

Board of Education ESU 18 Regular Meeting
Tuesday, June 25, 2019, 6:00 PM
or as soon thereafter as the same may
commence following the Lincoln Board of
Education Meeting Lincoln Public Schools
District Office 5905 O Street Lincoln, NE
68510

1. ESU 18 BOARD OF EDUCATION INFORMATION
2. CALL TO ORDER
3. ROLL CALL
4. ANNOUNCE OPEN MEETING ACT POSTING AND LOCATION
5. APPROVAL OF MINUTES
6. PUBLIC COMMENT
7. CONSENT
 1. Routine Business
8. FIRST READING, ACTION AT NEXT MEETING
9. SECOND READING, RECOMMENDED FOR ACTION
 1. From Board Committees
 1. Policy 3610 - Purchasing
 2. Policy 8121 - President and Vice President
 3. Policy 8123 - Secretary
 4. Policy 8130 - Committees
 5. Policy 8230: Board Operating Procedures - Opportunities for Development
 6. Policy 8400 - Meetings
 7. Policy 8460 - Annual Organizational Meeting
 2. From the Superintendent
 1. Interlocal Agreement with Lancaster County for Educational Services to the Youth Services Center #9657
 2. Agreement with Nebraska Department of Educaiton for Southeast Nebraska Regional Program for Hearing Impaired Students #9719
10. PUBLIC COMMENT
11. REQUEST FOR CLOSED SESSION
 1. Request for Closed Session - Negotiations/Collective Bargaining, Property/Real Estate, Litigation, Security, Criminal Misconduct, Personnel, and Legal Advice Matters
12. ADJOURNMENT

EDUCATIONAL SERVICE UNIT 18
Board of Education

Lincoln Public Schools District Office
5905 O Street
Lincoln, NE 68510

MINUTES OF MEETING – JUNE 11, 2019

1. OPENING PROCEDURES

Notice of the time and place of the ESU Board meeting was e-mailed to an extensive list of local and regional news media. A mailing list is maintained at the Lincoln Public Schools District Office. A public notice was published in the *LINCOLN JOURNAL STAR*.

2. CALL TO ORDER

The meeting was called to order by the Board President, Don Mayhew, at 6:15 p.m.

3. ROLL CALL

PRESENT BOARD MEMBERS:

Barbara Baier
Lanny Boswell
Kathy Danek
Connie Duncan
Don Mayhew
Annie Mumgaard
Bob Rauner

STAFF IN ATTENDANCE:

Dr. Steve Joel, Secretary of the Board and Superintendent
Dr. Matt Larson, Associate Superintendent for Instruction
Dr. Liz Standish, Associate Superintendent for Business Affairs
Mr. John Neal, Assistant to the Superintendent for Governmental Relations
Mr. Greg Perry, Attorney for the Board

A list of other people in attendance is set forth in Report File No. Hh-46.

4. ANNOUNCE OPEN MEETING ACT POSTING AND LOCATION

The ESU 18 Board makes 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 this meeting, the Board President announced and informed the public about the location of the posted information.

5. APPROVAL OF MINUTES

The May 20, 2019, minutes of the ESU No. 18 organizational meeting were approved as distributed.

6. PUBLIC COMMENT

There were no speakers at this portion of the meeting.

7. CONSENT AGENDA

7.1 ROUTINE BUSINESS

Bids/contracts/future bids/other routine business discussed at the Board's prior meeting or which are under \$500,000, as set forth in Report File No. Hh-47, were presented.

8. FIRST READING, ACTION AT NEXT MEETING

8.1 From Board Committees

8.1.1 Policy 3610 – Purchasing

The Associate Superintendent for Business Affairs is authorized to sign contracts and agreements for the Unit. The workflow process is currently managed through paper documents in folders for signature. Contracts and agreements at all funding thresholds are routed through the hard copy paper process. All contracts and agreements are vetted to ensure that the appropriate administrator has approved the activity and budget authority is available for any cost. Contracts and agreements in excess of \$25,000 are approved by the Unit Board.

In an effort to create efficiency, revisions in Policy 3610 would assist with the workflow process being developed for the new Enterprise Resource Data Program (ERP) by granting the position of Director of Purchasing or designee the authority to sign contracts under \$5,000. Establishing a threshold for approval in the Purchasing Department would allow workflow to be processed more effectively and ensure appropriate staff verify the activity.

8.1.2 Policy 8121 – President and Vice President

The revisions included in Policy 8121 have been made to put into policy current Board practice in terms of the Board President's duties. Revisions have also been made to bring consistency in policy language by replacing outdated verbiage.

8.1.3 Policy 8123 – Secretary

The revisions to Policy 8123 removes unnecessary language and provides clarity. It provides for the Board Treasurer to receive notice, rather than the Board Secretary (currently designated to the Superintendent), when notice is given.

8.1.4 Policy 8130 – Committees

The revisions to Policy 8130 removes unnecessary verbiage and updates the policy language to reflect current Board practice. It replaces the listing of Committees of the Whole and instead references their function.

8.1.5 Policy 8230 – Board Operating Procedures – Opportunities for Development

The revision to Policy 8230 places a spending limit on Board member professional development opportunities not to exceed \$1,000.00. It provides direction for obtaining approval of staff development opportunities that may exceed the authorized amount.

8.1.6 Policy 8400 – Meetings

The revisions to Policy 8400 clarifies when the Board may hold a closed meeting session.

8.1.7 Policy 8460 – Annual Organizational Meeting

The revisions to Policy 8460 provide clarity in the procedures for election of officers and other business to take place at the annual organizational meeting of the Board. It designates the Board's legal counsel as the Acting Chair for the election of President, clarifies the procedure for electing the Secretary and Treasurer, and builds into policy the manner in which motions for the election of officers should be made.

8.2 From the Superintendent

8.2.1 Interlocal Agreement with Lancaster County for Educational Services to the Youth Services Center #9657

It is recommended that an Agreement be entered into between Educational Service Unit No. 18 (ESU 18) and the County of Lancaster, Nebraska to provide educational services to youth detained at the Lancaster County Youth Services Center.

The term of the Agreement will be August 1, 2019, through July 31, 2020.

ESU through its staff as assigned by the ESU 18 Administrator or through staff of Lincoln Public Schools (LPS) as assigned by the LPS Superintendent or a designee to perform ESU 18 services, shall provide a certificated administrator and certified teachers to teach under the laws of the State of Nebraska and other assigned support staff.

The County agrees that the Youth Services Center shall provide appropriate space, time, and reasonable staff support to assist ESU 18 in performance of the educational services to be provided in the agreement.

The County agrees to reimburse ESU 18 for all expenses incurred in providing such services pursuant to the agreement; provided, however, that the amount of such reimbursements shall not exceed \$799,344.00.

A complete copy of the proposed Agreement is available with ESU 18 and in the LPS Purchasing Department.

8.2.2 Agreement with Nebraska Department of Education for Southeast Nebraska Regional Program for Hearing Impaired Students #9719

It is recommended that an agreement be entered into between ESU 18 and the Nebraska Department of Education (NDE) to plan, coordinate, and provide network enrichment activities for children who are deaf and hard of hearing in the ESU 4, ESU 5, ESU 6, and ESU 18 geographical areas. The term of the agreement is from July 1, 2019, through June 30, 2021. This is a continuing agreement with NDE.

The NDE agrees to pay ESU 18 up to \$317,221.00 each year for providing this service.

A complete copy of the proposed agreement is available in the Purchasing Department.

9. SECOND READING, RECOMMENDED FOR ACTION

There were no items for second reading at this portion of the meeting.

10. PUBLIC COMMENT

There were no speakers at this portion of the meeting.

11. CLOSED SESSION

Mr. Mayhew advised that there was no request for a closed session this evening.

12. ADJOURNMENT

There being no further business, the ESU No. 18 Board adjourned at 6:19 p.m. Recorded votes may be superseded or nullified by a previously announced or filed conflict of interest statement.

Don Mayhew
President of the Board

Stephen C. Joel
Secretary of the Board

BIDS, CONTRACTS, AND OTHER ROUTINE BUSINESS

CONTRACTS

1. INTERLOCAL COOPERATION ACT AGREEMENTS FOR ESU No. 18 SOUTHEAST NEBRASKA REGIONAL PROGRAM #9723

It is recommended that an agreement be entered into between Educational Service Unit No. 18 (ESU) and the following school districts for the provision of deaf or hard of hearing services under the Southeast Nebraska Regional Program: Auburn, Beatrice, Centennial, Crete, Bruning-Davenport, Deshler, Diller-Odell, Dorchester, Exeter-Milligan, Fairbury, Falls City, Fillmore Central, Freeman, Friend, Heartland Community, Humboldt-Table Rock-Steinauer, Johnson Brock, Johnson County Central, Lewiston, Malcolm, McCool Junction, Meridian, Milford, Nebraska City, Norris, Palmyra/Bennet District OR1, Pawnee City, Seward, Shickley, Southern, Sterling, Syracuse-Dunbar-Avoca, Thayer Central, Tri County, Waverly, Wilber/Clatonia, and York Public Schools. Services would be provided to one or more students from the above listed school districts for the period beginning July 1, 2019, through June 30, 2020.

The districts will reimburse the ESU at the Nebraska approved rate for the services and expenses.

A complete copy of the proposed agreement is available in the Purchasing Department.

The Board, by approving this agreement with the above listed school districts, is approving the provisions of the agreement and all associated documents related thereto according to the terms and conditions as presented or such other or additional terms and provisions as negotiated and approved by the Administrator or a designee, and the Board is hereby delegating to and authorizing the Administrator or a designee to sign, execute, and deliver such documents, and to take or cause to be taken any and all other action and sign any other documents as may be necessary to complete the transaction, and to administer, operate, implement the same on a day to day basis during its term, and to terminate or cancel as may be necessary and as contemplated thereby, for and on behalf of this ESU.

BUSINESS

Purchasing

The Unit Board declares its intention to purchase competitively whenever possible.

Good working relations with vendors who provide materials, supplies, and services to the ESU are desirable. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged. If comparable quotes of equal quality are received, preference shall go to the local vendor; that is, Lincoln first, then Nebraska.

Recommended purchases or contracts in excess of \$25,000 will be presented to the Unit Board for approval except as otherwise provided by policy or specific Board actions. The Associate Superintendent for Business Affairs is hereby delegated full power and authority to approve recommended purchases and/or sign contracts for and on behalf of the Unit that are consistent with the Unit's spending plan and budget that are under \$25,000 without Board approval. The Director of Purchasing or designee is also hereby delegated full power and authority to approve recommended purchases and/or sign contracts for and on behalf of the Unit that are consistent with the Unit's spending plan and budget that are under \$5,000 without Board approval.

Purchase orders will be written solely under the direction of the assigned Director of Purchasing.

The process and procedure of purchasing professional services for the ESU will be determined in the sole discretion of the Unit Board from time to time.

Quality/Quantity Purchasing

Items to be purchased shall be at a specified quality level selected to meet the instructional or operational requirements of the ESU.

Consideration of a higher quality level shall include:

1. Use of products on trial basis.
2. Regard for extended life expectancy of the product.
3. Preference for products having a more trouble-free nature that would result in lower per-year cost of ownership.
4. The establishment of an ESU standard which reduces cost of support, maintenance, and parts.

All recommendations shall be made after consideration and consultation with the personnel requesting the goods and services.

The administration is encouraged to purchase supplies, equipment, and materials in quantity to take advantage of volume pricing and to save on freight cost.

BUSINESS

Purchasing

Quality/Quantity Purchasing (Continued)

Factors to be considered in consolidating like items for purchase in lot quantities shall include:

1. Price advantages to be recognized on basic purchasing quantities.
2. Savings on shipping costs.
3. Savings on avoiding costs of frequent repetitive purchases.
4. Cost of investments in inventory.
5. Cost of warehouse space and personnel.

Encumbering Funds

Funds of the ESU are encumbered upon issuance of a purchase order or other written agreement as authorized by the Unit Board.

Contracts and Contract Authority

In accordance with Policy 3140, the Unit Administrator or the LPS Associate Superintendent for Business Affairs is authorized to sign execute and deliver documents in the exercise of the necessary course of business activities for the ESU.

Date Regulation Reviewed by the Board of Education:	2-27-96
Related Policies and Regulations:	
Legal Reference:	79-909, 79-912

BOARD OPERATING PROCEDURES

President

The Unit Board President is the chair and presides at all meetings of the Board, except Committee of the Whole meetings.

~~He or she~~The President exercises such powers and performs such duties as usually fall to the presiding officer of a governing body; and in addition thereto, unless further modified or overruled by Board action, the President is specifically hereby delegated by the Board full power and authority to approve minutes, adjourn meetings and excuse member absences for and on behalf of the Board.

The President appoints those special committees or special appointees ~~he or she~~deems necessary or those ~~he or she~~the President is requested to appoint by the Board.

The President advises the Unit Administrator in matters of procedure and works with the Unit Administrator to set the agenda for meetings of the Unit Board.

The President or the President's designee represents the Unit Board at ceremonial events, community meetings, and other special occasions. Upon request, the Communications Department will assist in preparing remarks for these events.

Vice President

The Unit Board Vice President performs the duties of the President in the absence or disability of the President to perform.

The Vice President acts as chair of the Committee of the Whole.

Terms of Office

The President and Vice President will serve terms of up to one year.

Date of Adoption (or Last Revision):
Related Policies and
Regulations: Legal Reference:

4-11-95

BOARD OPERATING PROCEDURES

Secretary

The Secretary shall be responsible for publication of the agenda in accordance with Board rules.

The Secretary shall be responsible for publication of official notices and for the completion of reports required of the Board.

The Secretary is the Clerk of the Unit Board and of all Unit meetings when present. The Secretary shall fulfill all duties of Secretary to the Unit Board as required by the statutes and regulations of the State of Nebraska.

When a notice is required to be given to the Secretary by the Superintendent, the Treasurer will be designated as the Secretary for the purpose of receiving the notice.

Date of Adoption (or Last Revision):
Related Policies and
Regulations: Legal Reference:

8-22-89

BOARD OPERATING PROCEDURES

Committees

The committees of LPS may function as the committees of the ESU.

Committees shall not have legislative or administrative functions, except as specifically authorized in Unit Board minutes or policy. All matters except those of routine or emergency nature should be referred to a committee before action by the Unit Board. Committees may hold hearings to receive input from the public.

Committees may not hold hearings, make policy, or take formal action *on behalf of* the ESU Board, except for subcommittees specifically authorized by law or policy to do so.

The President shall appoint the members and chair of each committee, and may authorize the Unit Administrator or a designee to make such appointments; members will serve at the will of the Unit Board or until the next Annual Organizational Meeting.

Summaries of all committee meetings shall be reported to the Unit Board for its information, recording, and possible action, or to the Unit Administrator, if the majority of members were appointed by the Unit Administrator or other Unit staff.

Committee of the Whole

The Educational Service Unit Board may function as a Committee of the Whole during a regularly scheduled or special meeting to discuss the budget, facility planning, annual goals, strategic planning, instructional programs, or when it is necessary to extend discussion on an issue. Any member may refer an item to the Committee of the Whole through a motion to commit or to refer.

The secretary shall keep minutes of the matters discussed for submission at a regularly scheduled business or special meeting.

Temporary or Ad Hoc Committees

Temporary or ad hoc committees of the Board are established only by Board action.

The President shall appoint such temporary and special committees as may be deemed necessary or advisable by the Board, and the President shall be, *ex-officio*, a member of each committee.

Special Appointments

Members of the Board may be appointed to represent the Board on joint committees with other agencies or as advisors to other agencies. The President will make such special appointments unless otherwise designated by the Unit Board. The members so appointed will serve during the term of the President.

Date of Adoption (or Last Revision):
Related Policies and
Regulations: Legal Reference:

4-11-95

BOARD OPERATING PROCEDURES

Meetings

The Unit Board will hold Regular meetings and Special meetings as circumstances demand.

A meeting of the Unit Board occurs when the body is intentionally convened for the transaction of business and advance publicized notice is given of the meeting (except in the case of emergencies) in accordance with the Open Meetings Act.

Regular Meetings

The Educational Service Unit Board will schedule sessions for the purpose of conducting the business of the Unit in accordance with Nebraska State law.

Work Sessions

Work sessions are a special meeting. The Service Unit Board may schedule informal work sessions between regular meetings. Work sessions are desirable when extended or informal discussion is needed in advance of taking formal action, when hearing major reports of staff committees, or when reviewing or formulating extensive plans for later ratification.

During work sessions the Educational Service Unit Board shall function as a Committee of the Whole.

Other Special Meetings

Special meetings shall be held upon request of the president or at the request of at least two members of the Board.

Special meetings generally require reasonable advanced publicized except in cases of emergency.

Special meetings must be called for the purpose which is specified and no business shall be transacted at the special meeting except that which is specified on the agenda for that meeting.

Executive Session (Closed)

A closed or executive session may be conducted when called for by an affirmative, majority vote of members of the Service Unit Board if a closed session is clearly necessary for one or more of the following reasons: the protection of the public interest or for the prevention of needless injury to the reputation of an individual and such individual has not requested a public meeting. The following are the most common reasons for convening a closed session:

- ~~(a) Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;~~
- ~~(b) Discussion regarding deployment of security personnel or devices;~~
- ~~(c) Investigative proceedings regarding allegations of criminal misconduct; or~~
- ~~(d) Personnel matters.~~

1. For strategy session with respect to negotiations/collective bargaining clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
2. For strategy session with respect to property/real estate matters clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation

of an individual in compliance with the law.

3. For Strategy session with respect to pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
4. For discussion regarding deployment of security personnel or devices clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
5. For investigative proceedings regarding allegations of criminal misconduct clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
6. For personnel and the evaluation of job performance clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
7. For discussions of the legal consequences of specific action and legal advice clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.

BOARD OPERATING PROCEDURES

Meetings (Continued)

Meetings for Public Hearings

The Service Unit Board may hold public hearings as necessary or as required by statute.

Open Meetings

All meetings of the Board are open to the public except for executive or closed sessions.

Date of Adoption (or Last Revision):

4-11-95

Related Policies and Regulations:

1130

Legal Reference:

84-1408, 84-1409, 84-1410

BOARD OPERATING PROCEDURES

Annual Organizational Meeting

An organizational meeting of the Educational Service Unit Board shall be held in conjunction with the Lincoln Public Schools annual organizational meeting for the purpose of seating any new members electing officers.

The following are procedures for election of officers and other business to take place at the annual organizational meeting of the Board:

1. After new members are sworn in by the Board's legal counsel, the Board will elect from its members a President and a Vice President with the Board's legal counsel acting as chair for the election of a President.
2. and the Board will then elect as Secretary the Superintendent, and elect as Treasurer the Associate Superintendent for Business Affairs. All officers will assume office upon election.
3. Upon call for nominations for each office by the chair, nominations will be made by written ballot. Voting will be by written ballot on all members nominated and repeated until a majority is achieved for a nominee. If a tie is not broken after five ballots, the chair will determine the winner by a flip of a coin.
4. The President will assume the chair immediately upon being elected.
5. The motions for the officers' election should read: Move that (nominee's name) be elected as (name of office) to serve a term of one year on an "at-will" basis or until the person's successor is elected and qualified.

The order of business for the remainder of the meeting should be as follows:

1. The election of a Vice President by the same method as used for the election of the President.
2. Election of the Secretary and Treasurer.
3. The adoption of an order of business to guide in the preparation of future agendas and conduct of meetings.

4. Review of existing temporary committees or special appointments involving Unit Board members.
5. Approval of current Unit Board policies and regulations.

Date of Adoption (or Last Revision): 2-15-94
Related Policies and Regulations: 8441
Legal Reference: