

**ESU #1 Board Meeting
Tuesday, May 12, 2020**

A meeting of the ESU 1 Board of Directors convened in open and public session on Tuesday, May 12, 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 Governors' Executive Order 20-03, some members of the Board may appear by videoconference or telephonic means.

Present: Tucker Hight, AJ Johnson, Tom Luxford, Lana Oswald, Sally Reinert, Helen Sorensen, Robby Thompson, Grant Torpin, **Absent:** Dave Dowling, Traci Haglund, Rhonda Heise. **Absent:** Terry Pinkelman.

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. 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.

B. Roll Call*

Motion by Sally Reinert, seconded by Tucker Hight, to excuse the absence of members: Dave Dowling, Traci Haglund, Rhonda Heise and Terry Pinkelman. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Terry Pinkelman: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For
For: 7, Against: 0, Absent: 4

C. Approve Agenda*

Motion by Tucker Hight, seconded by Sally Reinert, to approve the May 12 agenda as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Terry Pinkelman: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For
For: 7, Against: 0, Absent: 4

D. Board Member Resignation*

Motion by Tom Luxford, seconded by Robby Thompson, to accept the resignation of District 7 ESU#1 board member Terry Pinkelman. After discussion and on roll call vote,

the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Terry Pinkelman: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For
For: 7, Against: 0, Absent: 4

E. Appoint Board Member*

Motion by Robby Thompson, seconded by Tucker Hight, to appoint Grant Torpin to the ESU#1 Board as the District 7 representative effective immediately. Grant Torpin read and signed the required Oath of Office. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Terry Pinkelman: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For
For: 7, Against: 0, Absent: 4

F. Consent Agenda*

Motion by Sally Reinert, seconded by Robby Thompson, to approve all items on the consent agenda as provided (April 14 minutes; financial reports; May bills of \$776,099.27; April BIRSST Grant bills of \$2,220.61; and the Administrator's Report. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

Motion by Sally Reinert, seconded by Robby Thompson, to approve all items on the consent agenda as provided (April 14 minutes; financial reports; May bills of \$776,099.27; April BIRSST Grant bills of \$2,220.61; and the Administrator's Report. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

1. Previous Minutes (copy attached)
2. Financial Reports*
 - a. Revenue Report/Treasurer's Report
 - b. Cash Summary/Expenditure Report
3. Bills for May
4. Administrator's Monthly Report
 - a. Nebraska Department of Education

b. School District Calendar Adjustment

c. Summer Technology Institute

d. Support for ESU #1 Staff

G. Public Comment

H. Additional Expenditures for Early Learning Connection Grant*

Motion by Grant Torpin, seconded by AJ Johnson, to approve the expenditure of ELC grant funds, not to exceed \$17,000, on May 31, to meet the deadline for closing the 2019-20 grant. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

I. ESU Coordinating Council Master Service Agreement*

Motion by Tom Luxford, seconded by Helen Sorensen, to approve the 2020-2021 ESUCC Master Service Agreement for all activities outlined at a cost of \$26,263. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

J. Northeast Nebraska Network Consortium Technology Budget*

Motion by Sally Reinert, seconded by Robby Thompson, to approve the NNNC technology budget for 2020-21 as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

K. School Support Projects*

Motion by Helen Sorensen, seconded by Sally Reinert, to approve the School Support Projects for 2020-21 as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

L. Student Record System Fee Structure*

Motion by Tucker Hight, seconded by Lana Oswald, to approve the 2020-2021 SRS fee

structure as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

M. July 2020 Board of Directors Meeting*

Motion by Tucker Hight, seconded by Robby Thompson, to forgo the ESU#1 Board meeting in July 2020. If topics occur that require Board action, a July meeting will be scheduled. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

N. Classified Staff Compensation*

Motion by Helen Sorensen, seconded by Tom Luxford, to approve the Classified staff 2020-2021 Wage Schedule A & B for Central staff and Tower Paraeducators and the wage increases for all other Classified staff as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

O. Legislation

P. Personnel*

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

a. Resignation(s)*

The Board was informed of the following Classified staff resignations: Tower Paraeducator Haley Lierman, effective April 30 and Central office custodian LaVonne Carson, effective May 31.

Motion by AJ Johnson, seconded by Helen Sorensen, to approve the resignation of ECSE Teacher Megan Pratt at the end of the 2020-2021 contract year. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

b. New Hire(s)*

Motion by Sally Reinert, seconded by Tucker Hight, to approve the 2020-2021 new hires: ECSE Teacher Jennifer Bensen (185 days) and OT Blythe Zimmerman (190 days) After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Dave Dowling: Absent, Traci Haglund: Absent, Rhonda Heise: Absent, Tucker Hight: For, AJ Johnson: For, Tom Luxford: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For
For: 8, Against: 0, Absent: 3

c. Contract Change(s)

d. Termination(s)

Q. Adjournment

As there were no additional agenda items, Vice-President AJ Johnson declared the meeting adjourned at 6:28 p.m.

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, April 14, 2020**

A meeting of the ESU 1 Board of Directors convened in open and public session on Tuesday, April 14, 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 Governors' Executive Order 20-03, some members of the Board may appear by videoconference or telephonic means.

Present: Dave Dowling, Rhonda Heise, Tucker Hight, AJ Johnson, Lana Oswald, Sally Reinert, Helen Sorensen, **Absent:** Traci Haglund, Tom Luxford, Terry Pinkelman, 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. Notification of Open Meetings Law

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

B. Roll Call*

Motion by AJ Johnson, seconded by Rhonda Heise, to excuse the absence of members: Tom Luxford, Terry Pinkelman, Traci Haglund and Robby Thompson. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

C. Approve Agenda*

Motion by Sally Reinert, seconded by Tucker Hight, to approve the April 14, 2020 agenda as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

D. Consent Agenda*

Motion by AJ Johnson, seconded by Rhonda Heise, to approve all items on the consent agenda as provided (March 10, 2020 minutes; Treasurer's Report; Cash Summary; April Bills of

\$885,888.88; and Administrator's Monthly Report). After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

D.1. Previous Minutes (copy attached)

D.2. Financial Reports*

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

D.2.b. Cash Summary/Expenditure Report

D.3. Bills for April

D.4. Administrator's Monthly Report

D.4.a. Electronic Board Meeting

D.4.b. Instructional Coach at Santee Community School

D.4.c. Tower School Report

E. Property/Liability Insurance

Motion by Tucker Hight, seconded by Lana Oswald, to approve annual property/liability package premium of \$58,176, as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

F. Computer and Electronic Device Repair Agreement

Motion by Dave Dowling, seconded by Sally Reinert, to approve the agreement with George Hefner, dba Hefner Electronics, for the 2020-21 year at a rate of \$69 per hour. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

G. Communication During Pandemic

H. Legislative Update

I. ESU#1 Emergency Declaration

Motion by AJ Johnson, seconded by Tucker Hight, approve the Emergency Declaration Resolution as presented (See Attachment) After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

J. Personnel*

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

J.1.a. Resignation(s)

Motion by AJ Johnson, seconded by Dave Dowling, Motion to approve the following resignations at the end of the 2019-20 contract year: School Psychologists Karen Wall and Patricia (Megan) McGlone; Licensed Mental Health Practitioner Brandi Urwiler-Settje; and Speech/Language Pathologist Emily Green. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

J.1.b. New Hire(s)

Motion by Dave Dowling, seconded by Sally Reinert, Motion to approve the following 2020-2021 new hires: Speech/Language Pathologists Brianna Hansen (185 days) and Hannah Davis (185 days); School Psychologist Darla Tjeerdsma (171 days); and Special Education Supervisor/Consultant Angela Corderman (210 days ~ effective July 1, 2020). After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

J.1.c. Contract Change(s)

Motion by Tucker Hight, seconded by AJ Johnson, to approve the 2020-2021 voluntary reduction in contract for Speech/Language Pathologist Cathy Schroeder from 170 to 140 days. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tom Luxford: Absent, Terry Pinkelman: Absent, Robby Thompson: Absent, Dave Dowling: For, Rhonda Heise: For, Tucker Hight: For, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Helen Sorensen: For
For: 7, Against: 0, Absent: 4

J.1.d. Termination(s)

K. Adjournment

As there were no additional agenda items, President Dave Dowling declared the meeting adjourned at 6:18 p.m.

Lisa Salmon, Recording Secretary

Helen Sorensen, Board Secretary



Omaha Office
6949 South 110th Street
Omaha, NE 68128

Ainsworth Office
1292 East 4th Street
Ainsworth, NE 69210

May 4, 2020

RE: Petition to the State Board of Education

Dear Nebraska School Superintendents,

Last week, the Nebraska Commissioner of Education, Dr. Matt Blomstedt, requested that the Educational Service Unit Coordinating Council (ESUCC) file a petition to the Nebraska State School Board on behalf of Nebraska public and private schools as well as ESUs. In this case, the petition addresses the numerous issues confronting Nebraska schools and educational service units related to the extraordinary circumstances created by the Covid-19 Pandemic. Such petitions are allowed under Nebraska's Rule 62.

On Friday, May 1, the ESUCC Board voted to approve a comprehensive written petition to the Nebraska State School Board in conjunction with Nebraska Rule 62. ***This letter is to inform you that on Monday, May 4, 2020, the Educational Service Unit Coordinating Council formally filed the petition.*** Please see the attached document for complete details.

If you have questions, please feel free to contact your local ESU Administrator.

Most Sincerely,

A handwritten signature in black ink that reads "Kraig J. Lorquist". The signature is written in a cursive style.

Kraig J. Lorquist, Ed.D.

attachment: Petition

BEFORE THE STATE BOARD OF EDUCATION

**IN THE MATTER OF THE COVID-19
PANDEMIC**

**RULE 62 PETITION FOR
DECLARATORY ORDER**

1. The Petitioner’s name and address is Dr. Kraig J. Lofquist, Executive Director, Educational Service Unit Coordinating Council (ESUCC), 6949 S. 110th Street, LaVista, NE 68128 Petitioner meets requirements of NDE Rule 62.003.02, which allows “any person” to petition the State Board of Education and Rule 62.003.06 which permits submission by political subdivisions so long as the Petition is subscribed and verified by me as duly authorized agent of ESUCC.

2. Persons who or entities which may have a specific interest in the applicability of the statute, rule, regulation, or order include all school districts, public and private, and Educational Service Units in the State of Nebraska, which are known to and governed by NDE.

3. The material facts and specific circumstances are as follows:

- a. On March 13, 2020, President Trump declared a national emergency and Governor Ricketts declared a state emergency over the COVID-19 pandemic.
- b. On March 13, 2020, Chief Medical Officer/Director of Public Health Dr. Gary Anthone entered “Directed Health Measure Order 2020-001” that prohibited “gatherings” at schools in Cass, Douglas, Sarpy and Washington Counties.
- c. Between March 13, 2020 and the date of filing this petition, Dr. Anthone and Governor Ricketts entered various other Executive Orders and Directed Health Measures that either limited “gatherings” in schools or closed precluded in-person student instruction and other activities.
- d. On April 1, 2020, Dr. Anthone issued Directed Health Measure 2020-008, which ordered all schools “to cease all in-person instruction . . .”
- e. On April 20, 2020, Governor Ricketts issued “Executive Order No. 20-20,” which waives certain assessment, accountability, and Reading Improvement Act requirements.
- f. At the time of the filing of this Petition, Nebraska school districts and Educational Service Units have been effectively shut down for six weeks or more. These districts have been forced to shift entirely to remote or distance learning or enrichment activities for the remainder of the 2019-2020 school year and may similarly for the 2020-2021.

- g. Nebraska school districts have been asked to submit continuity of learning plans.
 - h. Several Nebraska school districts are struggling to plan for ending the school year; to implement summer learning programs; and to plan for the 20-21 school year without assurances, clarification, and guidance on doing so.
 - i. Nebraska school districts and Educational Service Units need clear, specific and definitive guidance and direction on how various statutes, rules and regulations will be interpreted, enforced and otherwise applied, and what other requirements (if any) the State Board of Education will impose on Nebraska school districts and Educational Service Units when making enforcement and other decisions for the 19-20 and possibly the 20-21 school year, should the impact of COVID-19 continue.
4. The rules of law which apply are as follows:
- a. NDE Rule 3, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
 - i. Rule 3.004.04, which states, “within the first 30 days of each school year, starting in 1997-98, the school district administration shall make available to classroom teachers an initial “list” of K-12 students who meet the district criteria for learners of high ability and the areas of high capacity of each of those students”; and
 - ii. Rules 3.004.05 and 3.004.06, which contain requirements for high ability learners; and
 - iii. Rule 3.008.01 and its subsections, which require school district serving high ability learners to establish procedures for both formative and summative evaluation to determine the effectiveness of the district-wide plan for services extended to the learners with high ability; and
 - iv. Rule 3.010.01 states, “In addition to other penalties which may be provided by law for noncompliance with the requirements of Section 79-1105 through 79-1108.03 R.R.S. and the requirements of this Rule, a school district’s failure to comply with the identification requirements of Section 79-1108 R.R.S. and Section 004 of this Rule shall be treated as if it were a violation of a

mandatory provision of 92 NAC 10, and may subject the district to loss of accreditation as provided in that chapter.”

- b. NDE Rule 4, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
 - i. Rule 4.004.01 and its subsections, which require rules and regulations for distribution of textbooks and management of funds; and
 - ii. Rule 4.004.02, which requires notification.
- c. NDE Rule 10, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
 - i. Rule 10.002.12’s reference to an “instructional unit” as 15 clock hours (900 minutes) of classroom instruction in a course offered in the secondary school; and
 - ii. Rule 10.003.06’s requirement of instructional hours; and
 - iii. Rule 10.003.07’s requirement that each school submit a statement “affirming compliance or specifically noting any noncompliance with” Rule 10; and
 - iv. Rule 10.003.12’s requirement that students recite the Pledge of Allegiance during the school day; and
 - v. Rule 10.004’s various “Curriculum and Standards” requirements, including Rule 10.004.04D’s references and requirements for multi-site and distance learning options and the maximum number of instructional units provided by distance learning; and
 - vi. Rule 10.005.02A’s requirement that schools keep student attendance, when attendance may be impossible to determine in an entirely remote learning environment; and
 - vii. Rule 10.006’s various “Media and Technology Resources” requirements, including the requirement that library and media resources be made available to students during the entire school day; and
 - viii. Rule 10.007.06A2’s requirement that any certification employee evaluation policy changes be approved in advance by the Commissioner or designee, when schools cannot practically

secure prior approval by the end of this semester to evaluate certificated employees remotely; and

- ix. Rule 10.007.07A's requirement for staff development, including that each teacher participates in at least ten hours of staff development each year, when teachers have been discouraged from gathering at school and/or some teachers may lack the technology or Internet connectivity to attend remote professional development; and
 - x. Rule 10.009's various "Continuous School Improvement" requirements; and
 - xi. Rule 10.010's various accountability to the school community requirements; and
 - xii. Rule 10.011.01's requirement that "school facilities and the general environment are safe, orderly, and supportive of quality learning for all students. A positive atmosphere for learning supports and reflects the work of students;" and
 - xiii. Rule 10.011.01C's requirement that each school has a safety and security committee meeting to review safety and security plans, when persons are discouraged from meeting and some committee members may not have the technology or Internet connectivity to attend remote committee meetings; and
 - xiv. Rule 10.013 allows school districts to request a waiver for certain provisions of Rule 10; and
 - xv. Rule 10.014 states that schools not in compliance with Rule 10's requirements may be subject to probation or loss of accreditation.
- d. NDE Rule 11, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
- i. Rule 11.005.01's requirement of instructional hours; and
 - ii. Rule 11.005.02's requirement of instructional hours; and
 - iii. Rule 11.005.03's developmental and culturally appropriate curriculum, practices and assessments requirements; and
 - iv. Rule 11.005.04's requirements for child outcome data; and

- v. Rule 11.005.05's requirement for an annual review of staff development plan; and
 - vi. Rule 11.006.01 requirements that program staff have contact with each enrolled family at least three times per month with a requirement that a minimum of 120 minutes will be face-to-face contact with the family; and
 - vii. Rule 11.006.05's requirement of annual review of staff development plan for all home visiting specialists and home visitors working in home-based programs who have regular contact with children and their families.
- e. NDE Rule 14, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
- i. Rule 14.004.01, which requires, "Each school shall provide the following instruction annually between July 1 and June 30 for the grades it offers: (a) for grades through eight, the time equivalent to at least 1,032 hours, (b) for grades nine through twelve, the time equivalent to at least 1,080 hours, and (c) if kindergarten is provided, the time equivalent to at least 400 hours"; and
 - ii. Rule 14.004.02's requirement for staff development hours; and
 - iii. Rule 14.005.05 requirements for elementary program; and
 - iv. Rule 14.007.01 and its subsections, which require minimum instructional units and delivery of instructional units; and
 - v. Rule 14.007.02 requirements for junior high grade instruction.
- f. NDE Rule 15, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
- i. Rule 15.004's language instructional educational requirements that may not be as effective or realistic in a distance or remote-only learning environment.
 - ii. Rule 15.006.01 requiring, "Each school district shall ensure that all English learners have meaningful access to academic content standards and participate in the assessments required by Section 005 of 92 NAC 10. Each school district shall provide appropriate linguistic accommodations for English learners participating in the assessments"; and

- iii. Rule 15.006.02 requiring, “Each school district shall ensure that all English learners have meaningful access to the state’s English language proficiency standards and participate in the annual state English language proficiency assessment”; and
 - iv. Rule 15.006.03 requiring, “Each school district shall ensure that all English learners with disabilities be provided with appropriate linguistic accommodations as well as any accommodations as documented in the Individual Education Plan (IEP) or 504 Plan.”
 - v. Rule 15.008.01 and its subsections which require annual reviews of school district programs under the rule; and
 - vi. Rule 15.009.01 which requires compliance with all provisions of the rule for accreditation under Rule 10.
- g. NDE Rule 47, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
- i. Rule 47.003.02’s curriculum requirements for Career Academies; and
 - ii. Rule 47.003.04’s advisory board requirements.
- h. NDE Rule 52, section 008 and its subsections, which appear likely to be impacted by the request from Secretary Betsy DeVos under the CARES Act for flexibility from Congress.
- i. NDE Rule 84, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:
- i. Rule 84.003.02 and 84.008.01’s requirement that Educational Service Units provide core services to all member school districts; and
 - ii. Rule 84.004.06’s statement that an Educational Service Unit that fails to comply with Rule 84’s requirements may be placed on probation or lose accreditation; and
 - iii. Rule 84.006.02 and its subsection’s requirements for continuous improvement, on-site visitations, reports, and others.
- j. NDE Rule 91, which includes a number of requirements that may not be feasible, realistic or safe to meet or satisfy, including but not limited to:

- i. Rule 91.003.02D's requirements for an individual to maintain status as a qualified pupil transportation driver; and
 - ii. Rule 91.003.03E's requirement that every district provide a minimum of two (2) hours of in-service training for all pupil transportation vehicle drivers; and
 - iii. Rule 91.004.05's requirement that every district provide at least two emergency evacuation drills per year.
- k. Neb. Rev. Stat. § 79-213 allows each school district to submit a sworn statement to the State Board of Education requesting that said district not lose accreditation or state funds if said district cannot complete the required number of instructional hours because of an epidemic sickness.
- l. Neb. Rev. Stat. § 79-1003.01 provides for state funding and financial assistance for school districts that offer summer school programs. Such aid is calculated on a per-student basis for students who attend summer school "for at least twelve days" for the days that students attend "for at least three hours and less than six hours per day."
- m. Neb. Rev. Stat. § 79-1142 includes several special education requirements and provisions for special education reimbursements.
- n. Neb. Rev. Stat. §§ 79-1138 and 79-1160 allow the State Board of Education to develop rules and regulations to carry out special education services.
- o. Neb. Rev. Stat. § 79-713 directs the Commissioner of Education to prepare and develop teaching aids and materials for comprehensive health education.
- p. Neb. Rev. Stat. §§ 79-201, *et seq.*, includes various compulsory attendance requirements.
- q. Neb. Rev. Stat. § 79-211 requirements for minimum school term.
- r. Neb. Rev. Stat. § 79-212 requirements for kindergarten program hours.
- s. Neb. Rev. Stat. §§ 79-214 and 79-217 and related statutory requirements for physical and visual examinations, birth certificates, and immunizations prior to attendance.
- t. Neb. Rev. Stat. § 79-248 requirements for pupil health inspections and others.

- u. Neb. Rev. Stat. § 79-267 and its jurisdictional requirements that misconduct occur on school grounds, in a school vehicle, or at a school activity, in particular as it relates to participation via remote learning, which may include using school district property.
- v. Neb. Rev. Stat. § 79-273 and the requirement for attendance at student discipline hearings, including attendance remotely.
- w. Neb. Rev. Stat. § 79-703 requires the State Board and Commissioner of Education to undertake certain accreditation standards, review and committee processes.
- x. Neb. Rev. Stat. § 79-705 requirements for State Fire Day, Fire Recognition Day, and others.
- y. Neb. Rev. Stat. § 79-709 and premiums awarded by county boards at fairs and other places within the county.
- z. Neb. Rev. Stat. § 79-2603, *et seq.*, includes various Nebraska Reading Improvement Act requirements.
- aa. Neb. Rev. Stat. § 79-2,145 requires the State Board of Education to develop rules and regulations related to school security standards.
- bb. Neb. Rev. Stat. § 79-721, *et seq.*, includes various multicultural education requirements.
- cc. Neb. Rev. Stat. § 79-729 requirements for high school graduation.
- dd. Neb. Rev. Stat. §§ 79-757, *et seq.*, which contains the Quality Education Accountability Act.
- ee. Neb. Rev. Stat. § 79-1128 permits the State Board of Education to withhold state funds for a district that does not offer “continuous special education programs acceptable to the State Board of Education.”
- ff. Neb. Rev. Stat. § 79-724 requires various American Civics requirements, including student requirements prior to graduation and certain reviews of curricular items each year.
- gg. Any other laws, rules, or regulations that require specific training or reviews for students, staffs, or others contained in Chapter 79 or NDE’s regulations, rules, or guidance, to the extent those trainings or reviews are waivable and were not completed due to the impact of COVID-19 for the 19-20 school year and may be impacted by COVID-19 for the 20-21 school year.

5. The Petitioner's demands for relief are as follows:
- a. That the State Board of Education enter a declaratory order within thirty days (pursuant to NDE Rule 62.005.02) to resolve these unsettled questions.
 - b. That such declaratory order definitively, specifically and clearly address how the aforementioned laws and regulations apply to Nebraska school districts and Educational Service Units impacted by COVID-19, how said laws or regulations will be interpreted or applied, and whether said laws or regulations will be waived, suspended, modified, or otherwise not enforced for the period of time that school districts and Educational Service Units have been and may be impacted by COVID-19.
 - c. That such declaratory order definitively, specifically and clearly address how the State Board of Education and Nebraska Department of Education will implement, enforce or decline to enforce, waive, account or otherwise require or not require schools to comply with the following:
 - i. How the State Board of Education and Nebraska Department of Education will implement, account or otherwise require schools to comply with the requirements that schools count or account for the "twelve days" and "three hours" requirements under Neb. Rev. Stat. § 79-10,114, given that summer school programs may be starting soon after the filing of this Petition;
 - ii. To what extent will the State Board of Education and Nebraska Department of Education reimburse schools for special education services, including those eligible for reimbursement pursuant to Neb. Rev. Stat. § 79-1142, such as special education paraeducators, in light of the shutdown in the middle of the school year;
 - iii. How compulsory and other attendance requirements are to be calculated, determined or accounted for in an entirely remote or distance learning environment, and how schools are to comply with Neb. Rev. Stat. §§ 79-201 and 79-202 in the middle of the shutdown;
 - iv. How the accreditation process under Neb. Rev. Stat. § 79-703 will operate in light of the shutdown in the middle of the 2019-2020 school year;
 - v. Whether schools are required to comply with the Nebraska Reading Improvement Act's requirements during any summer learning session; and

- vi. Whether and to what extent school districts are required to track or account for instructional hours that have occurred or will occur during the COVID-19 impact.
- d. That such declaratory order confirm that no school district will lose state funds for any violations of Neb. Rev. Stat. § 79-1128 if such violations were a result of COVID-19.
- e. That the State Board of Education approve all sworn requests for continued accreditation and no loss of state funds under Neb. Rev. Stat. § 79-213.
- f. That, pursuant to Rule 62 section 003.05F, Petitioner requests that the State Board of Education and/or Commissioner of Education waive, suspend or otherwise not enforce any other laws and regulations to the fullest extent permitted by law, pursuant to Neb. Rev. Stat. §§ 79-305, 79-703, 79-318 & 79-319 and other laws, regulations, and rules, that will benefit any Nebraska school district or Educational Service Unit and ESUCC impacted by COVID-19.

VERIFICATION

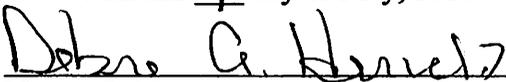
STATE OF NEBRASKA)
) ss.
 COUNTY OF Sarpy)

Kraig J. Lofquist, being first duly sworn, states that he is the Petitioner in the above entitled matter; that he has read the foregoing **Petition for Declaratory Order**; and that the allegations of fact therein are true.

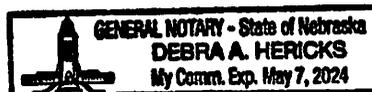


 Kraig J. Lofquist

SUBSCRIBED AND SWORN to before me on this 4 day of May, 2020.



 Notary Public



We Are Here to Help With Remote Learning

Nebraska Educators
Supporting
Nebraska Educators



Friday Webinars (Free Online)

A weekly webinar where Nebraska educators meet to collaborate on designing high-quality remote learning for their students.

Elementary: 1-2pm CST
MS/HS: 2-3pm CST

[Register Now](#)

May Workshop (Free Online)

½ day workshop to support teachers in building their own remote learning plan, in accordance with NDE guidelines.

Elem: May 27th 9am-12pm CST
MS/HS: May 28th 9am-12pm CST

[Register Now](#)

June Conference (Free Online)

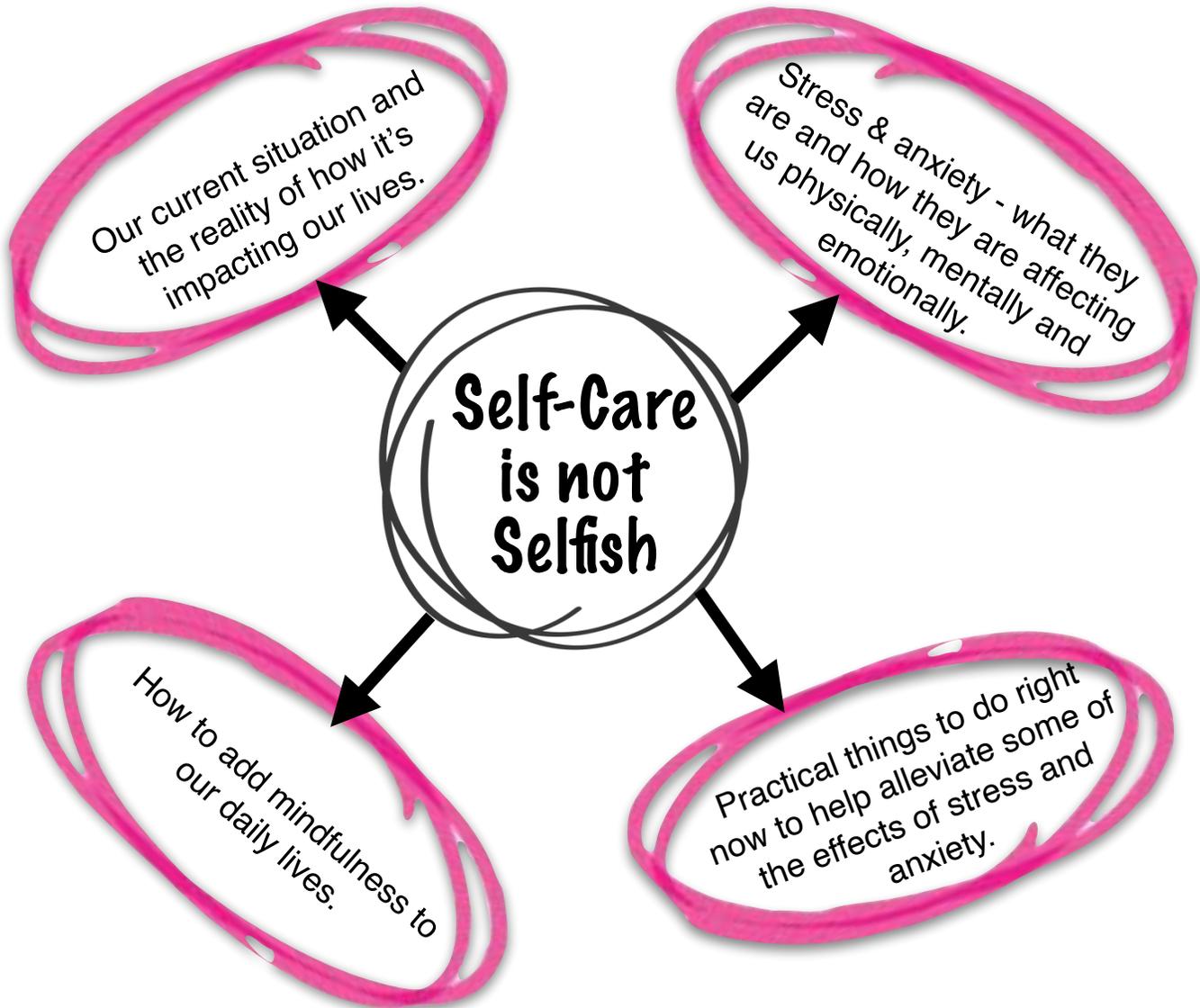
NDE and ESUs co-host this two-day online event.
Focus: Preparing Teachers and Districts for 2020-21 Remote Learning

June 15th 9am-12pm CST
June 16th 9am-12pm CST

[Register Now](#)

Self-Care for Educators

During these uncertain and unsettling times, it's hard to know what to do to make sure we are taking care of ourselves. Join Linda Kennedy from EHA to explore the following aspects of self-care, concluding with a short Headspace guided mindfulness session....



We encourage all our staff to attend one of the three Zoom sessions to be held on Tuesday, May 5, 2020.

10:00 AM ~ <https://us02web.zoom.us/j/86737351031>

2:30 PM ~ <https://us02web.zoom.us/j/81567515101>

5:00 PM ~ <https://us02web.zoom.us/j/86019414721>

Please contact the Central Office with any questions.

**2020-2021 Master Services Agreement
Between the
Educational Service Unit Coordinating Council and
Educational Service Unit __**

THIS MASTER SERVICES AGREEMENT (“Agreement”) is entered into this ____ day of _____, 2020 (“effective date”) by and between THE EDUCATIONAL SERVICE UNIT COORDINATING COUNCIL, a political subdivision of the State of Nebraska, hereinafter referred to as “the Council” or “the ESUCC,” and EDUCATIONAL SERVICE UNIT NO. ____, a political subdivision of the State of Nebraska referred to as “the ESU.”

Recitals

Whereas, ESUCC is charged by NEB. REV. STAT. § 79-1245 with the administration of statewide education initiatives and provision of statewide education services;

Whereas, the ESU wishes to receive certain services and participate in certain Projects that are conducted by the ESUCC; and

Whereas, the ESU wishes to have certain services and initiatives made available to its member school districts.

Now, therefore, the ESUCC and the ESU agree as follows:

1. General Provisions

- a. Purpose. The purpose of this Agreement is to establish the general terms and conditions applicable to the education initiatives, services and projects (collectively “Projects”) which ESUCC supplies to the ESU for the 2020-21 school year. This Agreement is intended to serve as a framework for the provision of services under one or more of the ESU CC’s Projects.
- b. Participation in Individual Projects. This Agreement outlines several Projects which ESUCC has undertaken for the statewide benefit of Nebraska educational service units and their member school districts. Other than the statewide core service initiatives designated herein as required by Rule 84 of the Nebraska Department of Education, the ESU may choose to participate in some, but not all of the Projects referenced by this Agreement. The ESU shall indicate its intention to participate in a particular Project by marking, where indicated, each Project in which it wishes to participate or make available to its member school districts. ESUCC is only obligated to provide services to the ESU for the Projects which the ESU has marked as provided herein.
- c. Term. The term of this Agreement shall be one (1) year, commencing on August 1, 2020 and ending on July 31, 2021.

- d. Provision of Services by ESUCC's Agents. The ESUCC may contract with third parties to provide some or all of the services described in this Agreement. The ESU hereby expressly agrees to the provision of those services by said third-party agents and agrees to cooperate with all agents of ESUCC in the implementation of such Projects including, but not limited to, invoicing, payment and administration necessary for the delivery of Project services in the name of ESUCC.
- e. Compliance with State Law. Each Party will comply with applicable laws in its performance hereunder and will advise the other of changes in laws that concern the conduct of the Projects and services contemplated by this Agreement. Each Party shall obtain and maintain all approvals required to perform its obligations under this Agreement.
- f. Right to Make Changes. ESUCC reserves the right in its sole discretion, to make changes to the operation of each of the individual Projects referred to herein, including, but not limited to, an increase in the fees charged for particular Projects, if the ESUCC determines that such fee increase is necessary for the continued operation of the particular Project, provided, however, that no such change shall have a material adverse impact on the ESU.
- g. New Projects. In the event ESUCC determines to offer a new Project during the term of this Agreement and the ESU wishes to participate in said new Project, the parties may describe the new Project in writing and incorporate that writing as a formal addendum to this Agreement.
- h. Amendments in Writing. Notwithstanding any provision of this Agreement to the contrary, any amendment to this Agreement must be in writing and signed by an authorized representative of each Party. No oral understanding or agreement not incorporated in this Agreement is binding on any of the Parties.
- i. Indemnification. To the extent permitted by applicable law, but without waiving any rights under any applicable state governmental immunity act, the Parties hereto agree to indemnify each other from any and all liabilities, claims, expenses, losses or damages, including attorneys' fees, which may arise in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of the Indemnifying Party.
- j. Assignment. The ESU shall not assign any right or delegate any obligation arising hereunder without the prior written consent of ESUCC. This provision does not prevent the ESU from allowing its member school districts to participate in some or all of the Projects described herein.
- k. Third Party Beneficiaries. This Agreement shall be binding upon and inure solely to the benefit of and be enforceable by each Party hereto and their respective successors and permitted assigns. Nothing in this Agreement, express or implied, is intended to or shall confer upon any third party any right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

- i. Entire Agreement. This Agreement supersedes and replaces all prior agreements or understandings and constitutes the entire agreement between the Parties concerning the subject matter hereof; there are no other agreements, understandings, or representations, whether written or oral, between the ESU and ESUCC concerning the subject matter addressed herein.
- m. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Nebraska.
- n. Nondiscrimination. The parties shall not discriminate against any employee or applicant who is to be employed for performance of this MOU with respect to his or her hire, tenure, terms, conditions, or privileges of employment, because of his race, color, religion, sex, disability, or national origin.
- o. Employment Eligibility Verification. The parties shall use a federal immigration verification system to determine the work eligibility status of employees hired on or after October 1, 2009 and who are physically performing services within the State of Nebraska. If a party employs or contracts with any subcontractor in connection with this Agreement, the contracting party shall include a provision in the contract requiring the subcontractor to use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

2. Professional Development Project (ESUPDO Project)

- a. Purpose of Professional Development Projects. One of the core services provided to school districts is professional development of their staff. Pursuant to Rule 84 of the Nebraska Department of Education, all ESUs are required to participate in statewide core service initiatives as established by the ESU Coordinating Council as a condition of accreditation. The ESUPDO Project is one of the mandatory statewide core service initiatives undertaken by the ESUCC. Mandatory participation includes financial support of the project pursuant to the terms set forth in this section.
- b. Professional Development Planning Committee. The ESUCC shall appoint educators and other experts to a Professional Development Planning Committee. The initial committee shall consist of members who possess expertise in professional development and specific curriculum areas including members from NDE and statewide initiatives/projects at the discretion of the ESUCC and its Executive Director. The Professional Development Planning Committee shall provide the ESUCC's Executive Director with suggestions and input on technical and other matters related to professional development and specific special projects involving educators' professional development, within the State of Nebraska. The ESUCC Executive Director may also form ad hoc committees from time to time to address matters relevant to the various Professional Development Initiatives.

- c. Annual Professional Development Program. The ESUCC will develop an annual program of professional development offerings that will assist the ESU and its member districts in providing professional development to educators statewide. The ESUCC will assist the ESU in meeting its obligations pursuant to Rule 84 of the Nebraska Department of Education in collaborating to create opportunities for educational training and staff development for the staff of educational service units, the Nebraska Department of Education, and school districts statewide.
- d. ESUPDO Project. The ESUPDO serves as a collaborative effort to provide statewide training and alignment of efforts for ESU employees and key NDE Staff statewide. Professional development is among the core services identified by state statute for ESU's. ESUPDO consists of four affiliate groups comprised of ESU employees across the seventeen ESU's with representation from essential NDE Staff.

These groups are:

- i. Staff Development Affiliate (SDA): Members are responsible for providing staff development for their school districts and assisting the Nebraska Department of Education efforts on statewide and local assessment as well as school improvement for Nebraska's school districts.
- ii. Teaching and Learning with Technology (TLT): The purpose of the Teaching and Learning with Technology Affiliate (TLT) is to connect educators with resources, best practices, and emerging technologies to transform teaching and learning within the classroom. This support is provided through school improvement efforts, professional development, and coordinated statewide projects, services, and efforts.
- iii. Network Operations Committee (NOC): NOC supports the extensive communications network within and among the ESU's and school districts. NOC provides network security and protocols for their districts and ESU's and ensures the communications network for distance education, internet, email, and phones are functioning and secure.
- iv. ESU Special Populations Directors (ESPD): This group consists of Special Education Directors and staff from across the state. This group was included in the ESUPDO as the need for special education professional development for special education and classroom teachers emerged in the age of standards and assessment. ESPD is involved with the Nebraska Department of Education in providing leadership for special education training and support.
- v. ESUPDO Fees. Each ESU will participate in the ESUPDO Project and contribute \$3,404 to fund the activities of the Professional Development Annual Program.

- e. Professional Development Special Projects. The ESUCC may also facilitate special projects, organize and facilitate programs, or serve as a fiscal agent for activities to enhance professional development opportunities. These special projects may include but are not limited to special education grant programs, NDE career education grant programs, and other grant or collaborative efforts that enhance statewide professional development.
- f. Fees for Participation in Specific Professional Development Activities. Professional Development activities may include a registration, material, and other fees. Such fees will be set at no more than \$20 per person per day. Material and other fees will be actually incurred costs beyond normal registration. Any fees billed through an agent of ESUCC must identify the specific core activity provided on behalf of the ESUCC and be appropriately allocated by such agent in accordance with agreed upon billing practices. ESUCC will provide to each ESU that participates in the Professional Development Project invoices that detail the expenditures for each event or meeting. Participation fees shall be billed bi-annually by ESUCC during the academic year.

The following is a cost summary for this project:

Section 2	PD Annual Program Fees	\$ 3,404
	(Each ESU will participate.)	
Section 3	PD Participation Fees	\$ 20 per person per day
	(Each ESU will participate.)	

MSA Fees for 2019-2020: \$4,239/\$20

- 3. Service Implementation Model Process and Log (SIMPL): This service is a data-driven process to systematically identify the needs of our districts and develop services to fill the gaps. The SIMPL online tool allows ESUs to comprehensively assess the available services for optimal implementation at the school district level.

The following is a cost summary for this project.

SIMPL fee	Up to \$ 1,500
(Each ESU will participate.)	
<i>Fees for 2016-2017:</i>	<i>Innovation Grant</i>

**4. Digital Learning Services and Projects:
Encompassing Distance Education, BlendEd Learning, Open Educational
(OER), Instructional Materials, and Learning Management Systems (LMS)**

- a. Purpose of Digital Learning Services and Projects. The ESUCC shall provide distance education services including brokering and facilitating the exchange of distance education courses, the administration of learning management systems, and the assessment of distance education needs and evaluation of distance education services as provided for in NEB. REV. STAT. § 79-1248 and other state statutes and regulations. Additionally, the ESUCC is charged with the administration of state-wide initiatives and provision of statewide services among other duties in NEB. REV. STAT. § 79-1246. The ESUCC also has managed statewide services in “core services” as that term is defined in statute, including instructional materials services. The purpose of these services is to assure cost-efficient and equitable delivery of digital learning opportunities in partnership with educational service units, school districts, and other potential partners. The ESUCC Digital Learning Services and Projects promote statewide collaboration to provide students and school districts with access to a mix of different learning environments that best supports the combination of traditional face-to-face classroom methods with more technology-mediated activities.
- b. Nebraska Department of Education Rule 84. Pursuant to Rule 84, all ESUs are required to participate in statewide core service initiatives as established by the ESUCC as a condition of accreditation. Components of the Digital Learning Services and Projects are mandatory statewide services administered by the ESUCC and require financial support from all ESUs.
- c. Distance Education Brokering. The ESUCC will provide the Nebraska Virtual Instruction Source (NVIS) course clearinghouse for use in finding and exchanging distance education courses between participating ESUs and school districts. Funding for this service is provided by allocated State appropriation. If additional fees for distance education brokering become necessary, they will be approved by the ESUCC board through the approval process.
- d. BlendEd Advisory Committee. The ESUCC shall appoint educators and other experts to a BlendEd Advisory Committee. The initial committee shall consist of up to 20 members representing distance education, instructional materials, learning management systems, and general knowledge about professional development relevant to the original initiative. The Advisory Committee shall provide the ESUCC’s Executive Director and Digital Learning Director with suggestions and input on technical and other matters related to distance education, digital learning, instructional materials, or learning management systems, within the State of Nebraska. The ESUCC Executive Director and Digital Learning Director may also form ad hoc committees from time to time to address matters relevant to the Digital Learning Services and Projects.

- e. Open Educational Resources (OER): The Nebraska OER hub is available to all ESUs and their district schools and offers statewide access to local and national open educational resources. The OER hub is a customized branded landing page on OER Commons, a product of ISKME. Within the Nebraska OER hub, collaborative statewide efforts with and between the Nebraska Department of Education, the ESUCC, school districts and educators are possible and provides the support to curate and create quality open educational resources that are aligned to Nebraska curriculum. The cost for the platform and services is funded by the Digital Learning administration fee.
- f. Learning Object Repositories (LOR): ESUCC will coordinate **access** to digital libraries that enable educators from within participating ESUs to use educational resources that are aligned to academic standards. These digital libraries may include both free and subscription based services, including but not limited to the following: Learn360, Nebraska OER, NROC web-based tools and PBS Learning Media.
- g. Conditions of Participation.
 - i. Intellectual Property. The ESU and each of its participating school districts agrees to comply with all relevant laws governing copyright and other intellectual property. The ESU agrees to hold ESUCC harmless for any violation of this provision by the ESU or its agents.
 - ii. No Assignment. No Party shall assign any of its rights or obligations under this Project without the prior written consent of the ESUCC's Executive Director or the ESUCC board.
- h. Fees. Each ESU will be invoiced \$5,700 fee to support the administration of statewide Digital Learning Services and Projects. Mandatory participation includes financial support of the services pursuant to the terms set forth in this section. Additional fees may be determined and assessed by the ESUCC board to provide these necessary services.

The following is a cost summary for the project:

Digital Learning Administration (Each ESU will participate.)	\$ 5,700
MSA Fees for 2019-2020: \$ 5,500	increase of \$200

- i. Optional Digital Learning Services and Projects. The Digital Learning Services and Projects are structured to allow ESUs to participate at the mandatory level or at an expanded level. The expanded optional services and projects supplement the statewide efforts in blended learning, open educational resources, instructional materials, and other digital learning products as recommended by appropriate affiliates. On an annual basis, ESUs may choose to participate in all or none of the expanded optional projects or services. Some of the services are made available to school districts directly when an ESU does not participate in the expanded optional

5. Cooperative Purchasing Project

- a. Purpose of Cooperative Purchasing. The Cooperative Purchasing Project aggregates demand for certain items commonly purchased by school districts to get lower prices and more favorable terms from selected suppliers.
- b. Duties of ESUCC. In connection with the Cooperative Purchasing Program, the ESUCC shall:
 - i. Combine statewide data relevant to cooperative purchasing in order to promote a valid basis upon which to solicit bids.
 - ii. Coordinate activities which are commensurate with updating and perpetuating proper specifications inherent within the bidding process.
 - iii. Prepare official bid documents and invite suppliers to bid in connection with supplies to be purchased by ESUCC and members.
 - iv. Prepare and cause to be published the official legal notices of the bid opening in connection with supplies to be purchased by ESUCC as required by applicable law or policy.
 - v. Conduct the public bid opening and resulting bid reviews in accordance with applicable Nebraska statutory “public lettings” provisions, if any, or ESUCC policy and practice, and be responsible for selecting bids based upon such provisions.
 - vi. Compile price lists and order sheets for each participating educational service unit and make such order lists and price sheets available through the Nebraska ESU Cooperative Purchasing Web Site or Marketplace.
 - vii. Provide technical support for ESUs and school districts in placing orders with suppliers through the Marketplace. Merchandise will be shipped as specified in bid terms and conditions
 - viii. Through the website, provide participating ESUs and school districts the capabilities to track items ordered, confirm receipt, check invoices and detect and report shortages.
 - ix. Retrieve order documents from the website and prepare aggregate orders to be sent to respective suppliers so that merchandise is shipped to each participating school/educational service unit.
 - x. Assist any participating school/educational service unit with problems related to the processing and delivery of orders from the suppliers.
 - xi. Participate in an annual audit of cooperative purchasing accounts and records conducted by a Certified Public Accountant.

(On the Summary Page, please check the box if the ESU will participate in the service.)

6. Special Education Project

- a. Student Records System (SRS Project): SRS is an online special education record system designed to create all special education documents, required by Rule 51 and Rule 52, including IEP, MDT, IFSP and all required notices. The SRS is a highly secured system that organizes and stores documents and provides easy access to files via the internet. SRS training is provided across the state for district staff and college and university staff.
- b. Fees. Each Participating ESU will pay a fee of \$5,500 to fund the Special Education Project.
- c. Additional SRS Fee. School Districts that are members of one of the participating Parties to the SPED SRS Project must pay an additional fee to receive access to SRS. Fees will be assessed in accordance with the following table.

2019-2020	2020-2021	Tier
\$166	\$174	<100
\$430	\$452	100-249
\$858	\$901	250-499
\$2,576	\$2,705	500-999
\$3,435	\$3,607	1000-1999
\$4,293	\$4,508	2000-3999
\$8,584	\$9,013	4000-17999

The ESUCC will bill the ESU for the fees allocated to each of the ESU’s participating member school districts.

The following is a cost summary of the project:

Special Education Project	\$ 5,500
Additional SRS Fees (Tier)	\$see chart above

MSA Fees for 2019-2020: \$ 5,500

(On the Summary Page, please check the box if the ESU will participate in the service.)

7. Legislative and Governmental Relations Project

- a. Purpose Legislative and Governmental Relations Project. The Legislative and Governmental Relations Project will assist member ESUs in strategically planning legislative initiatives that support the mission of the ESUCC and its member service units, tracking legislation that affects service units and state-wide educational efforts in the state, and influencing state lawmakers to support the vital work of the ESUCC, service units and public schools in the state of Nebraska.

- b. Duties of ESUCC. In connection with the Cooperative Purchasing Program, the ESUCC shall:
 - i. Solicit input and direction on legislative and governmental relations issues from its members through the ESUCC legislative committee and in other forums;
 - ii. Direct employees of ESUCC to draft, support or oppose state legislation related to matters affecting education in the state of Nebraska;
 - iii. Contract with experts in the field of governmental relations to assist the ESUCC in legislative and governmental matters

- c. Fees. Each Participating ESU will pay a fee of \$1629.41 to be determined by the ESUCC board upon approval of relevant expert contracts to fund the Legislative and Governmental Relations Project. In no event will the fee for participation exceed ESUCC’s actual costs.

The following is a cost summary for this project.

Govt. Relations	\$ 2059.00
<i>Govt. Relations (2019 & 2020)</i>	<i>\$ 1,629.41</i>

(On the Summary Page, please check the box if the ESU will participate in the service.)

Summary of MSA Fees 2020-2021

Please check and initial the relevant boxes below indicating the services in which the Service Unit wishes to participate. (Please note all projects within the MSA are provided with an either (1) a specific charge, (2) no charge for the project, or (3) a required participation fee for all ESUs.)

	<u>2019-2020</u>	<u>2020-2021</u>
ESUPDO with the following costs for PD services. (Statewide Core Service Initiative pursuant to Rule 84; Each ESU will participate.)		
Section 2 PD Annual Program Fees	\$ 4,239	\$ 3,404
Section 3 PD Participation Fees\$ 20 per person/per day		
SIMPL (Each ESU will participate.)		
SIMPL	\$ 0.00	Up to \$ 1,500
Digital Learning Services/Administration: Encompassing Distance Education, BlendEd, OER and other digital learning administrative functions. (Statewide Core Service Initiative pursuant to Rule 84; Each ESU will participate.)		
Digital Learning Administration	\$ 5,500	\$ 5,700
<input type="checkbox"/> ___ Digital Learning Projects/ESUCC Professional Library	\$ 1,000	\$ 600
Digital Learning Projects/Learn360		
Media On Demand		Coop Marketplace
Digital Learning/Special Projects		
Learning Objects/Special Projects were combined Budgeted amount - Projects subject to approval vote	\$10,000	\$ 7,500
Coop Purchasing	\$ 0.00	\$ 0.00
<input type="checkbox"/> ___ SRS Special Education Project	\$ 5,500	\$ 5,500
<input type="checkbox"/> ___ SRS Additional SRS Fees (Tier)	(see table on pg. 10)	
Legislative and Governmental Relations		
Govt. Relations	\$ 1,630	\$ 2,059

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers.

FOR EDUCATIONAL SERVICE UNIT # ____:

I certify that I have checked the relevant boxes above indicating the Projects in which the Service Unit wishes to participate.

OR

I certify that the Service Unit Wishes to Participate in ALL of the above projects.

FOR THE EDUCATIONAL SERVICE UNIT:

(Signature)

(Date)

(Printed name)

(Title)

FOR THE EDUCATIONAL SERVICE COORDINATING COUNCIL:

(Signature)

(Date)

Kraig J Lofquist
ESUCC Executive Director



Educational Service Unit #1

"Providing Innovation, Leadership and Service"

211 Tenth Street • Wakefield, NE 68784-5014

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Dr. Bill Heimann, Administrator

SERVING: CEDAR • DAKOTA • DIXON • KNOX • THURSTON • WAYNE COUNTIES

Date: April 17, 2020
To: ESU#1 Superintendents
From: Dr. Bill Heimann, ESU#1 Administrator
Re: 2020-21 Core Service Support Program

The Nebraska Department of Education Rule 84, and state statues require Educational Service Units in Nebraska to provide Core Services to member schools. Nebraska Laws 79-1241 & 79-1242 provide that state core funds and property tax levy funds “be used for purposes approved by representatives of two-thirds of the member school districts in an educational service unit, representing a majority of students in the member school districts.” The purpose of this memorandum is to provide an understanding of the ESU#1 Core Service Support.

State law requires ESU Core Service Funds be used for (in priority order) Staff Development, Technology, and Instructional Materials. Core services should be difficult, if not impossible, for most individual districts to effectively and efficiently provide with their own personnel and financial resources. Core services shall be provided by the ESU in a manner that minimizes the costs of administration or service delivery to member school districts. The ESU Coordinating Council administers statewide initiatives and statewide services in coordination with Nebraska’s 17 ESU’s.

Core Funding state allocation to ESU#1:

School Year	ESU#1 Allocation
2020-21	TBD
2019-20	\$249,980
2018-19	\$214,494
2011-12	\$609,460

ESU’s operate under the constraints of a levy limitation (\$.015 per \$100 of actual valuation). The property tax levy generates a small portion of the annual budget. In 2019-20 the levy generates \$1,644,646, compared to 2018-19 when the levy generated \$1,641,219 (increase of \$3,426).

The plan to provide Core Services and District Support Projects continues to evolve, and is reviewed annually by the representatives from each county who serve on the ESU#1 Superintendent Advisory Council. ESU#1 is privileged to partner with our school districts and your participation in our services demonstrates that we have identified critical areas of support.

The following pages outline the estimated budget for 2020-21 as well as school support projects that are available to ESU#1 school districts. This information will be reviewed during the April 22 Zoom Meeting. **Send an email to Tracey (tanderson@esu1.org) by May 11** to indicate approval. If no response is received, according to ESU#1 Board Policy, your district will be counted as approving the proposed budget.

ESU #1 2020-21 SCHOOL SUPPORT PROJECTS BUDGET

	2019-20	2020-21
<u>PROJECT</u>	<u>BUDGET</u>	<u>BUDGET</u>
AIMSweb	30,000	28,000
APL	27,500	33,000
Dues & Licensing Fees ~	122,000	96,450
Canvas, Brightbytes, Lightspeed Filters, Zoom, etc.		
John Baylor ACT	60,000	60,000
Legal: Policy Updates; Webinars; Presentations	24,000	20,000
Marzano Leadership Training	30,000	35,000
Migrant Ed. Support	18,000	0
PowerSchool	95,000	107,125
PowerSchool Consortium	0	50,000
Projects TBD	115,000	119,000
MTSS/RTI ~ (moved to PEAK Project)	16,500	0
School Grants (Grant Writers)	10,000	15,000
School Inservice Support & Other:	75,000	88,500
PD @ So. Sioux & WSC; Supt/Principal Workshops; Misc		
SRS Support	<u>35,000</u>	<u>40,000</u>
TOTAL	<u>\$ 658,000</u>	<u>\$ 692,075</u>

It is understood that ESU #1 funds all of, or a portion of, the above projects through the General Fund. If ESU #1 resources are reduced through loss of levy or Core Service funding, the level of support may be affected and/or projects eliminated.

ESU#1 GENERAL FUND LEVY/CORE SERVICES BUDGET ESTIMATE

EXPENDITURES	Estimated Exp. 2019-20	Estimated Budget 2020-21
Core Services		
Media	113,750	135,000
Staff Development	510,250	570,000
Technology Training	136,650	160,000
Technology Infrastructure	440,790	485,000
Subtotal	1,201,440	1,350,000
General Fund		
School Projects	658,000	692,075
SPED Support	50,000	50,000
AV/Computer Repair	45,000	45,000
Board	53,500	58,750
Administration	252,000	264,000
Business/Transportation	565,000	642,000
Operation/Maintenance	480,000	550,000
Subtotal	2,053,500	2,251,825
TOTAL ESTIMATED EXPENSES	3,254,940	3,601,825
	Estimated Revenue 2019-20	Estimated Revenue 2020-21
REVENUE		
Core Services/Infrastructure*	249,980	215,000
Tax Yield	1,624,969	1,625,000
Other Income	380,000	400,000
TOTAL REVENUE ESTIMATE	2,254,949	2,240,000
REVENUE OVER EXPENSES**	(999,991)	(1,361,825)

The estimated budget only includes General Fund expenditures, and does not include ESU#1 Grants or Special Education Services.

*Core Service Funding from the Nebraska Department of Education has not been determined.

**The projected revenue shortfall is a portion of the total budget. When the final ESU#1 budget is developed, a balanced budget will be submitted to the ESU#1 Board of Directors for approval.