\$43,358	2.68%
2017-18	\$1,652,105	(\$7,096)	- 0.428%
2018-19	\$1,641,218	(\$10,887)	- 0.659%
2019-20	\$1,644,645	\$3,427	0.209%
<b>2020-21 Proposed</b>	<b>\$1,649,385</b>	<b>\$4,740</b>	<b>0.288%</b>

# ESU1 PROPERTY TAX & CORE SERVICE DOLLARS HISTORY

Fiscal Year	Core Service Dollars	Property Tax Request	Total Core Service & Prop Tax	Dollar Change	Percent Change
2014-15	\$429,196	\$1,439,220	\$1,868,416	\$141,329	8.12%
2015-16	\$293,456	\$1,615,843	\$1,909,299	\$40,833	2.19%
2016-17	\$269,235	\$1,659,201	\$1,928,436	\$19,137	1.00%
2017-18	\$263,129	\$1,652,105	\$1,915,234	(\$13,202)	- 0.68%
2018-19	\$214,494	\$1,641,218	\$1,855,712	(\$59,522)	- 3.11%
2019-20	\$249,980	\$1,644,645	\$1,894,625	\$38,913	2.10%
<b>2020-21 Proposed</b>	<b>\$354,492</b>	<b>\$1,649,385</b>	<b>\$2,003,877</b>	<b>\$109,252</b>	<b>5.77%</b>

# BUDGET SUMMARY

- General Fund Expenditures
  - Estimate - cannot exceed expenditure limit
  - Special Education
    - Personnel provide required services ages birth to age 21 services to all 23 districts
  - School Support (approved in the spring by Superintendents and Board)
  - Contracted Services
  - Core Services/Infrastructure
  - Federal, State, Local Grants
- General Fund Revenue
  - Beginning Balance is estimated funds from previous year
    - Strong cash position necessary because ESU1 expends Grants and Special Education funds first, receives reimbursement months afterwards
  - Contracted Services, Property Tax, Core Service Funds
- ESU 1 provides services efficiently to schools.

**NOTICE OF BUDGET HEARING AND BUDGET SUMMARY**

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Sections 13-501 to 13-513, that the governing body will meet on the 15 day of September 2020, at 5:20 o'clock P.M., at ESU #1 (Wakefield) Conf. B for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the following proposed budget. The budget detail is available at the office of the Clerk during regular business hours.

*Lisa Salmon*

	Clerk/Secretary
2018-2019 Actual Disbursements & Transfers	\$ 11,055,186.00
2019-2020 Actual/Estimated Disbursements & Transfers	\$ 10,847,503.00
2020-2021 Proposed Budget of Disbursements & Transfers	\$ 14,061,985.00
2020-2021 Necessary Cash Reserve	\$ 2,500,000.00
2020-2021 Total Resources Available	\$ 16,561,985.00
Total 2020-2021 Personal & Real Property Tax Requirement	\$ 1,649,384.54
Unused Budget Authority Created For Next Year	\$ 307,845.95

**Breakdown of Property Tax:**

Personal and Real Property Tax Required for Non-Bond Purposes	\$ 1,649,384.54
Personal and Real Property Tax Required for Bonds	\$ -

**NOTICE OF SPECIAL HEARING TO SET FINAL TAX REQUEST**

PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1601.02, that the governing body will meet on the 15 day of September 2020, at 5:25 o'clock P.M., at ESU #1 (Wakefield) Conf. B for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request.

	2019	2020	Change
Operating Budget	13,889,295.00	14,061,985.00	1%
Property Tax Request	\$ 1,644,645.62	\$ 1,649,384.54	0%
Valuation	10,964,304,225	10,995,897,967	0%
Tax Rate	0.015000	0.015000	0%
Tax Rate if Prior Tax Request was at Current Valuation	0.014957		

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# Open Meetings Act

## § 84-1407. Act, how cited.

Sections [84-1407](#) to [84-1414](#) shall be known and may be cited as the Open Meetings Act.

Source: [Laws 2004, LB 821, § 34.](#)

## 84-1408. Declaration of intent; meetings open to public.

It 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 Nebraska, federal statutes, and the Open Meetings Act.

Source: Laws 1975, LB 325, § 1; Laws 1996, LB 900, § 1071; [Laws 2004, LB 821, § 35.](#)

## § 84-1409. Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section [81-15,175](#) are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means 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; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws Open Meetings Act

1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; [Laws 2004, LB, § 36.](#) [Laws 2007, LB296, § 810.](#) [Laws 2011, LB366, § 2.](#)

## § 84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) 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 for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(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 the Community Trust created under section [81-1801.02](#), discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(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 arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall 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 but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does 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.

**Source:** Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; [Laws 2004, LB 821, § 37](#); [Laws 2004, LB 1179, § 1](#); [Laws 2006, LB 898, § 1](#); [Laws 2011, LB390, § 29](#); [Laws 2012, LB995, § 17](#).

**§ 84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.**

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more

than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section [24-1204](#), by telephone conference, if:

- (a) Reasonable advance publicized notice is given;
- (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
- (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;
- (d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and
- (e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or
- (ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

- (a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that:

(i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and

(ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to

circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

**Source:** Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; [Laws 1999, LB 47, § 2](#); [Laws 1999, LB 87, § 100](#); [Laws 1999, LB 461, § 1](#); [Laws 2000, LB 968, § 85](#); [Laws 2004, LB 821, § 38](#); [Laws 2004, LB 1179, § 2](#); [Laws 2006, LB 898, § 2](#); [Laws 2007, LB199, § 9](#); [Laws 2009, LB361, § 2](#); [Laws 2012, LB735, § 1](#); [Laws 2013, LB510, § 1](#); [Laws 2017, LB318, § 1](#); [Laws 2019, LB212, § 5](#).

**Effective Date: September 1, 2019**

**§ 84-1412. Meetings of public body; rights of public; public body; powers and duties.**

(1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section [84-1410](#), may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice 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 right to attend, hear, and speak at the meeting, including making a telephone conference call available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent 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 in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other in-state locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. 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 the meeting, the public shall be informed about the location of the posted information.

**Source:** Laws 1975, LB 325, § 5; Laws 1983, LB 43, § 4; Laws 1985, LB 117, § 2; Laws 1987, LB 324, § 5; Laws 1996, LB 900, § 1073; [Laws 2001, LB 250, § 2](#); [Laws 2004, LB 821, § 39](#); [Laws 2006, LB 898, § 3](#); [Laws 2008, LB 962, § 1](#).

#### **§ 84-1413. Meetings; minutes; roll call vote; secret ballot; when.**

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved 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 requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten 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 ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

**Source:** Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; [Laws 2005, LB 501, § 1](#); [Laws 2009, LB 361, § 3](#); [Laws 2015, LB 365, § 2](#); [Laws 2016, LB 876, § 1](#).

#### **§ 84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.**

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after 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) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(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 Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

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

**Source:** Laws 1975, LB 325, § 9; Laws 1977, LB 39, § 318; Laws 1983, LB 43, § 5; Laws 1992, LB 1019, § 126; Laws 1994, LB 621, § 2; Laws 1996, LB 900, § 1074; [Laws 2004, LB 821, § 40](#); [Laws 2006, LB 898, § 4](#).

**ESU #1 Board Meeting  
Tuesday, August 11, 2020**

A meeting of the ESU #1 Board of Directors convened in open and public session on Tuesday, August 11, 2020, at ESU #1 in ESU #1 Conference Room, 211 Tenth Street, Wakefield, NE 68784-5014. Notice is further hereby given that, in accordance with the State Statute, members of the Board appeared by videoconference or telephonic means.

**Present:** Traci Haglund, Rhonda Heise, Tucker Hight, AJ Johnson, Shannon Johnson, Sally Reinert, Benjamin Schultz, Helen Sorensen, Grant Torpin, **Absent:** Lana Oswald, Robby Thompson. **Present:** Robby Thompson.

Notice of the meeting was given in advance by publication and/or posting in accordance with the Board approved method for giving notice of meetings. Notice of this meeting was given in advance to all members of the Board of Directors. The Recording Secretary maintains a list of news media requesting notification of meetings and advance notification to the listed media of the time and place of the meeting and the subjects to be discussed at this meeting was provided. Availability of the agenda was communicated in the publicized notice and current copy of the Agenda was maintained as stated in the publicized notice. All proceedings of the Board of Directors, except as may be hereinafter noted, were taken while the convened meeting was open to the attendance of the public.

A. Public Hearing: Student Fees Policy

Vice President AJ Johnson opened the Student Fee Policy Hearing at 5:25 p.m. Receiving no public comment related to the policy, the Hearing closed at 5:29 p.m.

B. Notification of Open Meetings Law

At the beginning of this meeting, Vice President AJ Johnson announced and informed the public that a current copy of the Open Meetings Act is available at the meeting site.

C. Roll Call\*

Board member Robby Thompson arrived at 5:35 p.m.

Motion by Sally Reinert, seconded by Rhonda Heise, to excuse the absence of members: Lana Oswald. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Robby Thompson: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Grant Torpin: For  
For: 9, Against: 0, Absent: 2

D. Approve Agenda\*

Motion by Sally Reinert, seconded by Rhonda Heise, to approve the August 11, agenda as presented. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Robby Thompson: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Grant Torpin: For

For: 9, Against: 0, Absent: 2

E. Consent Agenda\*

Motion by Sally Reinert, seconded by Traci Haglund, to approve all items on the consent agenda as provided. Items include: June 9, Minutes; June & July Financial Reports (Treasurer's Reports and Expense & Revenue Reports); June 30, bills of \$26,345.90; July 15 bills of \$920,365.62; August 15 bills of \$799,239.63; and the Administrator's Report. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

E.1. Previous Minutes (copy attached)

E.2. Financial Reports\*

E.2.a. Revenue Report/Treasurer's Report

E.2.b. Cash Summary/Expenditure Report

E.3. Bills for August

E.4. June Financial Reports, Additional June Expenditures, July Expenditures

E.5. Administrator's Monthly Report

E.5.a. All-Staff Day

E.5.b. Weekly Superintendent and Public Health Department Meetings

E.5.c. Hand Sanitizer and Masks

E.5.d. Legislative Update

F. Public Comment

None.

G. Additional August Expenditures\*

Motion by Rhonda Heise, seconded by Tucker Hight, to authorize payment of up to \$150,000 of General Fund expenditures and \$15,000 of Grant expenditures on August 31, 2020 to close out the 2019-20 fiscal year. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

H. Fill Vacant Board Officer Position\*

Motion by Sally Reinert, seconded by Tucker Hight, to name AJ Johnson as ESU #1 board president, to fill the vacancy of former member Dave Dowling. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

Motion by Rhonda Heise, seconded by AJ Johnson, to name Sally Reinert as Vice President. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

I. 2020 Board Meetings\*

Motion by Rhonda Heise, seconded by Helen Sorensen, to schedule the September board meeting and budget hearing on the third Tuesday of September (September 15). After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

Motion by Grant Torpin, seconded by Sally Reinert, to hold the remainder of the 2020 meetings virtually. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

J. Nebraska Department of Education Regional MTSS Facilitator Grant

K. Student Fee Policy\*

Motion by Helen Sorensen, seconded by Sally Reinert, to approve the student fee policy presented and with no modifications. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For

For: 10, Against: 0, Absent: 1

**L. Anti-Bullying Policy\***

Motion by Rhonda Heise, seconded by Traci Haglund, to approve the anti-bullying policy presented with no modifications. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For

For: 10, Against: 0, Absent: 1

**M. Hot Lunch Program Appointment\***

Motion by Sally Reinert, seconded by Grant Torpin, to appoint Stuart Clark as the hearing officer and Myrna Wacker Tuttle as the manager of the hot lunch program. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For

For: 10, Against: 0, Absent: 1

**N. ESU #1 COVID-19 Plan\***

The Board agreed that they were aware of the COVID-19 documents and that Administrator Heimann has been keeping them up to date on the plans to keep staff and students safe throughout the pandemic. It was noted that Administrator Heimann will continue to amend the documents as needed based on CDC guidelines. The Board is supportive of the Administration and its handling of the situation.

**O. Board Policy Changes\***

**P. Personnel\*** Consider, discuss, and take necessary action on employee contracts and personnel changes.

**P.1. Resignation(s)**

FYI Only: Tower Paraeducator Hannah Pritchett resigned effective August 3, 2020.

**P.2. New Hire(s)**

Motion by Rhonda Heise, seconded by Helen Sorensen, Motion to approve the following new hires: Licensed Mental Health Practitioner Alexandra Stieren (185 days) and Occupational Therapist Shana Cerny (maximum of 18 hours per week) for the 2020-2021 contract year. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For

For: 10, Against: 0, Absent: 1

P.3. Contract Change(s)

Motion by Sally Reinert, seconded by Traci Haglund, to approve the 2020-2021 contract changes for Speech Language Pathologist's Cathy Schroeder (140 to 158 days) and Wendy Sudbeck (168 to 185 days). After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Lana Oswald: Absent, Traci Haglund: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

P.4. Termination(s)

Q. Adjournment

As there were no additional agenda items, President AJ Johnson declared the meeting adjourned at 6:26 p.m.

Lisa Salmon, Recording Secretary

Helen Sorensen, Board Secretary

# Educational Service Unit One

## Check Report

Begin Date: 09/01/2020, End Date: 09/30/2020, Check Type: ACCOUNTS PAYABLE AND PAYROLL LIABILITY, Payee: [ALL], Bank: BANKFIRST, Accounting Cycle: FY20-21, Limit Results to This Cycle: Yes, Account Expression: [ALL], Show Detail by Voucher: Yes, Created On:

Payee	Check Date	Check Number	Description	Type	Amount
ABAGAIL ENGEL	09/15/2020		MILEAGE 09/20	Accounts Payable	\$296.13
ALECIA A HEIMES	09/15/2020		MILEAGE 09/20	Accounts Payable	\$14.95
ALEXANDRA STIEREN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$32.48
AMERICAN BROADBAND	09/15/2020	3290	TOWER INTERNET	Accounts Payable	\$121.00
AMGL	09/15/2020	3291	FLEX PLAN ADMIN	Accounts Payable	\$334.00
AMY MUNDIL	09/15/2020		MILEAGE 09/20	Accounts Payable	\$149.50
ANDREW CONTRERAS	09/15/2020		MILEAGE 09/20	Accounts Payable	\$26.45
ANGELA MARIE HANSEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$65.55
ANGIE GUENTHER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$72.45
APPLE COMPUTER INC	09/15/2020	3292	COMPUTER REPAIR	Accounts Payable	\$131.15
APPLE COMPUTER INC	09/15/2020	3292	LABOR CREDIT	Accounts Payable	(\$34.00)
BECKY RIEKEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$43.70
BEVERLIN SAHAGUN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$74.75
BILL R. HEIMANN	09/15/2020		CELL PHONE REIMB.	Accounts Payable	\$75.00
BILLIE JO SITZMANN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$22.43
BLUE CROSS/BLUE SHIELD OF NEBRASKA	09/15/2020	3279	Health-125	Payroll Liability	\$23,157.90
BLUE CROSS/BLUE SHIELD OF NEBRASKA	09/15/2020	3279	Health-board	Payroll Liability	\$84,950.61
BLUE CROSS/BLUE SHIELD OF NEBRASKA	09/15/2020	3279	Health-ded	Payroll Liability	\$1,130.11
BLYTHE ZIMMERMAN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$107.53
BOBBI J HIGHTREE-COMSTOCK	09/15/2020		MILEAGE 09/20	Accounts Payable	\$33.35
BRIAN L. MILLER	09/15/2020	3293	COVID BARRIERS	Accounts Payable	\$927.02
CANON FINANCIAL SERVICES INC	09/15/2020	3294	COPIER LEASE	Accounts Payable	\$248.52
CAROL JESSICA MCGUIRE	09/15/2020		MILEAGE 09/20	Accounts Payable	\$83.38
CATHERINE ANNE SCHROEDER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$22.43
CENTURY LINK	09/15/2020	3295	TELECOMMUNICATIONS	Accounts Payable	\$634.44
CHANTELLE R NELSEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$225.75
CHELSEA UMSCHIED	09/15/2020		MILEAGE 09/20	Accounts Payable	\$18.17
CHERI LYNN MATTHEWS	09/15/2020		MILEAGE 09/20	Accounts Payable	\$18.40
CHRISTINE ANNE HANSON-HARDER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$30.48
CHRISTINE L. GOOD	09/15/2020		CATLIN TUCKER ONLINE COURSE	Accounts Payable	\$75.00
CITY OF WAKEFIELD	09/15/2020	3296	UTILITIES	Accounts Payable	\$865.98
CITY OF WAYNE	09/15/2020	3297	UTILITIES	Accounts Payable	\$453.02
CITY OF WAYNE_2	09/15/2020	3298	TOWER TRANSPORTATION	Accounts Payable	\$12.00
CORNERSTONE LLC	09/15/2020	3299	TOWER STORAGE	Accounts Payable	\$55.00
CRISIS PREVENTION INSTITUTE	09/15/2020	3300	ANNUAL MEMBERSHIP FEE	Accounts Payable	\$150.00
CRYSTAL BRUMMELS	09/15/2020		MILEAGE 09/20	Accounts Payable	\$301.88
DAS STATE ACCOUNTING	09/15/2020	3301	TELECOMMUNICATIONS	Accounts Payable	\$5,347.27
DEANA LEONARD	09/15/2020		MILEAGE 09/20	Accounts Payable	\$31.05
DOLGENCORP, LLC	09/15/2020	3302	MEP SUPPLIES	Accounts Payable	\$7.50
DOLGENCORP, LLC	09/15/2020	3302	TOWER SUPPLIES	Accounts Payable	\$295.84
DONNA KRAFT	09/15/2020	3303	MTP MOD 7 CATERING	Accounts Payable	\$62.00
DONNA KRAFT	09/15/2020	3303	MTP MOD 8 CATERING	Accounts Payable	\$62.00
DONNA KRAFT	09/15/2020	3303	MTSS- REWARDS TRAINING	Accounts Payable	\$85.25
DONNA KRAFT	09/15/2020	3303	NEW STAFF DAY CATERING	Accounts Payable	\$75.00
DONNA KRAFT	09/15/2020	3303	NEW STAFF DAY CATERING (LUNCH)	Accounts Payable	\$253.75
DONNA KRAFT	09/15/2020	3303	PEAK CATERING	Accounts Payable	\$251.25

EAKES OFFICE SOLUTIONS	09/15/2020	3304	LANYARDS	Accounts Payable	\$37.98
EAKES OFFICE SOLUTIONS	09/15/2020	3304	MONTHLY BOOKS	Accounts Payable	\$17.39
EASY TIME CLOCK, LLC	09/15/2020	3305	TIME CLOCK	Accounts Payable	\$28.00
ERIKA FINK	09/15/2020		CARRY BAGS FOR TEACHERS REIMB.	Accounts Payable	\$93.84
ESU #1 CAFETERIA PLAN ACCOUNT	09/15/2020	3280	Flex Bene-childcare	Payroll Liability	\$4,391.61
ESU #1 CAFETERIA PLAN ACCOUNT	09/15/2020	3280	Flex Benefit-medl	Payroll Liability	\$4,316.18
ESU #1 GENERAL FUND	09/15/2020	3306	COMPUTER REPAIR KANALY	Accounts Payable	\$30.00
ESU #1 GENERAL FUND	09/15/2020	3306	GBC LAMINATOR	Accounts Payable	\$263.30
ESU #1 GENERAL FUND	09/15/2020	3306	LAMINATING	Accounts Payable	\$10.94
ESU #1 GENERAL FUND	09/15/2020	3306	PEAK COPIES	Accounts Payable	\$38.75
ESU #2	09/15/2020	3307	CANVAS SUBSCRIPTION	Accounts Payable	\$10,581.00
ESU #8	09/15/2020	3308	APEX SEATS 2020-21	Accounts Payable	\$620.00
FAITH REGIONAL PHYSICIANS SERVICES	09/15/2020	3309	EDILIA PU-LUX PHYSICAL	Accounts Payable	\$75.00
FAITH REGIONAL PHYSICIANS SERVICES	09/15/2020	3309	PEDRO PEDRO, RAYMUNDO	Accounts Payable	\$75.00
Federal Reserve KC	09/15/2020	EFT	Direct Deposit	Payroll Liability	\$371,039.27
GEORGE R HEFNER	09/15/2020	3310	LABOR CREDIT	Accounts Payable	\$34.00
GILL HAULING INC	09/15/2020	3311	TRASH REMOVAL	Accounts Payable	\$110.00
HALEY JO SCHMIDT	09/15/2020		MILEAGE 09/20	Accounts Payable	\$5.75
HALEY SCHNOOR	09/15/2020		ED ASSIST PRGM SEPT 2020 REIMB	Accounts Payable	\$5,250.00
HALEY SCHNOOR	09/15/2020		MILEAGE 09/20	Accounts Payable	\$12.65
HANNAH DAVIS	09/15/2020		MILEAGE 09/20	Accounts Payable	\$68.08
HANNAH L. FUCHS	09/15/2020		MILEAGE 09/20	Accounts Payable	\$37.38
HANNAH PANKO	09/15/2020		MILEAGE 09/20	Accounts Payable	\$11.50
HANNAH PRITCHETT	09/15/2020		HOT LUNCH REFUND	Accounts Payable	\$11.25
HARRIS PRINT SOLUTIONS	09/15/2020	3312	LASER CHECKS	Accounts Payable	\$309.50
HARRIS SCHOOL SOLUTIONS	09/15/2020	3313	ANNUAL FEE	Accounts Payable	\$5,512.50
HEATHER BARRON-GALVAN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$8.05
HEATHER HACKETT	09/15/2020		MEP REIMB.	Accounts Payable	\$19.36
HEATHER HACKETT	09/15/2020		MILEAGE 09/20	Accounts Payable	\$231.73
HOME DEPOT U.S.A., INC	09/15/2020	3314	JANITORIAL SUPPLIES	Accounts Payable	\$83.98
HOME DEPOT U.S.A., INC	09/15/2020	3314	SUPPLIES	Accounts Payable	\$39.84
HOME DEPOT U.S.A., INC	09/15/2020	3314	TOWER LUNCH TRAYS	Accounts Payable	\$190.20
HUSE PUBLISHING COMPANY	09/15/2020	3315	MEP SERVICE PROVIDER AD	Accounts Payable	\$122.14
INNOVATIVE OFFICE SOLUTIONS	09/15/2020	3316	CO OP SUPPLIES	Accounts Payable	\$265.32
IOWA NEBRASKA STATE BANK-PY	09/15/2020	3281	Federal Withholding	Payroll Liability	\$48,494.29
IOWA NEBRASKA STATE BANK-PY	09/15/2020	3281	FICA	Payroll Liability	\$68,633.16
IOWA NEBRASKA STATE BANK-PY	09/15/2020	3281	Medicare	Payroll Liability	\$16,051.26
JANSSEN NIELSEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$12.65
JEANNE M HILL	09/15/2020		MILEAGE 09/20	Accounts Payable	\$10.87
JENNIFER BENSEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$18.92
JESSICA K FISCHER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$48.88
JIM MILLIKEN	09/15/2020	3317	AUGUST TOWER MOWING	Accounts Payable	\$625.00
JIMS TREE SERVICE LLC	09/15/2020	3318	TREE REMOVAL AT TOWER	Accounts Payable	\$350.00
JOLEEN A GUSTAFSON	09/15/2020		MILEAGE 09/20	Accounts Payable	\$72.45
JULIANA M PAQUETTE	09/15/2020		MILEAGE 09/20	Accounts Payable	\$18.17
KARLA ANNE DROTZMANN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$12.08
KELSEY LUNNEBORG	09/15/2020		MILEAGE 09/20	Accounts Payable	\$12.08
KLINT G CONROY	09/15/2020		MILEAGE 09/20	Accounts Payable	\$0.46
KRISTINE MARIE KLEVE	09/15/2020		MILEAGE 09/20	Accounts Payable	\$53.88
LAZY ACRES DECOR	09/15/2020	3319	PLANT FOR CONSOLI	Accounts Payable	\$47.60
LEARNING FORWARD NEBRASKA	09/15/2020	3320	RHONDA JINDRA MEMBERSHIP FEE	Accounts Payable	\$25.00
LINPEPCO - SIOUXLAND	09/15/2020	3321	POP MACHINE	Accounts Payable	\$33.84
LISA A. SALMON	09/15/2020	3322	THUNDERBOLT CABLE REIMBURSEMENT	Accounts Payable	\$83.08
LOFFLER COMPANIES	09/15/2020	3323	COPIER COPIES	Accounts Payable	\$309.52

MADISON NATIONAL DISABILITY	09/15/2020	3283	Disability	Payroll Liability	\$2,745.96
MADISON NATIONAL DISABILITY	09/15/2020	3283	Disability Hourly	Payroll Liability	\$361.28
MADISON NATIONAL LIFE	09/15/2020	3282	Life-125	Payroll Liability	\$143.50
MADISON NATIONAL LIFE	09/15/2020	3282	Life-ded	Payroll Liability	\$117.00
MADISON NATIONAL LIFE	09/15/2020	3282	Madison Life-board	Payroll Liability	\$1,470.50
MANHATTANLIFE ASSURANCE COMPANY OF AMERICA	09/15/2020	3284	ManhattanLife Assurance Co	Payroll Liability	\$188.30
MG TRUST CO LLC	09/15/2020	3285	403(b) Pretax	Payroll Liability	\$1,800.00
MG TRUST CO LLC	09/15/2020	3285	403(b) Pretax Percentage	Payroll Liability	\$1,618.50
MG TRUST CO LLC	09/15/2020	3285	403(B) ROTH	Payroll Liability	\$5,814.17
MG TRUST CO LLC	09/15/2020	3285	403(B) ROTH Percentage	Payroll Liability	\$548.14
NCS PEARSON INC	09/15/2020	3324	AIMSWEB	Accounts Payable	\$23,933.00
NCS PEARSON INC	09/15/2020	3324	LEFT OVER CREDIT FROM JULY INV #9764003	Accounts Payable	(\$34.00)
NCS PEARSON INC	09/15/2020	3324	SEPTEMBER 2019 OVER PAYMENT	Accounts Payable	(\$261.80)
NCS PEARSON INC	09/15/2020	3324	SPED SUBSCRIPTION RENEWAL	Accounts Payable	\$1,500.00
NCS PEARSON INC	09/15/2020	3324	WAIT RESPONSE BOOKLETS	Accounts Payable	\$661.50
NEBRASKA ASSOCIATION OF SCHOOL BOARDS	09/15/2020	3325	STARZL NAEP MEMBERSHIP DUES	Accounts Payable	\$30.00
NEBRASKA CHILD SUPPORT PAYMENT CENTER	09/15/2020	3286	Nebraska Child Support Payment Center	Payroll Liability	\$899.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	ANGIE CORDERMAN MEMBERSHIP	Accounts Payable	\$510.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	BILL HEIMANN MEMBERSHIP	Accounts Payable	\$485.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	CASEY HURNER MEMBERSHIP	Accounts Payable	\$335.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	CASEY HURNER REGISTRATION	Accounts Payable	\$125.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	CLARK AND CORDERMAN MEMBERSHIP	Accounts Payable	\$300.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	HEIMANN NCSA MEMBER REG.	Accounts Payable	\$150.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	LISA SALMON MEMBERSHIP	Accounts Payable	\$335.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	RHONDA JINDRA MEMBERSHIP	Accounts Payable	\$335.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	SALMON NASBO WEBED REG.	Accounts Payable	\$150.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	SARAH HANSEN MEMBERSHIP	Accounts Payable	\$660.00
NEBRASKA COUNCIL OF SCHOOL ADMINISTRATORS	09/15/2020	3326	STUART CLARK MEMBERSHIP	Accounts Payable	\$510.00
NEBRASKA DEPT OF REVENUE	09/15/2020	3287	State Withholding - NE	Payroll Liability	\$21,131.15
NEBRASKA EXTENSION HOLT CO.	09/15/2020	3327	FIT & HEALTHY SERIES	Accounts Payable	\$200.00
NEBRASKA RETIREMENT SYSTEM	09/15/2020	3288	Retirement	Payroll Liability	\$111,247.18
ONE SOURCE, THE BACKGROUND CHECK CO INC	09/15/2020	3328	BACKGROUND CHECK	Accounts Payable	\$30.00
ORKIN EXTERMINATING INC	09/15/2020	3329	CENTRAL ANNUAL PAYMENT	Accounts Payable	\$1,112.60
ORKIN EXTERMINATING INC	09/15/2020	3329	CENTRAL OFFICE	Accounts Payable	\$11.04
ORKIN EXTERMINATING INC	09/15/2020	3329	TERMITE PROTECTION	Accounts Payable	\$677.00
ORKIN EXTERMINATING INC	09/15/2020	3329	TOWER & CENTRAL PAYMENT	Accounts Payable	\$47.18
ORKIN EXTERMINATING INC	09/15/2020	3329	TOWER ANNUAL PAYMENT	Accounts Payable	\$1,032.65
PAC N SAVE INC	09/15/2020	3330	TOWER SUPPLIES	Accounts Payable	\$23.49
PERRY GUTHERY HAASE & GESSFORD PC, LLC	09/15/2020	3331	LEGAL SERVICES	Accounts Payable	\$630.00
QHA CLEANING, LLC	09/15/2020	3332	CENTRAL OFFICE CLEANING	Accounts Payable	\$2,250.00
QHA CLEANING, LLC	09/15/2020	3332	TOWER CLEANING	Accounts Payable	\$1,400.00
QUADIENT LEASING USA, INC	09/15/2020	3333	POST MACHINE LEASE	Accounts Payable	\$533.13

RACHEL KERBY	09/15/2020		MILEAGE 09/20	Accounts Payable	\$1.44
REALITYWORKS, INC.	09/15/2020	3334	REALCARE BABY SUPPLIES	Accounts Payable	\$152.00
REBECCA A RIDGWAY	09/15/2020		MILEAGE 09/20	Accounts Payable	\$5.18
REBECCA DIANNE JEPSEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$46.98
REGINA R DUTCHER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$16.10
RHONDA LEE JINDRA	09/15/2020		CATLIN TUCKER ONLINE COURSE	Accounts Payable	\$75.00
RILEIGH M BURKE	09/15/2020		MILEAGE 09/20	Accounts Payable	\$11.50
SARA LYNNE JAIXEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$196.08
SARA M LEMMER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$5.18
SARAH ELIZABETH HANSEN	09/15/2020		CELL PHONE REIMB.	Accounts Payable	\$75.00
SARAH ELIZABETH HANSEN	09/15/2020		MILEAGE 09/20	Accounts Payable	\$139.15
SCHOOL HEALTH	09/15/2020	3335	CO OP SUPPLIES	Accounts Payable	\$140.16
SCHOOL SPECIALTY	09/15/2020	3336	LEGAL PADS	Accounts Payable	\$11.75
SHEILA MARIE BECKER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$54.05
SSC SCHOOL CO-OP FUND	09/15/2020	3337	DEPOSIT FOR 2020-21 MARZANO	Accounts Payable	\$9,600.00
SSC SCHOOL CO-OP FUND	09/15/2020	3337	JAN HOEGH JUNE 15,2020	Accounts Payable	\$6,400.00
SSC SCHOOL CO-OP FUND	09/15/2020	3337	JAN HOEGH MAY 26-27	Accounts Payable	\$12,800.00
STACEY A RICHART	09/15/2020		MILEAGE 09/20	Accounts Payable	\$126.27
STACI LEANN FETHKENHER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$33.93
STAPLES BUSINESS ADVANTAGE	09/15/2020	3338	3 PLY CLOTH MASKS W/CLEAR WINDOW	Accounts Payable	\$179.34
STEPHANIE MCDONALD	09/15/2020	3339	MTP 8/13/20 & 8/27/20	Accounts Payable	\$934.56
STEVEN LEE TAYLOR	09/15/2020	3340	AUGUST SERVICES	Accounts Payable	\$450.00
STUART JAMES CLARK	09/15/2020		CELL PHONE REIMB.	Accounts Payable	\$75.00
STUART JAMES CLARK	09/15/2020		MILEAGE 09/20	Accounts Payable	\$70.15
SUSANA VALLADARES	09/15/2020		MILEAGE 09/20	Accounts Payable	\$481.85
TAMMY DEE CLODFELTER	09/15/2020		MILEAGE 09/20	Accounts Payable	\$7.19
THE WAKEFIELD REPUBLICAN	09/15/2020	3341	PUBLISHING FOR STDNT FEE POLICY	Accounts Payable	\$9.33
THE WAKEFIELD REPUBLICAN	09/15/2020	3341	WAKEFIELD REBUBLICAN SUBSCRIPTION	Accounts Payable	\$36.00
VERIZON WIRELESS SERVICES LLC	09/15/2020	3342	MEP CELL PHONES	Accounts Payable	\$289.00
VERNAE I LUHR	09/15/2020		MILEAGE 09/20	Accounts Payable	\$178.25
VISA ADMIN	09/15/2020	3343	AMAZON PRIME MEMBERSHIP FEE	Accounts Payable	\$12.99
VISA ADMIN	09/15/2020	3343	AVERY REFUND CREDIT	Accounts Payable	(\$2.43)
VISA ADMIN	09/15/2020	3343	CAMTASIA LICENSE FOR JINDRA, GOOD, MUNDIL, AND CONROY	Accounts Payable	\$338.00
VISA ADMIN	09/15/2020	3343	CLEAR FACE SHIELD	Accounts Payable	\$131.88
VISA ADMIN	09/15/2020	3343	JAIMI NICHOLSON STANDING DESK	Accounts Payable	\$99.99
VISA ADMIN	09/15/2020	3343	KELLEN CONROY TEACHERS FIELD GUIDE	Accounts Payable	\$431.20
VISA ADMIN	09/15/2020	3343	KIDS MASKS	Accounts Payable	\$34.98
VISA ADMIN	09/15/2020	3343	METER TAPES	Accounts Payable	\$56.96
VISA ADMIN	09/15/2020	3343	REIKEN FLOWERS	Accounts Payable	\$49.21
VISA ADMIN	09/15/2020	3343	SOICAL EMOTIONAL LEARNING	Accounts Payable	\$38.02
VISA ADMIN	09/15/2020	3343	STARZL/GUSTAFSON MONTHLY PLANNER	Accounts Payable	\$15.98
VISA ADMIN	09/15/2020	3343	USB TYPE C ADAPTER CABLES	Accounts Payable	\$98.59
VISA GRANT	09/15/2020	3344	BIG QUESTIONS FOR YOUNG MIND	Accounts Payable	\$724.75
VISA GRANT	09/15/2020	3344	CANVA FLYERS	Accounts Payable	\$52.00
VISA GRANT	09/15/2020	3344	CHERI MATTHEWS INK	Accounts Payable	\$1,498.84
VISA GRANT	09/15/2020	3344	CRYSTAL BRUMMELS INK AND PRINTER	Accounts Payable	\$765.56
VISA GRANT	09/15/2020	3344	ERIKA FINK: OH BOY! STRATEGIES FOR TEACHING BOYS	Accounts Payable	\$35.95
VISA GRANT	09/15/2020	3344	MEP AND CENTRAL SUPPLIES	Accounts Payable	\$266.68
VISION SERVICE PLAN	09/15/2020	3289	Vision Insurance - 125	Payroll Liability	\$1,004.19
VISION SERVICE PLAN	09/15/2020	3289	Vision Insurance-Deduction	Payroll Liability	\$105.19

VOLKMAN PLUMBING AND HEATING	09/15/2020	3345	CENTRAL LABOR	Accounts Payable	\$216.00
VOYAGER SOPRIS LEARNING	09/15/2020	3346	LETRS ONLINE RENEWAL	Accounts Payable	\$59.00
WASTE CONNECTIONS OF NE	09/15/2020	3347	TRASH REMOVAL	Accounts Payable	\$65.58
WAYNE PUBLIC SCHOOLS	09/15/2020	3348	AUGUST TOWER LUNCHES	Accounts Payable	\$518.10
WENDY ELLEN SUDBECK	09/15/2020		MILEAGE 09/20	Accounts Payable	\$17.25
WENDY KRIE	09/15/2020	3349	HOT LUNCH REFUND	Accounts Payable	\$30.00
WENDY S CONSOLI	09/15/2020		MILEAGE 09/20	Accounts Payable	\$132.83
<b>Sub Total</b>					<b>\$885,405.30</b>





## 106th Legislature, 2nd Session

### YOUR 2020 EDUCATION COMMITTEE

SEN. MIKE GROENE, CHAIR  
SEN. TOM BREWER  
SEN. RICK KOLOWSKI  
SEN. LOU ANN LINEHAN  
SEN. ADAM MORFELD  
SEN. DAVE MURMAN  
SEN. PATTY PANSING BROOKS  
SEN. LYNNE WALZ

DURING SESSION, THE EDUCATION COMMITTEE MEETS ON MONDAYS AND TUESDAYS IN ROOM 1525 ON THE 1ST FLOOR OF THE CAPITOL

#### AREA MEMBERSHIP MEETINGS

GET THE LATEST LEGISLATIVE UPDATE, AS WELL AS INFORMATION ON ALICAP, POLICY, BOARD LEADERSHIP, AND MORE ... THIS YEAR, FROM THE COMFORTS OF YOUR HOME OR BOARD ROOM!

TRAINING | RECOGNITION | NETWORKING | VISION

PREMIERING SEPTEMBER 30

LOOK FOR REGISTRATION INFORMATION SOON!

STAY UP TO DATE WITH THE LATEST ON ALL BILLS NASB HAS FOLLOWED & DOWNLOAD YOUR COPY OF THE 'ADVOCACY HANDBOOK' UNDER THE GOVERNMENT RELATIONS TAB OF [WWW.NASBONLINE.ORG](http://WWW.NASBONLINE.ORG)

SHARE YOUR STORY

KNOW YOUR DISTRICT'S DATA

UNDERSTAND THE DATA THAT WILL MAKE A DIFFERENCE

#### NASB LEGISLATIVE TEAM

COLBY COASH, JOHN SPATZ,  
MATT BELKA & VICKI WALTER-WINTERS

### SINE DIE - A TALE OF TWO SESSIONS, 217 DAYS IN THE MAKING ...

It took 217 days start to finish for this year's 60-Day Session. What started on January 8th, and had a 117 day break due to Covid, finally wrapped up on August 13. In the end, 285 total bills were passed during the 106th Legislature (2019-2020). Here are the key bills that passed that you as SBMs and school leaders should be aware of.



#### LB 289-974-1106-1107 ...

An 11th hour compromise package, negotiated by a select group of Senators is slated to provide up to \$375 million in new property tax relief, as well as business tax incentives, and an investment in a proposed UNMC project. LB 1107 was the only proposal of the numbers listed above that did not directly tie property tax relief to schools. Here is a quick breakdown:


#### Existing Property Tax Credit Fund – Tier 1 Property Tax Relief

- Provisions of LB 930 are incorporated
- Sets a minimum requirement of \$275 million per year in the fund
- If gambling petition on the ballot in November passes, any additional funds generated will go into the Property Tax Credit Fund over and above the \$275 million floor

#### New Property Tax Refundable Income Tax Credit

- Refundable income tax credit based on amount of school district property taxes paid during the prior year
- Claimed on individual or corporate return
- \$125 million beginning in FY 20-21
- If net receipts exceed forecast by 3.5% AND Cash Reserve is below \$500 million, then 50% of excess over 3.5% is certified to be added to original \$125 million to increase amount of refund
- If net receipts exceed forecast by 3.5% AND Cash Reserve is at or above \$500 million, then 100% of excess over 3.5% is certified to be added to original \$125 million to increase amount of refund
- These provisions notwithstanding, by the 5th year, the amount available for the credit must be \$375 million
- Once amount reaches \$375 million, it increases annually by the amount of overall statewide increase in valuations
- Will be available to resident and non-resident property taxpayers
- Repeals Personal Property Tax Exclusion (Approximately \$14.8 million)

### BILLS TO PROTECT OUR STUDENTS ...

 LB 881 - Require a report on untested sexual assault evidence collection kits, and change provisions relating to evidence, bail, grand jury transcripts, competency, alternate jurors, pretrial detention, collection of fines and costs, and setting aside of convictions. *A portion of this bill creates the new criminal offense of sexual abuse by a school employee. This new offense criminalizes sexual contact and grooming behavior with the intention of engaging in sexual contact. State statute already criminalizes sexual conduct between adults and students under the age of sixteen. This bill closes the gap when the student is under nineteen but sixteen years of age or older.*

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## 106th Legislature, 2nd Session


CONTINUED FROM PAGE 1

 LB 1080 - Require school policies that prohibit sexual conduct with students and former students. *Lisa Albers (Grand Island BOE) testified in support of this bill on Feb 11. Below is an interview with Lisa and her daughter Annie on the importance of both LB 881 and LB 1080.*

<https://www.ketv.com/article/governor-ricketts-signs-bills-into-law-protecting-students-from-abuse/33551337>

LB 1064 - Change provisions relating to the sale and use of tobacco products. *Raises age for purchase of tobacco/vape products to age 21.*


### WHAT ELSE PASSED ...


 LB 148 - Change requirements for public hearings on proposed budget statements and notices of meetings of public bodies. *NASB was on record in opposition via testimony from the League of Nebraska Municipalities. In the past, school boards could post notice of meetings locally and had the option of also publishing them in a newspaper. LB148 requires meetings to be published in a newspaper of record AND on that newspaper's website if it has one. They may still be posted locally at the board's option. Meeting minutes must record where and when the notice was published. It also makes changes to your annual budget hearing which cannot be held as part of a regular meeting and must not be limited by time. Everyone who wishes to speak at the hearing must be allowed to. (May require a policy change)*


LB 751 - Provide for a mental health exception to compulsory education requirements. *(May require a policy change)*

LB 965 - Establish a language assessment program for children who are deaf or hard of hearing. *Recognizes American Sign Language as distinct and separate language. Provides for the teaching of ASL in schools and that it can count as a foreign language credit for post secondary requirements.*

LB 1055 - Change provisions for voting by mail in certain counties. *No special bond elections can be held in September of an election year. Current law prohibits special elections during April, May, June, October, November, and December of even-numbered years.*

 LB 1160 - Adopt the Nebraska Workforce and Education Reporting System Act. *LB 1160 will allow the state to target resources and focus data analysis on assessing workforce development and employment success in order to enable the training of tomorrow's workforce. This is important to NASB's strategic plan.*

 LB 1166 - Change school district membership requirements as prescribed. *This bill helps Class 3 schools maintain class status by reducing the student population requirements to remain a Class 3 school.*

 LB 1186 - Require salary to be paid to injured school employees as prescribed. *Requires paid injury leave in the first 7 days of injury, work comp will be used after. Megan Boldt, NASB's Director of ALICAP, testified in opposition of this bill on February 3. NASB requested clarifying amendment which were adopted. (May require policy change)*

 LR 306 - Urge Congress and the President of the United States to enact H. R. 1878 to fully fund the Individuals with Disabilities Education Act.

VIEW THE CURRENT INTERIM STUDY LISTINGS FOR THIS FALL AT:  
[HTTPS://NEBRASKALEGISLATURE.GOV/SESSION/INTERIM.PHP](https://nebraskalegislature.gov/session/interim.php)






CONTINUED ON PAGE 3




## 106th Legislature, 2nd Session

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### BILLS THAT DID NOT PASS ...

-  LB 147 - Change the Student Discipline Act to provide for use by a teacher or administrator of necessary physical contact or physical intervention and provide procedures and grounds for removal from a class in response to student behavior. *Required training for educators in the use of behavioral intervention. NASB worked with Sen. Groene on an acceptable amendment that was not adopted. It would have removed our opposition.*
-  LB 759 - Requires consultation of school districts with regard to placement of children.
-  LB 920 - Change provisions for the distribution of lottery funds used for education, to transfer powers and duties, and to create new funds. *Includes training for educators related to LB 147.*
-  LB 974 - Change taxation and school funding provisions; LB 1106 - Eliminate obsolete sales tax provisions. *The initial vehicles to change school finance provisions, add spending caps and eroded local control of public education for the purpose of property tax relief. None of the education groups supported either of these bills.*
- LB 1131 - Change provisions relating to education. *The NDE clean-up bill, includes Holocaust and other genocides in multicultural education (LB 640), and requires a suicide prevention phone number on school ID cards (LB 1001).*
-  LB 1202 - Adopt the Opportunity Scholarships Act and provide for tax credits. *Provides for tax credits for donations to scholarship granting organizations.*

### PASSED BY THE LEGISLATURE, VETOED BY THE GOVERNOR ...

- LB 515 - Change provisions relating to the Student Discipline Act. *Would have required that suspended students be given an opportunity to complete their homework, in addition to classwork. The bill changed certain processes under the Student Discipline Act, such as placing certain deadlines on when procedures must be completed. For example, a written statement explaining a short-term suspension must be sent no later than seventy-two (72) hours after the suspension or a student or parent must receive documents related to a disciplinary hearing sooner than forty-eight (48) hours prior to the hearing. LB 515 also changed the procedure for appointment of a hearing examiner for student discipline actions. Current law provides that the superintendent selects the hearing examiner, but the bill would have provided a method for student and their parent or legal guardian to decide.*
-  LB 1089 - Require students to complete the FAFSA prior to graduation from high school. *Would have added completion of the FAFSA as a graduation requirement. Waiver to requirement could have been granted if student is 19, parent/guardian refuse or by school for good cause as determined by the principal. NDE will create the opt-form. (Would have required a policy change)*

### THINGS TO WATCH FOR NEXT YEAR ...

- CONTINUED ATTACKS ON LOCAL CONTROL EXPECTED FOR NEXT YEAR
- CONTINUED DISCUSSIONS ON SCHOOL SPENDING AND EFFORTS TO RESTRAIN SPENDING
- BONDING RESTRICTIONS
- TAX CREDITS FOR SCHOLARSHIP-GRANTING ENTITIES TO BENEFIT NON-PUBLIC EDUCATION
- CONTINUED DISCUSSIONS ON STUDENT DISCIPLINE

CONTINUED ON PAGE 4



## 106th Legislature, 2nd Session

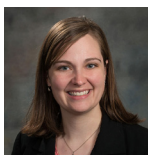
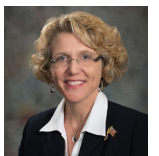
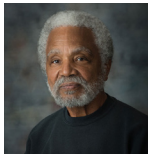


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### TERM LIMITS & UPCOMING ELECTIONS ...

Thank you to the six Senators who will be departing due to term limits. Speaker Jim Scheer, Sens Kate Bolz, Ernie Chambers, Sue Crawford, Sara Howard and Rick Kolowski. We will miss working with you! Vying for those six seats will be:

- District 9 - John Cavanaugh & Marque Snow
- District 11 - Fred Conley & Terrell McKinney
- District 19 - Mike Flood
- District 29 - Eliot Bostar & Jacob Campbell
- District 31 - Rich Pahls & Tim Royers
- District 45 - Susan Hester & Rita Sanders



In addition to the six who will not be returning due to term limits, the following Senators will be up for re-election in November, and are in contested races.

- District 1 - Sen. Julie Slama - District 1 (Janet Palmtag)
- District 3 - Sen. Carol Blood - District 3 (Rick Holdcroft)
- District 5 - Sen. Mike McDonnell - District 5 (Gilbert Ayala)
- District 7 - Sen. Tony Vargas - District 7 (Jorge Sotolongo)
- District 15 - Sen. Lynne Walz - District 15 (David Rogers)
- District 17 - Sen. Joni Albrecht - District 17 (Sheryl Lindau)
- District 21 - Sen. Mike Hilgers - District 21 (Brodey Weber)
- District 23 - Sen. Bruce Bostelman - District 23 (Helen Raikes)
- District 25 - Sen. Suzanne Geist - District 25 (Stephany Pleasant)
- District 27 - Sen. Anna Wishart - District 27 (Brenda Bickford)
- District 35 - Sen. Dan Quick - District 35 (Raymond M. Aguilar)
- District 37 - Sen. John Lowe - District 37 (Mercadies Damratowski)
- District 39 - Sen. Lou Ann Linehan - District 39 (Allison Heimes)
- District 43 - Sen. Tom Brewer - District 43 (Tanya Storer)
- District 49 - Sen. Andrew LaGrone - District 49 (Jen Day)

*As seen in the photos below, prior to everything coming to a halt in March, the engagement and participation in the Legislative Session from you, our members was top notch! We look forward to the day when we can get back to sharing our stories, and advocating for our students and our schools in person, just outside of the Floor.*



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**RESOLUTION**

**WHEREAS**, the Board of Education of Educational Service Unit #1 a/k/a ESU #1 is obligated to pay ongoing expenses and increasing expenditures to operate the agency; and

**WHEREAS**, the Board has determined that it needs to collect more property taxes than it collected in the prior year; and

**WHEREAS**, on September 10, the Board published notice in a newspaper of general circulation; and

**WHEREAS**, said notice was published at least five days prior to the Board's special meeting; and

**WHEREAS**, said notice included the required items as specific in Neb. Rev. Stat. § 77-1601.02;

**NOW, THEREOFRE, BE IT RESOLVED** by the Board of Educational Service Unit #1 a/k/a ESU #1 that the Board has considered and approved the property tax request for the following year, as follows:

1. The amount of the property tax request is \$1,649,384.54.
2. The total assessed value of property differs from last year's total assessed value by .288 percent;
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.014957 per \$100 of assessed value;
4. Educational Service Unit #1 proposes to adopt a property tax request that will cause its tax rate to be \$.015 per \$100 of assessed value;
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of (name of political subdivision) will exceed last year's by 1 percent.

The foregoing Resolution having been read in its entirety, Member \_\_\_\_\_ moved for its passage and adoption. Member \_\_\_\_\_ seconded same. After discussion and on roll call vote the following members voted in favor of passage and adoption of the above Resolution: \_\_\_\_\_.

The following members voted against the same: None.

The following members were absent or not voting: None.

The above Resolution having been consented to and approved by the Board of Educational Service Unit #1, was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska open meetings law.

**DATED** this 15th day of September, 2020.

**EDUCATIONAL SERVICE UNIT #1 A/K/A  
ESU #1**

**BY:**

\_\_\_\_\_   
President or Other Board Member

**ATTEST:**

\_\_\_\_\_   
Secretary or Other Board Member

## RESOLUTION

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1. The amount of the property tax request is \$1,649,384.54.
2. The total assessed value of property differs from last year's total assessed value by .288 percent;
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.014957 per \$100 of assessed value;
4. Educational Service Unit #1 proposes to adopt a property tax request that will cause its tax rate to be \$.015 per \$100 of assessed value;
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of (name of political subdivision) will exceed last year's by 1 percent.

The foregoing Resolution having been read in its entirety, Member Grant Torpin moved for its passage and adoption. Member Tucker Hight seconded same. After discussion and on roll call vote the following members voted in favor of passage and adoption of the above Resolution: Lana Oswald, Adrian (AJ) Johnson, Sally Reinert, Helen Sorensen, Grant Torpin, Shannon Johnson, Robby Thompson, Tucker Hight, Rhonda Heise and Ben Schultz.

The following members voted against the same: None.

The following members were absent or not voting: Traci Haglund.

The above Resolution having been consented to and approved by the Board of Educational Service Unit #1, was declared as passed and adopted by the President at a duly held and lawfully convened meeting in full compliance with the Nebraska open meetings law.

DATED this 15th day of September, 2020.

EDUCATIONAL SERVICE UNIT #1 A/K/A  
ESU #1

BY:

  
\_\_\_\_\_  
President or Other Board Member

ATTEST:

  
\_\_\_\_\_  
Secretary or Other Board Member

## EQUITY and LEGAL COMPLIANCE

### Section 1 Non-Discrimination

#### A. Policy of Non-Discrimination

ESU 1 does not discriminate on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, gender identity or sexual orientation, or any other protected status in its programs and activities and provides equal access to designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. Complaints or concerns involving discrimination should be addressed to:

Students: Stuart Clark, Director of Special Education, 211 Tenth St, Wakefield, NE 68784  
(402)287-2061 [sclark@esu1.org](mailto:sclark@esu1.org).

Employees and Others: Lisa Salmon, Human Resources Director, 211 Tenth St, Wakefield, NE 68784 (402)287-2061 [lsalmon@esu1.org](mailto:lsalmon@esu1.org).

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator.

For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office of Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at One Petticoat Lane, 1010 Walnut Street, 3<sup>rd</sup> Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

ESU 1 is committed to offering employment and educational opportunities to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by ESU 1 employees, including co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

#### B. Harassment

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to any protected status that is sufficiently serious to deny, interferes with, or limits a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

1. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
2. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the ESU, whether those programs take place in ESU facilities, on an ESU vehicle, at a class or training program sponsored by the ESU at another location, or elsewhere.

Discriminatory harassment because of any protected status may include, but is not limited to:

1. Name-calling,
2. Teasing or taunting,
3. Insults, slurs, or derogatory names or remarks,
4. Demeaning jokes,
5. Inappropriate gestures,
6. Graffiti or inappropriate written or electronic material,
7. Visual displays, such as cartoons, posters, or electronic images,
8. Threats or intimidating or hostile conduct,
9. Physical acts of aggression, assault, or violence, or
10. Criminal offenses.

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

1. Unwelcome sexual advances or propositions,
2. Requests or pressure for sexual favors,
3. Comments about an individual's body, sexual activity, or sexual attractiveness,
4. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
5. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
6. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
7. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If ESU 1 knows or reasonably should know about possible harassment, including violence, ESU1 will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred and take appropriate interim measures, if necessary. If ESU1 determines that unlawful harassment occurred, ESU 1 will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off ESU property creates a hostile environment at the ESU, ESU 1 will follow this policy and grievance procedure, within the scope of its authority.

All ESU 1 employees are expected to take prompt and appropriate actions to report and prevent

discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

C. Anti-retaliation

ESU 1 prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in ESU 1's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

ESU 1 will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, ESU 1 will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

D. General Grievance (or Complaint) Procedures

Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the Compliance Coordinator designated to handle complaints of discrimination. If the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation ("discrimination") to the Compliance Coordinator.

If the Compliance Coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Administrator for assignment. A discrimination complaint form is available in the ESU1 Central Office building, on the ESU 1 website, and from the Compliance Coordinator.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

1. *Level 1 (Investigation and Findings)*

The Compliance Coordinator will review and evaluate each grievance, complaint, or report to determine if such grievance, complaint or report is covered under Title IX. If such a grievance, complaint or report is covered under Title IX, then the Compliance Coordinator will follow the Title IX Grievance Procedures (outlined below). For all other grievances, complaints or reports, the Compliance Coordinator will follow these General Grievance Procedures. Once ESU 1 receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, ESU 1

will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, ESU 1 will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of ESU 1's investigation. ESU 1 will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

ESU 1 will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. ESU 1 will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, ESU 1 will notify the complainant of his or her right to file a criminal complaint, and ESU 1 employees will not dissuade the complainant from filing a criminal complaint either during or after ESU 1's investigation.

ESU 1 will aim to complete its investigation within ten (10) working days after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. If extenuating circumstances exist, the extended timeframe to complete the investigation will not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees to a longer timeline. Periodic status updates will be given to the parties, when appropriate.

ESU 1's investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors ESU 1 will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.

- d. A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The Compliance Coordinator (or designated investigator) will complete an investigative report, which will include:

- a. A summary of the facts,
- b. Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and
- c. If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate discrimination, harassment or other inappropriate conduct.

If someone other than the Compliance Coordinator conducted the investigation, the Compliance Coordinator will review, approve, and sign the investigative report. ESU 1 will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made. ESU 1 will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

ESU 1 will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within one (1) working day after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits ESU 1 to disclose relevant information to a student who was discriminated against or harassed.

## 2. *Level 2 (Appeal to the Administrator)*

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Administrator within five (5) working days after receiving the decision. The Administrator will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal within ten (10) working days after receiving the appeal. The party who filed the appeal will be sent the Administrator’s determination at the time it is issued, and a copy will be sent to the Compliance Coordinator. [If the Administrator is the subject of the complaint, the party will file the appeal directly with the Board.]

## 3. *Level 3 (Appeal to the Board)*

If the party is not satisfied with the Administrator’s determination, he or she may file an appeal in writing with the Board within five (5) working days after receiving the Administrator’s determination. The Board will review the appeal, the Administrator’s

determination, the investigative documentation and decision, and allow the party to address the Board at a Board meeting to present his or her appeal. The party will be allowed to address the Board at the Board's next regularly scheduled Board meeting (unless the Board receives the appeal within one week of the next regularly scheduled Board meeting) or at a time and date agreed to by the Board, Compliance Coordinator and the party. The Board will issue a written determination about the appeal within thirty (30) days after the party addresses the Board. The party who filed the appeal will be sent the Board's determination at the time it is issued, and a copy will be sent to the Compliance Coordinator. The Board's determination, and any actions taken, will be final on behalf of ESU 1.

E. Confidentiality

The identity of the complainant will be kept confidential to the extent permitted by state and federal law. ESU 1 will notify the complainant of the anti-retaliation provisions of applicable laws and that ESU 1 will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, ESU 1 will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent ESU 1 from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, ESU 1 will inform the complainant that its ability to respond may be limited. Even if ESU 1 cannot take disciplinary action against the alleged harasser, ESU 1 will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

F. Title IX Grievance (or Complaint) Procedures

All employees are responsible for helping to prevent sexual harassment. Employees, or students, who believe they have been subjected to or witnessed sexual harassment should follow these procedures:

1. Directly inform the person engaging in the discrimination or harassment that such conduct is offensive and must stop.
2. For employee reporters, contact your principal or supervisor or the principal or supervisor of the offending person, the Title IX Coordinator, or the Human Resources Manager, if you do not wish to communicate directly with the person whose conduct is offensive or if direct communication with the offending person has been ineffective.
3. Report the matter to the Title IX Coordinator or the Human Resources Manager, if the offending conduct continues or has not been resolved to your satisfaction after you have reported the matter to a principal or supervisor.

4. For student reporters, contact any teacher or administrator.
5. Report to the Title IX Coordinator if you are the adult to whom the student has made a report so that the matter can be properly resolved. The Title IX Coordinator may file a formal complaint and begin the following complaint procedure.

Allegations of sexual harassment or discrimination shall be investigated and, if substantiated, corrective or disciplinary action may be taken, up to and including dismissal from employment if the offender is an employee, or suspension and/or expulsion, if the offender is a student. Retaliatory action will not be taken against an employee for reporting discrimination or harassment.

i. Response to a Formal Title IX Complaint:

1. Filing Formal Complaint: An employee or student can allege sexual harassment by filing a formal complaint in writing with the Title IX Coordinator in person or by mail, or by electronic mail using the following contact information:

TITLE IX COORDINATOR CONTACT INFORMATION

Sarah Hansen  
211 Tenth Street, Wakefield, NE 68784  
402-287-2061  
shansen@esu1.org

The formal complaint must be signed by the complainant or by the Title IX Coordinator. The following procedures apply only in the event that a formal complaint is filed. All other allegations of sexual harassment shall be resolved using the general complaint procedure. Any timelines set forth in the following procedures may be extended by the Title IX Coordinator with notice to the parties.

2. Immediate Actions Upon Receipt of Formal Complaint: Upon receipt of a formal complaint, the Title IX Coordinator shall provide the following to all known parties: (a) the complaint procedure as outlined in this regulation; and (b) notice of the allegations of sexual harassment including (i) the identities of the parties involved, if known, (ii) the conduct allegedly constituting sexual harassment, and (iii) the date and location of the alleged incident.

The parties to the formal complaint may select an advisor of their choice, who may be, but is not required to be, an attorney.

3. Investigation of Formal Complaint: Upon receipt of a formal complaint, the Title IX Coordinator shall notify the Investigator. The Investigator will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The Investigator will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this complaint procedure. If the allegation(s) involve possible criminal conduct, the ESU will notify the complainant of his or her right to file a criminal complaint, and ESU employees will not

dissuade the complainant from filing a criminal complaint either during or after the ESU's investigation.

The Investigator will aim to complete its investigation within a reasonable time frame as determined by the Title IX Coordinator. The factors to determine a reasonable time frame include, but are not limited to the allegations of the formal complaint, the number of witnesses that may need to be interviewed, and whether the police are also conducting an investigation into the allegations. The time frame originally set by the Title IX Coordinator may be extended by the Title IX Coordinator, upon notice to the parties, as he or she deems necessary to complete the investigation. Periodic status updates will be given to the parties, when appropriate.

(A) *Neutrality*: The Title IX Coordinator, investigator, decision-maker, or any person designated by the ESU to facilitate this complaint procedure, shall not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The ESU shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates this complaint procedure shall receive training on the definition of sexual harassment in accordance with this regulation, the scope of the ESU's education program or activity, how to conduct an investigation and complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the fact at issue, conflicts of interest, and bias. The ESU shall ensure that the individuals involved in the complaint procedure receive training on issues of relevance of questions and evidence and on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

(B) *Burden of Production*: It shall be the Investigator's burden to gather evidence sufficient to reach a determination regarding responsibility. To reach a determination, the investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors the ESU will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

(C) *Rights of the Parties*: The respondent is entitled to a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at

the conclusion of the complaint process.

The Investigator must provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The Investigator shall not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The Investigator shall provide the parties with the same opportunities to have others present during any complaint proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice if the Investigator deems appropriate. However, the Investigator may establish restrictions regarding the extent to which the advisor may participate in the proceedings, if the restrictions apply equally to both parties.

The Investigator shall provide to all witnesses expected to attend a meeting notice of the date, time, location, participants, and purpose of all hearings within 2 days of the meeting.

Up until the conclusion of the investigation, the parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. This includes the evidence upon which the Investigator does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence obtained from any source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

The ESU retains the right to place a non-student employee respondent on administrative leave during the pendency of the investigation. The ESU also retains the right to remove a respondent from the ESU's educational program prior to the conclusion of the investigation. In the event of a removal, the respondent shall have the opportunity to challenge the decision for removal.

(D) *Conclusion of Investigation:* Prior to the conclusion of the investigation, the investigator shall send each party and the party's advisor, if any, the evidence that is subject to inspection and review in an electronic format or a hard copy. The parties shall then have ten (10) days to submit a written response, which the investigator will consider.

Once the investigator has considered the written statements of the parties, if any, and any questions of the parties, if any, the investigator shall create an investigative report that fairly summarizes relevant evidence. The investigator shall then submit the written investigation report to the decision-maker. The parties shall each receive a copy of the final investigative report at the same time as the decision-maker.

4. Decision of Responsibility: The decision-maker, shall review the investigative report. Prior to coming to a determination regarding responsibility, the decision maker shall provide 10 days for each party to submit written, relevant questions that a party wants asked of any party or witness, provide each party with answers, and allow for additional, limited follow-up questions from each party.

Once the decision maker has considered the written questions of the parties, if any, the decision maker shall issue a written determination regarding responsibility by a preponderance of the evidence within a reasonable time frame as determined by the Title IX Coordinator. The decision-maker shall consider all relevant evidence, including inculpatory and exculpatory evidence, and will not consider the credibility of the evidence to be based on a person's status, such as complainant, respondent, or witness. The decision-maker shall provide the written determination to both parties simultaneously. The written determination must include:

- a. Identification of the allegations potentially constituting sexual harassment;
- b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of each recipient's code of conduct to the facts;
- e. A statement of, and rationale for, the results as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
- f. The recipient's procedures and permissible bases for the complainant and respondent to appeal.

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. Sec. 11232g; 34 C.F.R. Part 99, permits the ESU to disclose relevant information to a student who was discriminated against or harassed.

#### 5. Supportive Measures and Disciplinary Actions:

Throughout the investigation, either party may be entitled to supportive measures. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the ESU's educational environment, or to deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The ESU shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the ESU to provide the supportive measures.

At the conclusion of the investigation, the decision-maker may institute disciplinary measures to the respondent if the decision-maker determines that the respondent engaged in sexual abuse or harassment. Disciplinary measures may include, but are not limited to, in school suspension, out of school suspension, expulsion, and in the case of an employee disciplinary action up to and including dismissal from employment. This policy does not limit or prohibit the ESU from instituting disciplinary measures if in the course of the investigation it determines that the complainant or respondent violated the student code of conduct.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

ii. Title IX Appeals

If either party is not satisfied with the outcome of the investigation and the decision of the decision-maker, they may appeal on the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against the complainant or respondent generally or the individual complainant or respondent that affected the outcome of the matter.

The request for an appeal shall be in writing and submitted on the appropriate document. The appeal document shall be submitted to the ESU Administrator.

Upon notice of an appeal by either party, the ESU Administrator shall notify the other party in writing when the appeal is filed and of the appeal procedures, which apply equally to both parties.

The ESU Administrator shall give both parties a reasonable, and equal opportunity to submit a written statement in support of or challenging the outcome.

The ESU Administrator shall review the investigative report, decision-maker's determination, and written statements of the parties and then issue a written decision describing the result of the appeal and the rationale for the result. The ESU Administrator shall provide the written decision simultaneously to both parties.

iii. Informal Resolution

If a formal Title IX complaint is filed, the ESU may offer the complainant and respondent the opportunity to participate in an informal resolution process. The informal resolution process may take place at any time prior to reaching a determination regarding responsibility. The informal resolution process shall only take place upon:

- a. Written notice to both parties disclosing: the allegations, the requirements of the informal

resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the resolution process and resume the complaint process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- b. The parties' voluntary, written consent to the informal resolution process; and
- c. That the allegations of the formal complaint do not involve any allegations that an employee sexually harassed a student.

G. Training:

The ESU will ensure that ESU employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate ESU officials or employees.

In addition, the ESU shall ensure that employees designated to address or investigate discrimination, harassment, and retaliation, including designated compliance coordinators, receive additional specific training to promptly and effectively investigate and respond to complaints and reports of discrimination, and to know the ESU's grievance procedures and the applicable confidentiality requirements.

H. Preventive Measures:

The ESU may, from time to time, distribute specific harassment and violence materials (such as sexual violence), including a summary of the ESU's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, to its employees and students that the ESU serves.

Legal Reference:	<p>Title VI, 42 U.S.C. § 2000d, Title VII, 42 U.S.C. § 2000e, Title IX; 20 U.S.C. § 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §48-1101 et seq. Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. §621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §48-1001 et seq.; Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq.</p> <p>Section 504 of the Rehabilitation Act of 1973 (Section 504) Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k) Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301 et seq. Neb. Rev. Stat. § 79-2,115, et seq</p>
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Date of Adoption:	September 15, 2020
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