

Regular Board Meeting
October 12, 2020, at 7:30 PM
Southern School District

Notice is hereby given of a meeting of the Board of Education, Southern School District #1 on October 12, 2020, at 7:30 PM at Southern Jr./Sr. High School Board Room in Wymore. A current agenda is also available at the office of the Superintendent.

I hereby certify that the above notice was posted in three public places as follows:

Southern Elementary School

Southern Jr./Sr. High School

U.S. Post Office in Wymore

I. Call Meeting to Order

A. Roll Call

B. Notice of Nebraska Open Meetings Act Posted

II. Approval of Minutes from the September 14, 2020, Regular Board Meeting, Budget Hearing, & Tax Request Hearing

III. Communications, Audiences, and Recognitions

A. Public comments will not be received after this period of time. Public comment period is limited to 5 minutes per person and a total of 30 minutes overall.

IV. Financial Statement: Item for Discussion, Consideration, and/or Action

A. Approval of Bills

1. General Fund, Special Building Fund, Depreciation Fund, and Qualified Capital Purpose Undertaking Fund Claims

2. Lunch & Activity Claims

V. Support Service

- A. Facility Update
- B. Personnel Items
- C. Technology Update

VI. Administrative and Committee Reports

- A. Student Board Member Report
- B. Elementary Principal's Report
- C. Secondary Principal's Report
- D. Superintendent's Report

VII. Items for Discussion, Consideration, and/or Action

- A. Approve the Southern Education Association as the Exclusive Bargaining Agent for the District's Non-Supervisory Certificated Staff for the 2022-2023 Contract Year
- B. Authorize a Line of Credit with Security First Bank
- C. 2020 Annual Board Policy Update (Round 3)
- D. Option Enrollment Applications

VIII. Adjournment

Notice of Regular Board Meeting
October 12, 2020, at 7:30 p.m.
Southern School District #1

Notice is hereby given of a meeting of the Board of Education, Southern School District #1 on October 12, 2020, at 7:30 p.m. at Southern Jr./Sr. High School Auditorium in Wymore. A current agenda is also available at the office of the Superintendent.

I hereby certify that the above notice was posted in three public places as follows:

Southern Elementary School
Southern Jr./Sr. High School
U.S. Post Office in Wymore

- I. Call Meeting to Order
 - A. Roll Call
 - B. Notice of Nebraska Open Meetings Act Posted
- II. Approval of Minutes from the September 14, 2020, Regular Board Meeting, Budget Hearing, & Tax Request Hearing
- III. Communications, Audiences, and Recognitions
 - A. Public comments will not be received after this period of time. Public comment period is limited to 5 minutes per person and a total of 30 minutes overall.
- IV. Financial Statement: Item for Discussion, Consideration, and/or Action
 - A. Approval of Bills
 - B. General Fund, Special Building Fund, Depreciation Fund, and Qualified Capitol Purpose Undertaking Fund Claims
 - C. Lunch and Activity Claims
- V. Support Service
 - A. Facility Update
 - B. Personnel Item
 - C. Technology Update
- VI. Administrative and Committee Reports
 - A. Student Board Member Report
 - B. Elementary Principal's Report
 - C. Secondary Principal's Report
 - D. Superintendent's Report
- VII. Items for Discussion, Consideration, and/or Action
 - A. Approve the Southern Education Association as the Exclusive Bargaining Agent for the District's Non-Supervisory Certificated Staff for the 2022-2023 Contract Year
 - B. Authorize a Line of Credit with Security First Bank
 - C. 2020 Annual Board Policy Updates (Round 3)
 - D. Option Enrollment Applications
- VIII. Adjournment

The next Regular Board meeting is scheduled for 7:30 p.m., November 9, 2020, at Southern Jr./Sr. High School Auditorium in Wymore. The Board of Education will usually adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to amend the agenda as deemed necessary.

NEBRASKA 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.

Annotations

- Nebraska's public meetings laws do not apply to school board deliberations pertaining solely to disputed adjudicative facts. *McQuinn v. Douglas Cty. Sch. Dist. No. 66*, 259 Neb. 720, 612 N.W.2d 198 (2000).
- The primary purpose of the public meetings law is to ensure that public policy is formulated at open meetings. *Marks v. Judicial Nominating Comm.*, 236 Neb. 429, 461 N.W.2d 551 (1990).
- The public meetings law is broadly interpreted and liberally construed to obtain the objective of openness in favor of the public, and provisions permitting closed sessions must be narrowly and strictly construed. *Grein v. Board of Education of Fremont*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- A county board of equalization is a public body whose meetings shall be open to the public. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2.

Annotations

- A township is a political subdivision, and as such, a township board is subject to the provisions of the public meetings laws. *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- A county agricultural society is a public body to which the provisions of the Nebraska public meetings law are applicable. *Nixon v. Madison Co. Ag. Soc'y*, 217 Neb. 37, 348 N.W.2d 119 (1984).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).

- As an administrative agency of the county, a county board of equalization is a public body. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- The electors of a township at their annual meeting are a public body under the Open Meetings Act. *State ex rel. Newman v. Columbus Township Bd.*, 15 Neb. App. 656, 735 N.W.2d 399 (2007).
- The meeting at issue in this case was a "meeting" within the parameters of subsection (2) of this section because it involved the discussion of public business, the formation of tentative policy, or the taking of any action of the public power district. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).
- Informational sessions in which the governmental body hears reports are briefings. *Johnson v. Nebraska Environmental Control Council*, 2 Neb. App. 263, 509 N.W.2d 21 (1993).

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.

Annotations

- There is no absolute discovery privilege for communications that occur during a closed session. *State ex rel. Upper Republican NRD v. District Judges*, 273 Neb. 148, 728 N.W.2d 275 (2007).
- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- The public interest mentioned in this section is that shared by citizens in general and by the community at large concerning pecuniary or legal rights and liabilities. *Grein v. Board of Education*, 216 Neb. 158, 343 N.W.2d 718 (1984).
- Hearing in closed executive session was contrary to this section since there was no showing of necessity or reason under subdivision (1)(a), (b), or (c), but did not result in reversal of board decision. *Simonds v. Board of Examiners*, 213 Neb. 259, 329 N.W.2d 92 (1983).
- Negotiations for the purchase of land need not be conducted at an open meeting but the deliberations of a city council as to whether an offer to purchase real estate should be made should take place in an open meeting. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Public meeting law was not violated where the Board of Regents of the University of Nebraska voted to hold a closed session to consider the university president's resignation, and also discussed the appointment of an interim president during such session. *Meyer v. Board of Regents*, 1 Neb. App. 893, 510 N.W.2d 450 (1993).

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

Cross References

- **Intergovernmental Risk Management Act**, see section 44-4301.
- **Interlocal Cooperation Act**, see section 13-801.
- **Joint Public Agency Act**, see section 13-2501.
- **Municipal Cooperative Financing Act**, see section 18-2401.

Annotations

- Under subsection (1) of this section, the Legislature has imposed only two conditions on the public body's notification method of a public meeting: (1) It must give reasonable advance publicized notice of the time and place of each meeting and (2) it must be recorded in the public body's minutes. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- An emergency is "(a)ny event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition." *Steenblock v. Elkhorn Township Bd.*, 245 Neb. 722, 515 N.W.2d 128 (1994).
- An agenda which gives reasonable notice of the matters to be considered at a meeting of a city council complies with the requirements of this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- When notice is required, a notice of a special meeting of a city council posted in three public places at 10:00 p.m. on the day preceding the meeting is not reasonable advance publicized notice of a meeting as is required by this section. *Pokorny v. City of Schuyler*, 202 Neb. 334, 275 N.W.2d 281 (1979).
- Teacher waived right to object to lack of public notice in board of education employment hearing by voluntary participation in the hearing without objection. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- A county board of commissioners and a county board of equalization are not required to give separate notices when the notice states only the time and place that the boards meet and directs a citizen to where the agendas for each board can be found. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- A county board of equalization is a public body which is required to give advanced publicized notice of its meetings. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Notice of recessed and reconvened meetings must be given in the same fashion as the original meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- True notice of a meeting is not given by burying such in the minutes of a prior board proceeding. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- An agenda notice which merely stated "work order reports" was an inadequate notice under this section because it did not give interested persons knowledge that plans for a 345 kv transmission line through the district was going to be discussed and voted upon at the meeting. Inadequate agenda notice under this section meant there was a substantial violation of the public meeting laws; however, later actions by the board of directors cured the defects in notice, and such actions were in substantial compliance with the statute. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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 instate 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 instate 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, LB962, § 1.

Annotations

- To preserve an objection that a public body failed to make documents available at a public meeting as required by subsection (8) of this section, a person who attends a public meeting must not only object to the violation, but must make that objection to the public body or to a member of the public body. *Stoetzel & Sons v. City of Hastings*, 265 Neb. 637, 658 N.W.2d 636 (2003).

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, LB361, § 3; Laws 2015, LB365, § 2; Laws 2016, LB876, § 1.

Annotations

- If a person present at a meeting observes and fails to object to an alleged public meetings laws violation in the form of a failure to conduct rollcall votes before taking actions on questions or motions pending, that person waives his or her right to object at a later date. *Hauser v. Nebraska Police Stds. Adv. Council*, 264 Neb. 944, 653 N.W.2d 240 (2002).
- Subsection (2) of this section does not require the record to state that the vote was by roll call, but requires only that the record show if and how each member voted. Neither does the statute set a time limit for recording the results of a vote, after which no corrections of the record can be made. If no intervening rights of third persons have arisen, a board of county commissioners has power to correct the record of the proceedings had at a previous meeting so as to make them speak the truth, particularly where the correction supplies some omitted fact or action and is done not to contradict or change the original record but to have the record show that a certain action was taken or thing done, which the original record fails to show. *State ex rel. Schuler v. Dunbar*, 214 Neb. 85, 333 N.W.2d 652 (1983).
- Failure by a public governing body, as defined under section 84-1409, R.R.S.1943, to take and record a roll call vote on an action, as required by section 84-1413(2), R.S.Supp.,1980, grants any citizen the right to sue for the purpose of having the action declared void. In this case such failure could not be later corrected by a nunc pro tunc order because there was no showing that a roll call vote on the disputed action was actually taken, and even if it was the record showed it was not recorded until over a year later. Sections 23-1301, R.R.S.1943, and 23-1302, R.R.S.1943, make it the duty of the county clerk to record proceedings of the board of county commissioners. *State ex rel. Schuler v. Dunbar*, 208 Neb. 69, 302 N.W.2d 674 (1981).
- There is no requirement that a public body make a record of where notice was published or posted. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).

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.

Annotations

- The Legislature has granted standing to a broad scope of its citizens for the very limited purpose of challenging meetings allegedly in violation of the Open Meetings Act, so that they may help police the public policy embodied by the act. *Schauer v. Grooms*, 280 Neb. 426, 786 N.W.2d 909 (2010).
- Any citizen of the state may commence an action to declare a public body's action void. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).
- The reading of ordinances constitutes a formal action under subsection (1) of this section. *City of Elkhorn v. City of Omaha*, 272 Neb. 867, 725 N.W.2d 792 (2007).

- If a person present at a meeting observes a public meetings law violation in the form of an improper closed session and fails to object, that person waives his or her right to object at a later date. *Wasikowski v. Nebraska Quality Jobs Bd.*, 264 Neb. 403, 648 N.W.2d 756 (2002).
- Under the Public Meetings Act, a county lacks capacity to maintain an action to declare its official conduct "void" for noncompliance with the act. *County of York v. Johnson*, 230 Neb. 403, 432 N.W.2d 215 (1988).
- When a petitioner under this section is successful in the district court, that court may allow attorney fees. *Tracy Corp. II v. Nebraska Pub. Serv. Comm.*, 218 Neb. 900, 360 N.W.2d 485 (1984).
- Informal discussions between the Tax Commissioner and the State Board of Equalization in which instructions were clarified, with such clarification leading to the amendment of hearing notices, did not constitute a public meeting subject to the provisions of this section. *Box Butte County v. State Board of Equalization and Assessment*, 206 Neb. 696, 295 N.W.2d 670 (1980).
- The right to collaterally attack an order made in contravention of the Public Meeting Act must occur within a period of one year as is specifically provided by this section. *Witt v. School District No. 70*, 202 Neb. 63, 273 N.W.2d 669 (1979).
- Statutory change, requiring "publicized notice" for board of education employment hearings, occurring between dates meeting scheduled and conducted, held not to void proceedings. *Alexander v. School Dist. No. 17*, 197 Neb. 251, 248 N.W.2d 335 (1976).
- Voiding an entire meeting is a proper remedy for violations of the Open Meetings Act. Once a meeting has been declared void pursuant to Nebraska's public meetings law, board members are prohibited from considering any information obtained at the illegal meeting. *Wolf v. Grubbs*, 17 Neb. App. 292, 759 N.W.2d 499 (2009).
- Actions by the board of directors were merely voidable under this section, and not void. Pursuant to subsection (3) of this section, the plaintiffs were awarded partial attorney fees because they were successful in having the court declare that the board of directors was in substantial violation of the statute, even though the plaintiffs did not get the relief requested of having the board's actions declared void. *Hansmeyer v. Nebraska Pub. Power Dist.*, 6 Neb. App. 889, 578 N.W.2d 476 (1998).

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Source: http://nebraskalegislature.gov/laws/display_html.php?begin_section=84-1407&end_section=84-1414

Date: July 2019

MINUTES
BOARD OF EDUCATION
September 14, 2020
7:30 PM

I. Call Meeting to Order

President Dave Zimmerman called the meeting to order at 7:30 p.m. and the following members were present: Betsy Frerichs, Carol Pralle, Dave Zimmerman, Emily Shockley, and Jim Zvolanek. The following administrators were present: Jeff Murphy and Christopher Prosocki. The following student board member was present: Katie Rabstojnek.

Reasonable advance publicized notice of the meeting was given according to law by publishing, a designated method for giving notice of the school district. Reasonable advance notice was simultaneously given to board members and a copy of their acknowledgement of receipt of notice and the agenda attached. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

I.A. Roll Call

I.B. Notice of Nebraska Open Meetings Act Posted

President Dave Zimmerman announced that a complete copy of the Nebraska Open Meetings Act is posted in the auditorium.

I.C. Motion to excuse Angela Meyer

Motion to excuse Angela Meyer due to illness. This motion, made by David Zimmerman and seconded by Carol Pralle, passed.
yes: 5, no: 0, Absent: 1

II. Approval of Minutes from the August 10, 2020, Regular Board Meeting

Motion to approve minutes from the August 10, 2020, Regular Board Meeting. This motion, made by Emily Shockley and seconded by Jim Zvolanek, passed.
yes: 5, no: 0, Absent: 1

III. Communications, Audiences, and Recognitions

III.A. Public comments will not be received after this period of time. Public comment period is limited to 5 minutes per person and a total of 30 minutes overall.

IV. Financial Statement: Item for Discussion, Consideration, and/or Action

C.D. Bids for the month were as follows:

Security First Bank, Blue Springs Special Funds: 0.60%

Wymore State Bank, Special Funds: 0.51%

IV.A. Approval of Bills

IV.A.1. General Fund, Special Building Fund, Depreciation Fund, and Qualified Capital Purpose Undertaking Fund Claims

Motion to approve the general fund, special building fund, depreciation fund, and qualified capitol purpose undertaking fund claims. This motion, made by Carol Pralle and seconded by Emily Shockley, passed.

yes: 5, no: 0, Absent: 1

IV.A.2. Lunch & Activity Claims

V. Support Service

V.A. Facility Update

John Linder provided the school board with a written report over the challenge of losing a bus driver two days before school started and not being able to fill an open bus driver position and an open custodial position, and gave an update on the press box project.

Dr. Prosocki noted the press box project is 3 months behind schedule and we hope it is finally up and functional by the next home game.

V.B. Personnel Items

Dr. Prosocki noted that Jodi Meints was hired to replace Kathy Mittan. In addition, the district is still looking to fill an open bus driver position and an open custodial position. Dr. Prosocki said the current sub bus driver will need to take a two-month break from driving the second city bus route and if someone does not apply and fill this position, the district will have to move all bus routes from 50% rated occupancy to 75% rated occupancy. If this occurs, all students that ride the bus will be required to wear face coverings at all times regardless of age. If a parent does not want their son or daughter to wear a face covering on a bus, they will be required transport their son or daughter to and from school.

V.C. Technology Update

Dr. Prosocki thanked Cody Sabey and the technology committee for all of their hard work in getting everything up in running during the first few weeks of school. Dr. Prosocki said that all students in grades preschool through twelfth grade now have their own technology device. Dr. Prosocki noted that very few schools in Nebraska have a technology device for all of their students. Dr. Prosocki noted that he has been working with ESU 5 on a grant from Microsoft to provide free Internet to 3 locations around town (Arbor State Park, McCandless Park, and the softball fields in Blue Springs). Dr. Prosocki called this new endeavor a game changer for the communities in Wymore and Blue Springs because the lack of reliable broadband Internet in our communities. He also said this will help if the district is forced to shut down and complete learning remotely, students without reliable Internet will have places to go to overcome the digital divide. Dr. Prosocki said he hopes to have this up in running in a month or two.

VI. Administrative and Committee Reports

VI.A. Student Board Member Report

The student board member reported on the following items: fall activities, students adapting to the safety changes around the district, the recent cheerleading fundraiser, and preliminary plans for homecoming.

VI.B. Elementary Principal's Report

The elementary principal reported on the following items: current enrollment figures (3-year-old PK = 7, 4-year-old PK = 11, K = 31, 1 = 25, 2 = 22, 3 = 23, 4 = 22, 5 = 19, 6 = 34), safety drills, DIBELS and MAP testing, fall sports participants (Football = 24, Volleyball = 11, Softball = 13), and posting away athletic protocols for the public on social media pages.

VI.C. Secondary Principal's Report

The secondary principal reported on the following items: MAP testing, alternative school update (3 out of 4 spots are filled), moving homecoming to October 2 and exploring dance options for students, parent teacher conferences, Katie Rabstojek will be the student board member for 2020-2021, and current enrollment figures (7 = 26, 8 = 33, 9 = 28, 10 = 33, 11 = 24, 12 = 31).

VI.D. Superintendent's Report

Dr. Prosocki presented the board with the Employee Assistance Program (EAP) annual report and he noted that there was a class action lawsuit filed against all schools in the United States on behalf of students with disabilities and their parents. Dr. Prosocki noted the district is taking the needed steps to ensure we do not succumb to any unwanted legal action against the district. Next, Dr. Prosocki presented the school board with the final legislative report regarding the bills that were signed into law during the 106th Legislative, Second Session. Dr. Prosocki gave the board an update on teacher negotiations for the 2021-2022 school year, he said the district did receive a \$42,000 Volkswagen grant and he just submitted another grant for an activity bus last week. Dr. Prosocki said that since the district went from 3 bus routes to 4 bus routes to provide for more social distancing on buses, the district currently does not have an activity bus because it was moved to a daily route. Next, he went over the October 12 in-service schedule, he talked to the board about the required committee on American Civics meeting, he went over the recent safety and security meeting, he gave the board an update on the current enrollment figures and special enrollment numbers. Dr. Prosocki went over the current staffing cost for the 2020-2021 school year (With purchased services through ESU 5, it will cost the district a little over \$5.2 million dollars) and he gave the board an update on the completion of the district's first comprehensive strategic plan for 2020-2024. Dr. Prosocki said that the district has just moved the 3-year-old preschool to full day and there are a couple of spots left for students to fill. Next, Dr. Prosocki said the district will be able to provide free breakfast and free lunches again to all Southern students until the end of the first semester based on the expansion of the Summer Food Service Program. Lastly, Dr. Prosocki noted that the district reopening plan is working to mitigate the spread of COVID-19 within the district and there have only been two positive COVID-19 cases to date in the district and all were related to staff members. Dr. Prosocki noted that he tested positive a couple of weeks ago and his symptoms were very mild.

VII. Items for Discussion, Consideration, and/or Action

VII.A. The 2020-2021 Southern Public Schools Budget

Motion to approve the 2020-2021 Southern Public Schools Budget. This motion, made by Betsy Frerichs and seconded by Emily Shockley, passed.

yes: 5, no: 0, Absent: 1

VII.B. The 2020-2021 Property Tax Resolution

Motion to approve the 2020-2021 property tax resolution. This motion, made by Emily Shockley and seconded by Carol Pralle, passed.

yes: 5, no: 0, Absent: 1

The General Fund levy will be set at 1.04, the Special Building Fund will be set at 0.01, and the Qualified Capital Purpose Undertaking Fund will be set at 0.03. The overall mill levy will be set at 1.08. The General Fund tax request will generate \$3,952,324, the Special Building Fund tax request will generate \$38,003, and the Qualified Capital Purpose Undertaking Fund tax request will generate \$114,009. The overall tax request will generate \$4,104,336 and the overall mill levy will stay the same from the previous year, but the tax request will go down by \$38,163 from the previous year.

VII.C. Executive Session: To Receive and Consider Legal Advice From the School District's Attorney Relating to Contract Negotiations of Material Terms of Staff Contracts, Which is Necessary to Allow the Board to Form Negotiation Strategy and to Protect the Attorney-Client Privilege, Which is in the Public Interest. The Board will Limit Itself to Discussion of These Issues

Motion to enter executive session at 8:24 p.m. to receive and consider legal advice from the school district's attorney relating to contract negotiations of material terms of staff contracts, which is necessary to allow the board to form negotiation strategy and to protect the attorney-client privilege, which is in the public interest and the board will limit itself to discussion of these issues.

This motion, made by Emily Shockley and seconded by Betsy Frerichs, passed.

yes: 5, no: 0, Absent: 1

VII.C.1. Convene in Executive Session: 9 Month & 10 Month Classified Employee Pay During a Possible Short-Term or Long-Term Closure During the 2020-2021 School Year

VII.C.2. Reconvene Meeting From Executive Session

Motion to reconvene meeting from executive session at 9:20 p.m. This motion, made by Carol Pralle and seconded by Betsy Frerichs, passed.

yes: 5, no: 0, Absent: 1

VII.C.3. Approval of Any Action Deemed Necessary as a Result of Executive Session

The school board decided that if there was to be a school closure in the future because of the COVID-19 pandemic, the school board would hold an emergency meeting to determine how to handle 9 month and 10 month classified employees pay during either a short-term closure or a long-term closure.

VII.D. Option Enrollment Applications

VIII. Adjournment

Motion to adjourn the meeting at 9:22 p.m. This motion, made by Jim Zvolanek and seconded by Emily Shockley, passed.

yes: 5, no: 0, Absent: 1

The next Regular Board meeting is scheduled for 7:30 p.m. October 12, 2020, at Southern Jr./Sr. High School Auditorium in Wymore. The Board of Education will usually adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to amend the agenda as deemed necessary.

BY
President of the Board of Education
Of this School District

ATTEST
Secretary of the Board of Education
of this School District

MINUTES
BUDGET HEARING
September 14, 2020
7:00 PM

I. Call Meeting to Order

President Dave Zimmerman called the meeting to order at 7:30 p.m. and the following members were present: Betsy Frerichs, Carol Pralle, Dave Zimmerman, Emily Shockley, and Jim Zvolanek. The following administrator was present: Christopher Prosocki.

Reasonable advance publicized notice of the meeting was given according to law by publishing, a designated method for giving notice of the school district. Reasonable advance notice was simultaneously given to board members and a copy of their acknowledgement of receipt of notice and the agenda attached. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

I.A. Roll Call

I.B. Notice of Nebraska Open Meetings Act Posted

President Dave Zimmerman announced that a complete copy of the Nebraska Open Meetings Act is posted in the auditorium.

I.C. Hear Support, Opposition, Criticism, or Observations Related to the Proposed Southern Public Schools 2020-2021 Budget

Dr. Prosocki gave an overview of the proposed 2020-2021 budget. Based on LB 148, which will go into effect next year, school districts will need to share the Auditor of Public Accounts (APA) budget documents with the public. Dr. Prosocki noted that this is a worksheet and there are not actually numbers on it (This form is very deceiving to the public).

The 2020-2021 budget continues to invest in meeting the needs of our district with growing student needs. The General Fund budget of expenditures shown on the Notice of Budget Hearing and Budget Summary (Public Notice) is greatly inflated to allow the district to expend "unused budget authority" for future years, and does not accurately reflect actual anticipated expenditures. The district over-estimates the budgets of expenditures of all active funds so that we don't have to amend them later in the year due to unanticipated costs (Activities Fund, Depreciation Fund, Employee Benefit Fund, General Fund, School Nutrition Fund, Special Building Fund, & Qualified Capital Purpose Undertaking Fund). The Notice of Budget Hearing and Budget Summary (Public Notice) is very deceiving to the public and the only actual figures are Actual Disbursements & Transfers (Column 1) and Total Personal and Real Property Tax Requirement (Column 7).

For the 2020-2021 school year, the district lost \$38,163 in valuation revenue and the district gained \$170,029 state aid revenue. These numbers do not account for the increased costs to run a school district over the years (Utility increases, salary and benefit increases, insurance increases, etc). The overall personnel cost will be up by 2.32% or by \$110,242. He noted that

this figure does not include purchased services through ESU 5 for special education services that are mandated by state and federal law.

Dr. Prosocki noted the valuation in Gage County was \$378,656,597 and the valuation in Pawnee County was \$1,374,630. The district's overall valuation was \$380,031,227 and Southern saw a 0.92% decrease or \$3,533,577 decrease between Gage and Pawnee Counties from the prior year. Dr. Prosocki noted that 85% of the district expenditures are in personnel and the other 15% of expenditures are fixed costs that cannot change. Lastly, Dr. Prosocki noted that he wanted to continue to build the district cash reserve and an HVAC project will need to occur at the Jr./Sr. High School in the coming years and it will cost around \$300,00-\$500,000.

Tax Year	Gage County Valuation	% Change (Prior Year)	Pawnee County Valuation	% Change (Prior Year)	Overall Valuation	% Change (Prior Year)	\$ Change (Prior Year)
2016	\$407,602,041	6.70%	\$1,368,420	0.32%	\$408,970,461	6.68%	\$25,617,217
2017	\$397,650,142	(2.50%)	\$1,443,105	5.45%	\$399,093,247	(2.42%)	(\$9,877,214)
2018	\$399,062,663	0.003%	\$1,376,365	(4.84%)	\$400,439,028	0.003%	\$1,345,781
2019	\$382,188,694	(4.41%)	\$1,376,110	(.0018%)	\$383,564,804	(4.39%)	(\$16,874,224)
2020	\$378,656,597	(0.93%)	\$1,374,630	(0.10%)	\$380,031,227	(0.92%)	(\$3,533,577)

I.D. Motion to Close the Budget Hearing

Motion to close the budget hearing. This motion, made by Betsy Frerichs and seconded by Carol Pralle, passed.

yes: 5, no: 0, Absent: 1

II. Adjournment

Motion to adjourn the meeting at 7:17 p.m. This motion, made by Emily Shockley and seconded by Carol Pralle, passed.

yes: 5, no: 0, Absent: 1

The next Regular Board meeting is scheduled for 7:30 p.m., September 14, 2020, at Southern Jr./Sr. High School Auditorium in Wymore. The Board of Education will usually adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to amend the agenda as deemed necessary.

BY
President of the Board of Education
Of this School District

ATTEST
Secretary of the Board of Education
of this School District

MINUTES
TAX REQUEST HEARING
September 14, 2020
7:20 PM

I. Call Meeting to Order

President Dave Zimmerman called the meeting to order at 7:30 p.m. and the following members were present: Betsy Frerichs, Carol Pralle, Dave Zimmerman, Emily Shockley, and Jim Zvolanek. The following administrator was presents: Christopher Prososki.

Reasonable advance publicized notice of the meeting was given according to law by publishing, a designated method for giving notice of the school district. Reasonable advance notice was simultaneously given to board members and a copy of their acknowledgement of receipt of notice and the agenda attached. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

I.A. Roll Call

I.B. Notice of Nebraska Open Meetings Act Posted

President Dave Zimmerman announced that a complete copy of the Nebraska Open Meetings Act is posted in the back of the board of education meeting room.

I.C. Hear Support, Opposition, Criticism, Suggestions, or Observations Related to the Proposed Southern Public Schools 2020-2021 Tax Request

Dr. Prososki gave an overview of the proposed 2020-2021 property tax request and tax rate. Dr. Prososki recommended the General Fund levy be set at 1.04, the Special Building Fund levy be set at 0.01, and the Qualified Capital Purpose Undertaking Fund be set at 0.03. He recommended the overall levy be set at 1.08. Based on these recommended mill levies, the General Fund tax request will generate \$3,952,324, the Special Building Fund tax request will generate \$38,003, and the Qualified Capital Purpose Undertaking Fund tax request will generate \$114,009. The overall proposed tax request will generate \$4,104,336. Based these proposed figures, the overall mill levy will stay the same from the previous year and tax request will go down by \$38,163 from the previous year. Dr. Prososki noted that this is the fourth year in the row that the district tax request has gone down and he stated that Southern may be the only district in the state of Nebraska that has dropped their tax request the past four years. Lastly, Dr. Prososki gave the board a breakdown of the tax request over the past five years, a breakdown of the mill levy request over the past four years, and Pioneer Conference cost per pupil comparison for the 2018-2019 school year by Average Daily Membership.

Year	Building Fund	QCPUF	Bond Fund	General Fund	Total
2016-2017	\$ 38,990	\$ 20,202	\$ 161,616	\$ 4,254,734	\$ 4,475,542
2017-2018		\$ 20,202	\$ 161,616	\$ 4,188,625	\$ 4,370,443
2018-2019		\$ 120,131		\$ 4,204,610	\$ 4,324,741

2019-2020	\$ 38,356	\$ 115,069		\$ 3,989,074	\$ 4,142,499
2020-2021	\$ 38,003	\$ 114,009		\$ 3,952,324	\$ 4,104,336

District	Rank (244 Districts Total)	Per Pupil Spending (ADM)
Johnson-Brock	35	\$12,784
Sterling	112	\$17,153
Southern	116	\$17,269
Pawnee City	133	\$18,062
Tri County	142	\$18,642
Diller-Odell	144	\$18,683
Friend	162	\$19,402
Lewiston	195	\$21,555
HTRS	228	\$25,637
FCSH	N/A	N/A
NCL	N/A	N/A

Tax Year	Total Mill Levy	Home Value	Taxes Paid (Per Month)	Taxes Paid (Per Year)
2017	1.095093	\$100,000	\$91.25	\$1,095
		\$200,000	\$182.50	\$2,190
		\$300,000	\$273.75	\$3,285
2018	1.080000	\$100,000	\$90.00	\$1,080
		\$200,000	\$180.00	\$2,160
		\$300,000	\$270.00	\$3,240
2019	1.080000	\$100,000	\$90.00	\$1,080
		\$200,000	\$180.00	\$2,160
		\$300,000	\$270.00	\$3,240
2020	1.080000	\$100,000	\$90.00	\$1,080
		\$200,000	\$180.00	\$2,160
		\$300,000	\$270.00	\$3,240

I.D. Motion to Close the Tax Request Hearing

Motion to close the tax request hearing. This motion, made by Jim Zvolanek and seconded by Betsy Frerichs, passed.

Angela Meyer: Absent, Betsy Frerichs: yes, Carol Pralle: yes, Emily Shockley: yes, David Zimmerman: yes, Jim Zvolanek: yes
yes: 5, no: 0, Absent: 1

II. Adjournment

Motion to adjourn the meeting at 7:27 p.m. This motion, made by Emily Shockley and seconded by Jim Zvolanek, passed.

Angela Meyer: Absent, Betsy Frerichs: yes, Carol Pralle: yes, Emily Shockley: yes, David Zimmerman: yes, Jim Zvolanek: yes
yes: 5, no: 0, Absent: 1

The next Regular Board meeting is scheduled for 7:30 p.m., September 14, 2020, at Southern Jr./Sr. High School Auditorium in Wymore. The Board of Education will usually adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to amend the agenda as deemed necessary.

BY
President of the Board of Education
Of this School District

ATTEST
Secretary of the Board of Education
of this School District

PUBLIC PARTICIPATION

INSTRUCTIONS FOR MEMBERS OF THE PUBLIC WHO WISH TO SPEAK:
This is the portion of the meeting when members of the public may speak to the board about matters of public concern.

- **Getting Started:** When you have been recognized, please stand and state your name.
- **Time Limit:** The board will generally allow a total of 30 minutes for the presentation of all public comments. Individuals may speak only one time, and must limit comments to around 5 minutes. If there are more than 6 individuals who wish to address the board, the 30 minutes will be divided equally between the number of speakers. These time limits may be changed by a majority vote of the board members in attendance to extend the time for a specific item or speaker.
- **Personnel or Student Topic:** If you are planning to speak about a personnel or a student matter involving an individual, please understand that the district has a complaint policy and/or procedures to resolve such complaints and concerns. The Board requests that you follow the policy and procedures before addressing these matters with the Board. Board members will generally not respond to any questions you ask or comments about individual staff members or students.
- **General Rules:** This is a public meeting for the conduct of business. Comments from the audience while others are speaking will not be tolerated. Lewd, obscene, profane, slanderous, threatening and hostile conduct or statements and fighting words (words whose mere utterance entails a call to violence) will not be tolerated.
- **No Action by the Board:** The board will not act on any matter unless it is on the published agenda.

October 7, 2020

Dear Parents/Guardians:

The Nebraska Department of Education (NDE) is requesting that all schools across Nebraska complete a Digital Equity Survey in an effort to prioritize state and federal funds to possibly provide free Internet to students that currently do not have it available at their current residence. We are asking that all preschool through sixth grade parents complete the following survey below and return it to school by **Wednesday, October 14**. The district will also be making follow up phone calls to any parent that does not complete the survey. Please feel free to contact your building principal if you have any questions or concerns.

Digital Equity Survey

Please complete one survey per student (PK-6)

1) Student – First Name: _____

2) Student – Last Name: _____

3) Internet in Residence (Please Mark One Below):

- Yes – Internet Access in Residence
- No – Not Available
- No – Not Affordable
- No – Other

4) Internet Access (Please Mark One Below):

- Residential Broadband (e.g., DSL, Cable, Fiber)
- Cellular Network
- School Provided Hot Spot
- Satellite
- Dial-Up
- Other
- None

5) Internet Performance (Please Mark One Below):

- Yes – No Issues
- No – But Not Consistent
- No

6) Device Access (Please Mark One Below):

- Personal – Dedicated (One person per machine)
- Personal – Shared (Sharing among others in household)
- School Provided – Dedicated
- School Provided – Shared
- None

7) Device Type (Please Mark One Below):

- Desktop/Laptop
- Tablet
- Chromebook
- Smart Phone
- Other
- None



Southern Public Schools
Student Technology Policy and Usage
Handbook
1:1 Initiative

While working in a digital and collaborative environment, students should always conduct themselves as good digital citizens by adhering to the following:

- Respect Yourself
 - I will show respect for myself through my actions.
 - I will select online names that are appropriate.
 - I will use caution with the information, images, and other media that I post online.
 - I will carefully consider what personal information about my life, experiences, or relationships I post.
 - I will not be obscene.
 - I will act with integrity.
- Protect Yourself
 - I will ensure that the information, images, and materials I post online will not put me at risk.
 - I will not publish my personal details, contact details, or a schedule of my activities.
 - I will report any attacks or inappropriate behavior directed at me while online.
 - I will protect passwords, accounts, and resources.
- Respect Others
 - I will show respect to others.
 - I will not use electronic mediums to antagonize, bully, harass, or stalk people.
 - I will show respect for other people in my choice of websites.
 - I will not visit sites that are degrading to others, pornographic, racist, or inappropriate.
- Protect Others
 - I will protect others by reporting abuse and not forwarding inappropriate materials or communications.
 - I will avoid unacceptable materials and conversations.
- Respect Intellectual Property
 - I will request permission to use copyrighted or otherwise protected materials.
 - I will suitably cite all use of websites, books, media, etc.
 - I will acknowledge all primary sources.
 - I will validate information.
 - I will use and abide by the fair use rules.
- Protect Intellectual Property
 - I will request to use the software and media others produce.
 - I will purchase, license, and register all software or use available free and open source alternatives rather than pirating software.
 - I will purchase my music and media and refrain from distributing these in a manner that violates their licenses.

Southern Public Schools

Laptop Handbook

Southern Public School's network facilities and/or laptops are to be used in a responsible, efficient, and ethical manner in accordance with the philosophy of the school district. Access to the Southern Public Schools computer systems is a privilege, not a right. Students must acknowledge their understanding of this policy as well as the following guidelines. Failure to adhere to these standards may result in suspension or revocation of the offender's laptop and/or network privileges.

Training

- Students will receive training to address care and usage of the laptop, digital citizenship, and respectful, responsible, and ethical use of the Internet and digital tools.

General Precautions/Screen Care

- No food or drink should be next to your Laptop while it is in use.
- Students should never carry their Laptop while the screen is open unless directed to do so by a teacher.
- Laptops must remain free of any writing, drawing, stickers, or labels.
- Laptops should be shut down when not in use to conserve battery life.
- Laptops should never be shoved into a locker or wedged into a book bag as this may break the screen.
- Heavy objects should never be placed on top of Laptops.
- Make sure there is nothing on the keyboard before closing the lid (e.g. pens, pencils, or disks).
- Only clean the screen with a soft, dry microfiber cloth or anti-static cloth.

Laptop Damage

- Students are financially responsible for this device. **Frequent/Negligent damage to the device must be serviced by Southern Public Schools and paid for by the student.** If the student fails to pay for the repairs, he/she will lose laptop privileges. Students pay *estimated* replacement costs:
 - Screen - \$450
 - Keyboard/touchpad - \$300
 - Power cord - \$80.00
 - Cracked trackpad - \$140
 - Full Replacement Cost - \$900
 - Laptop Labels replacement-\$20

Laptop Pickup/Dropoff

- Each student and their parent/guardian must sign the Southern School District Laptop Agreement before they may pick up their assigned laptop.
- Each grade will have a designated pickup and dropoff location.
- Students will pick up laptops before 1st period classes and return them to the same location before leaving school each day.

Logging into a Laptop

- Students will log into their laptops using a student-generated username and password. Once generated, this username and password must be submitted to the technology committee.
- Students should never share their account passwords with others. In the event of a compromised account the Southern Public Schools Technology Department reserves the right to disable your account.

No Expectation of Privacy

- Students have no expectation of confidentiality or privacy with respect to any usage of a laptop, regardless of whether that use is for district related or personal purposes, other than as specifically provided by law.
- The district may, without prior notice or consent, login, supervise, access, view, monitor, and record use of a student laptop at any time for any reason related to the operation of the district.
- By using a laptop, students agree to such access, monitoring, and recording of their use.
- Teachers, school administrators, and the technology department staff may use monitoring software that allows them to view the screens and activity on student laptops.

Content Filter

- The district utilizes an Internet content filter that is in compliance with the federally mandated Children's Internet Protection Act (CIPA).
- All laptops will have all Internet activity protected and monitored by the district.

Laptop Computer Security Policy

- Students must have laptops with them or in a designated cart/area at all times. Laptops must not be left unattended. Faculty will pick up and give unattended laptops to the office.
- Students are responsible to have their computer fully charged in their designated cart. If charging throughout the day is needed, students will leave their laptops in a classroom with teacher permission.
- Students can check out locks for their lockers from the school at no charge. If a computer is stolen from their lockers, and no lock was used to secure the computer in the locker, the student is responsible for replacing the cost of the computer at 100%.
- In between classes, put laptop lids down and carry in your backpack. During PE, store laptops in designated storage cart (laptops are NOT allowed in locker rooms). Laptops are not allowed

in the cafeteria during lunch. Lock them in your locker, store them in your backpack, place them in a designed cart, or leave them in a locked classroom.

- We encourage students to care for his/her laptop at all times. When not in use, laptops must be stored in your backpack or in a storage cart. Cleaning the screen is to be done with a soft cloth.
- Technical support is available from the Technology Committee (Mr. Sabey, Mrs. Weyer, Mr. Murphy, Mrs. Schluter, Mr. Tunink, Mr. Rempe, Mrs. Adams). A Student Technology Repair Request Form is available on the website.
- If a laptop stops working, loaner laptops may be available while being repaired, and students will be able to access their files and documents from the server to use with the loaner laptop.
- Students are not to deface their laptops in any way, e.g., with stickers, tape, duct tape, white-out, marking pens, skins, hardshell cases, glue. If there are any questions, check with the technology committee.
- Students are not to remove or deface their identification label in any way.
- The school's network is to be used for research and as a means of obtaining academically relevant information. Material obtained through research on the Internet and then used in academic work is to be properly documented. Plagiarism is illegal. Give credit to all sources cited, whether quoted or summarized. This includes all forms of media on the Internet, such as graphics, movies, music, and text. Comply with trademark and copyright laws and all license agreements. **Ignorance of the law is not immunity!**
- Students may not access websites, newsgroups, or "chat" areas that contain material that is obscene or that promotes illegal activity. If a student does accidentally access this type of information, he or she should immediately notify a teacher.
- Use of the computer for anything other than a teacher directed or approved activity is prohibited during the school day.
- Computers may not be used to make sound/video recordings without the consent of all those being recorded.
- Installation of peer-to-peer file sharing programs is strictly forbidden. Using programs to share music, photos, and/or videos is also forbidden. Copyright laws must be respected. If the student has any questions about what constitutes a copyright violation, he/she should contact an administrator, media specialist, or teacher.
- The student may not download any additional software or apps onto their device. Sound must be turned off at all times, except when being used as part of a class. Students are not allowed to listen to music during class unless given permission by their teachers to do so.
- Students must provide their own headphones, and can only use headphones at teachers' approval.
- Files stored within the school computer should be limited to those relating to formal school courses or activities. Games, commercial software, or graphic files that are not for a school project or activity should not be stored on the school computer.
- Students may access only those files that belong to them or for which they are certain they have permission to use.
- Deliberate attempts to degrade the network or to disrupt system performance will result in disciplinary action.

- School administrators reserve the right to remove student accounts on the network to prevent unauthorized activity.
- Students that are obtaining low grades or are consistently on the downlist may have their laptop use limited to strictly assignments and academic purposes.
- Inappropriate screensavers or inappropriate pictures on student computers will not be allowed at any time.
- Each student at Southern Public Schools will have a Google account created for them. This account allows access to interactive, collaborative web content including blogging, Google apps, and content specific sites. The use of such tools encourage ethical use and responsible communication within the global community. These accounts are intended for school use only, and student activity on the account should be limited to school purposes. Students are expected to maintain proper use of the tools and applications as part of Southern School's academic environment. School personnel will have access to these accounts and may monitor student use at any time. Parents and guardians may also request access to these accounts. In addition, a service called Securly will be utilized. This service uses intelligent monitoring of content within Google products to scan for potential safety concerns.

Southern Public Schools reserves the right to define inappropriate use of technology. These inappropriate uses include, but are not limited to, the following:

Major Infractions (Automatic Loss of Laptop/or Possible ISS)

- Anything illegal/Hacking
- Changing the configuration of the laptop, installing or removing software or hardware without consent
- Cheating/Plagiarism
- Cyber-bullying or harming others
- Physically altering laptop or attempting self-repair
- P2P file sharing of any sort
- Recording (audio or video) others without their permission
- Pornographic material
- Use of VPN (Virtual Private Network)

Minor Infractions (Loss of Privileges)

- Anything that becomes a repetitive problem we will address on a case by case basis
- Continuous misuse of music (explicit lyrics, volume problems, etc.)
- Repetitive classroom infractions
- Using another person's password, login, or computer

Consequence Protocol

- Offense 1 – Students will get a verbal warning from their teacher.
- Offense 2 – Students will lose their laptop for the remainder of the period.
- Offense 3 – Students will lose their laptop for the remainder of the day.
 - The student will be referred to the principal's office for further consequences.
- Offense 4 – Students will lose their laptop for one week.
 - The student will be referred to the principal's office for further consequences.
- Offense 5 – Students will lose their laptop for the remainder of the quarter and all assignments will be completed using paper and pencil.
 - The student will be referred to the principal's office for further consequences.
- Offense 6 – Students will lose their laptop for the remainder of the year and all assignments will be completed using paper and pencil.
 - The student will be referred to the principal's office for further consequences.

The computer rules cannot cover everything that will happen throughout the school year; incidents that happen outside of these rules and laptop handbook will be handled on an individual basis by the administration.

Elementary Amendment:

Pre-K through 1st grade will be issued iPads. 2nd grade through 6th grade will be issued laptops. The devices will be stored in their grade level classrooms. The devices will not be carried in their backpacks.

iPad Damage

- Students are financially responsible for this device. **Frequent/Negligent damage to the device must be serviced by Southern Public Schools and paid for by the student.** If the student fails to pay for the repairs, he/she will lose device privileges.

- Students pay *estimated* replacement costs:
 - Power cord - \$49
 - Cracked or Damaged Screen \$230
 - Full Replacement Cost - \$300
 - Labels replacement-\$20

Parents and Students:

- 1-Please review student expectations in the Laptop Handbook:
- 2-Sign and complete this form.
- 3-Return the Technology Signature Form to your 1st period teacher by **Monday, August 24th.**

Southern Public School Technology Signature Form

Laptop Handbook Agreement

Please INITIAL the following statement:

_____ I give permission to my child to use a school-issued laptop/device assigned to him/her for the duration of the school day.

Gmail Agreement

Your student has a Google account created by Southern Public Schools. These accounts are intended for school use only. Students are expected to maintain proper use of the tools and applications as part of Southern Public School’s academic environment. Parents, should you wish to obtain your child’s login information and passwords to these accounts, please contact the school.

Please INITIAL the following statement:

_____ I understand the intent and purpose of this school-issued gmail account and agree to help ensure appropriate use by my student.

Parental Consent for Zoom

In the event that we need to move to a digital learning platform during the 2020-2021 school year, we are asking for parental permission to use Zoom video conferencing. This platform will provide an opportunity for students to interact with Southern staff and students.

Please INITIAL the following statement:

_____ I give my student permission to access Zoom video conferencing, either on a school device or a personal device, to communicate with Southern staff and students.

By initialing the information above and signing below, the student and parent(s)/guardian(s) agree to adhere to the policies in the Southern Public Schools Laptop Handbook, Google account information, and Zoom.

Student Signature _____ **Date** _____

Parent/Guardian Signature _____ **Date** _____

Sept. 29, 2020

Southern School District 1
Board of Education
115 S. 11th St
Wymore, NE 68466

Dear Negotiations Committee:

The Southern Education Association requests that the school board of the Southern School District , take action to recognize Southern Education Association as exclusive bargaining agent for the district's non-supervisory certificated staff for the 2022-23 contract year.

Please direct your response to the undersigned.

Sincerely,

Stephanie Ware

Chief Negotiator

Southern Education Association

2008 Meetings

The formation of policy is public business and will be conducted openly in accordance with the Nebraska Open Meetings Act.

1. Types of Meetings

- a. The board shall hold its regular meetings on or before the third Monday of each month.
- b. Special and emergency meetings may be called as provided by law.
- c. The board may schedule work sessions and retreats in order to provide board members and administrators with the opportunity to plan, research, and engage in discussion.

2. Notice

The board shall give reasonable advance publicized notice of the time and place of each of its meetings, which generally will be 48 hours or more in advance of the meeting. Such notice shall be transmitted to all members of the board and to the public. Notice of regular and special meetings shall be published in a newspaper of general circulation within the district and, if available, on the newspaper's website. Newspapers of general circulation in the district include, but are not necessarily limited to, the Wymore Arbor State or the Omaha World-Herald. Such notice shall contain a statement that the agenda shall be readily available for public inspection at the administration office of the school during the normal business hours. In addition, the superintendent is authorized, but not required, to publish the notice of any meeting on the school district's website, posting in three prominent places within the school district, or by any other appropriate method designated by the board. Notice of regular and special meetings shall be posted in three prominent places within the school district (Elementary School, Jr./Sr. High School, & U.S. Post Office in Wymore).

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 of the meeting, and any formal action taken in such meeting shall pertain only to the emergency. 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 no later than the end of the next regular business day.

3. Weather Delays

In the event of inclement weather which makes it dangerous or unreasonable for board members or members of the public to attend a meeting for which notice has already been given, such meeting may be postponed by the board president. The board will communicate the delay to members of the public by posting it on the district's website and by following the same communication protocol that the district follows when student attendance at school is called off due to inclement weather. When possible, the board president and superintendent will attempt to communicate the information to local media members and business owners to assist in notifying the public of the delay. Notice of the date, time, and location of the postponed meeting will be advertised as required in the "Notice" section above.

4. Minutes

- a. The board shall keep minutes of all meetings showing the time, place, members present and absent, the method(s) and date(s) of the meeting notice, and the substance of all matters discussed.
- b. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the board in open session, and the record shall state how each member voted, or if the member was absent or not voting.
- c. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public record and may be published on the school district's website.

Adopted on: 7-9-2018

Revised on: 10-12-2020

Reviewed on: 2-10-2020

3001 Budget

The board of education shall adopt a budget each year to support the school district's programs and services for the ensuing fiscal year. The superintendent of schools shall be responsible for developing the budget subject to the direction and decisions of the board. The budget document shall be under continuous development, based upon the requirements of the adopted educational program.

Proposed Budget. The superintendent shall prepare the proposed budget in accordance with board policies and goals, state statutes, and regulations. As the district's spending plan, the budget will be based on up-to-date revenue estimates, and will reflect the assessed needs and programs approved by the board.

Budget Hearing Notice. Notice of place and time of the hearing, together with a summary of the proposed budget statement, must be published at least four calendar days prior to the date set for hearing in a newspaper of general circulation within the school district. The four calendar days shall include the day of publication but not the day of hearing.

Budget Hearing. The board must conduct a hearing prior to adopting the budget. The hearing must be held separately from any regularly scheduled meeting and may not be limited by time. The board must make a presentation outlining key provisions of the proposed budget statement, including, but not limited to, a comparison with the prior year's budget. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the board at the hearing and must be given a reasonable amount of time to do so. Five minutes shall generally be considered a reasonable amount of time.

Budget Hearing Documents. The board must make at least three copies of the proposed budget statement and at least one copy of all other reproducible written material to be discussed at the hearing available to the public at the hearing.

Budget Adoption. After the budget hearing, the proposed budget statement shall be adopted or amended and adopted as amended. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of the changes (including the items changed and the reasons for such changes) must be published in a newspaper of general

circulation within the school district within twenty calendar days after its adoption without further hearing.

Certification and Filing. The amount to be received from personal and real property taxation shall be certified to the appropriate levying board as provided by law. The budget shall also be filed with the state auditor.

Purchase Authorization. Except for bids required under the section "Bid Letting and Contracts," the board's adoption of the budget shall authorize the purchases without further board action.

Monthly Report. At each monthly board meeting, the superintendent will provide a report on the current status of the major sections of the budget.

Adopted on: 8-13-2018

Revised on: 10-12-2020

Reviewed on: _____

3004.1 Fiscal Management for Purchasing and Procurement Using Federal Funds

I. Applicability of Policy

This policy applies only to non-construction related purchases undertaken with federal funds which are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department and General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy conflicts or is otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of the laws shall control.

All other non-construction purchases will be governed by the Board's general purchasing policy, which can be found earlier in this subsection. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

This procurement policy shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. The district's goal is to fully implement all required procurement rules, regulations and policies set forth in 2 CFR 200, 7 CFR parts 210, 3016 and 3019, and by the Nebraska Department of Education.

II. Procurement System

The District maintains the following purchasing procedures.

A. Responsibility for Purchasing

The authority to make purchases shall be governed by the District's purchasing policy, which can be found elsewhere in this section. Except as otherwise provided in the District's purchasing policy, the acquisition of services, equipment, and supplies shall be centralized in the administration office under the supervision of the superintendent of schools, who shall be responsible for developing and administering the purchasing program of the school district. Purchases or commitments of district funds that are not authorized by this policy will be the responsibility of the person making the commitment.

B. Methods of Purchasing

The type of purchase procedures required depends on the cost of the item(s) being purchased.

1. Purchases up to \$10,000 (Micro-Purchases)

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the annual aggregate amount of which does not exceed \$10,000. Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent district staff determine that the cost of the purchase is reasonable. For purposes of this policy "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the District distributes micro-purchases equitably among qualified suppliers. The District will follow its standard policy on purchasing, which can be found earlier in this subsection.

2. Purchases between \$10,000 and \$250,000 (Small Purchase Procedures)

Small purchases are purchases that, in the aggregate amount, is more than \$10,000 and less than \$250,000 annually. For small purchases, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources as detailed in the district's standard policies on purchasing and on bid letting and contracts, which can be found earlier in this subsection.

3. Purchases Over \$250,000

a) Sealed Bids (Formal Advertising)

For purchases over \$250,000, the district will generally follow the bidding process outlined in the board's policy on Bidding for Construction, Remodeling, Repair or Site Improvement.

b) Contract/Price Analysis

The District performs a cost or price analysis in connection with every procurement action in excess of \$250,000, including contract modifications. The district will make an independent estimate of costs prior to receiving bids or proposals.

4. Noncompetitive Proposals (Sole Sourcing)

- a) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - 1) The item is available only from a single source;
 - 2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - 3) The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the District; or
 - 4) After solicitation of a number of sources, competition is determined inadequate.
- b) Noncompetitive proposals may only be solicited with the approval of the superintendent or the board. Sufficient and appropriate documentation that justifies the sole sourcing decision must be maintained by the superintendent or designee.
- c) A cost or price analysis will be performed for noncompetitive proposals when the price exceeds \$250,000.

C. Use of Purchase (Debit & Credit) Cards

District use of purchase cards is subject to the policy on purchase cards which can be found elsewhere in this subsection.

D. Federal Procurement System Standards

The district's procurement transactions will be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319.

The District will maintain and follow general procurement standards consistent with 2 C.F.R. §200.318.

E. Debarment and Suspension

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the vendor with whom the District intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II(1) and 2 C.F.R. §§ 180.220 and 180.300.

The District will verify debarment or suspension by revising the excluded parties list on SAM.gov, collecting a certification through the bidding process, and/or by including a debarment and suspension provision in the bid and contract documents. The Superintendent or his/her designee shall be responsible for such verification.

F. Settlements of Issues Arising Out of Procurements

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

III. Conflict of Interest and Code of Conduct

A. Board and staff member conflicts of interest are governed by the district's conflict of interest policies.

B. Purchases covered by this policy are subject to the following additional provisions.

- 1.** Employees, officers, and agents engaged in the selection, award, and/or administration of district contracts which are prohibited from engaging in such actions if a real or apparent conflict of interest is present.

2. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
3. The board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.

C. Favors and Gifts

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except that this provision does not prohibit the receipt of unsolicited items of nominal value. For purposes of this policy, "nominal value" means a fair market value of \$25 or less.

D. Enforcement

Disciplinary Actions including, but not limited to, counseling, oral reprimand, written reprimand, suspensions without pay, or termination of employment, will be applied for violations of such standards by officers, employees, or agents of the District.

IV. Property Management Systems

A. Property Classifications

1. Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or \$5,000.
2. Supplies means all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the District for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. §200.94.

3. Computing Devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. §200.20.
4. Capital Assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:
 - a) Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
 - b) Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. §200.12.

B. Inventory Procedure

Newly purchased property shall be received and inspected by the staff member who ordered it to ensure that that it matches the purchase order, invoice, or contract and that it is in acceptable condition.

Equipment, Computing Devices, and Capital Assets must be tagged with an identification number, manufacturer, model, name of individual who tagged the item, and date tagged).

C. Inventory Records

For equipment, computing devices, and capital assets purchased with federal funds, the following information is maintained in the property management system:

1. Serial number;
2. District identification number;
3. Manufacturer;
4. Model;
5. Date tagged and individual who tagged it;
6. Source of funding for the property;
7. Who holds title;
8. Acquisition date and cost of the property;

9. Percentage of federal participation in the project costs for the federal award under which the property was acquired;
10. Location, use and condition of the property; and
11. Any ultimate disposition data including the date of disposal and sale price of the property.

The inventory list shall be adjusted by the superintendent of schools or his/her designee for property that is sold, lost, stolen, cannot be repaired, or that cannot be located.

D. Physical Inventory

1. A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.
2. The Superintendent or his/her designee will ensure that the physical inventory is performed. The physical inventory will generally occur during the months of June or July, but may be conducted during other time periods with the approval of the superintendent.

E. Maintenance

In accordance with 2 C.F.R. 313(d)(4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition.

F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property.

G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the District will not encumber the property for any non-federal program use without prior approval of the federal awarding agency and the pass-through entity.

H. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for

other activities currently or previously supported by a federal awarding agency, the Superintendent or his/her designee will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency.

V. Other Contract Matters.

A. Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.326 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

B. Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the District will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible consistent with state law.

To the maximum extent practicable, the school food program shall purchase domestic commodities or products produced in US or processed in US substantially using agricultural commodities produced in US.

C. Record Keeping

1. Record Retention

- a) The District maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

- b) The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Schedule 10 (Local School Districts) and Schedule 24 (Local Agencies General Records) of the Nebraska Records Management Division as approved by the Nebraska Secretary of State/State Records Administrator requires the District to maintain records regarding federal awards for a minimum of six (6) years. Consequently, the District shall retain records for a minimum of six (6) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.
- c) Records will be destroyed in compliance with Schedule 10, Schedule 24, and State law. This includes the completion of a Records Disposition Report.

2. Maintenance of Procurement Records

- a) The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.
- b) Retention of procurement records shall be in accordance with applicable law and Board policy.

D. Privacy

The District has protections in place to ensure that the personal information of both students and employees is protected. These include the use of

passwords that are changed on a regular basis; staff training on the requirements of the Family Educational Rights and Privacy Act (FERPA) and State confidentiality requirements; and training on identifying whether an individual requesting access to records has the right to the documentation.

Adopted on: 8-13-2018

Revised on: 10-12-2020

Reviewed on: _____

4043

Professional Boundaries and Appropriate Relationships Between Employees and Students

School district employees and student teachers or interns (“employees”) are responsible for conducting themselves professionally and for teaching and modeling high standards of behavior and civic values, both at and away from school. Employees are required to establish and maintain professional boundaries with students and must have appropriate relationships with students. They may be friendly with students, but they are the students’ teachers, not their friends, and they must take care to see that this line does not become blurred. This applies to employees’ conduct and interactions with students and to material they post on personal web sites and other social networking sites including, but not limited to, Instagram, Facebook, and Twitter. The posting or publication of messages or pictures or other images that diminish an employee’s professionalism or ability to maintain the respect of students and parents may impair his or her ability to be an effective employee. Employees are expected to behave at all times in a manner supportive of the best interests of students.

Sexual Relationships Prohibited. Employees are prohibited from engaging in any relationship that involves sexual contact or sexual penetration with a student while the student is a current student and for a minimum of one year after the date of the student's graduation or the date the student otherwise ceases enrollment. Sexual contact has the same meaning as in section 28-318, and sexual penetration has the same meaning as in section 28-318.

Grooming Prohibited. Employees are prohibited from engaging in grooming with students. Grooming means building trust with a student and individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student, regardless of when in the student’s life the sexual contact or sexual penetration would take place.

Unless an employee can clearly and convincingly demonstrate a legitimate educational purpose, grooming behaviors and related conduct that are a violation of this policy include, but are not limited to:

- Communicating about sex when the discussion is not required by a specific aspect of the curriculum.
- Joking about matters involving sex, using double entendre or making suggestive remarks of a sexual nature.

- Displaying sexually inappropriate material or objects.
- Making any sexual advance, whether written, verbal, or physical or engaging in any activity of a sexual or romantic nature.
- Kissing of any kind.
- Dating a student or a former student within one year of the student graduating or otherwise leaving the district.
- Intruding on a student's personal space (e.g. by touching unnecessarily, moving too close, staring at a portion of the student's body, or engaging in other behavior that makes the student uncomfortable).
- Initiating unwanted physical contact with a student.
- Communicating electronically (e.g. by e-mail, text messaging, or through social media) on a matter that does not pertain to school.
- Playing favorites or permitting a specific student to engage in conduct that is not tolerated from other students.
- Discussing the employee's personal issues or problems that should normally be discussed with adults.
- Giving a student a gift of a personal nature.
- Giving a student a ride in the employee's vehicle without first obtaining the express permission of the student's parents or a school administrator.
- Taking a student on an outing without first obtaining the express permission of the student's parents or a school administrator.
- Inviting a student to the employee's residence without first obtaining the express permission of the student's parents and a school administrator.
- Going to a student's home when the student's parent or a proper chaperone is not present.
- Repeatedly seeking to be alone with a student.
- Being alone in a room with an individual student at school with the door closed.
- Any after-school hours activity with only one student.
- Any other behavior which exploits the special position of trust and authority between an employee and student.

This list is not exhaustive. Any behavior which exploits a student is unacceptable. If in doubt, ask yourself, "Would I be doing this if my family or colleagues were standing next to me?"

Communication Between Employees and Students. The preferred methods for employees to communicate with students are **school e-mail accounts**. Employees may use the following personal communication systems to communicate with students: **Google Classroom, SeeSaw, & Zoom**. A

personal communication system is a device or software that provides for communication between two or more parties and is capable of receiving, displaying, or transmitting communication. Personal communication system includes, but is not limited to, a mobile or cellular telephone, an email service, or a social media platform.

Employee communications with students through a communication system generally are to be sent simultaneously to multiple recipients and not just to one student. The burden to demonstrate the appropriateness of a communication with a student only shall rest with the employee.

Reporting a Policy Violation. Anyone may report suspected grooming, other unacceptable employee conduct, or any violation of this policy as follows:

School District. Reports may be made to a principal, the superintendent, or the Title IX Coordinator in person, by mail, by telephone, or email.

Nebraska Department of Education. Reports may be made at: Nebraska Department of Education, Attn: Certification Investigations' Office, P.O. Box 94933, Lincoln NE 68509 or Nde.investigations@nebraska.gov.

Nebraska Department of Health and Human Services. Reports may be made by calling the Child Abuse and Neglect Hotline at (800) 652-1999.

Law Enforcement. Reports may be made to the local police department by calling (402) 645-3315, the county sheriff at (402) 223-5221, or the Nebraska State Patrol at (402) 471-4545.

An employee is required to make a report to a principal or the superintendent if the employee reasonably believes that another employee has violated or may have violated this policy. Minor concerns or violations shall be reported within 24 hours. Major concerns or violations shall be reported immediately. Violations committed by or concerns about the superintendent shall be reported to the school board president.

A student who feels his or her boundaries have been violated should directly inform the offender that the conduct or communication is offensive and must stop. If the student does not wish to communicate directly with the offender or if direct communication has been ineffective, the student should report the conduct or communication to a teacher, administrator, counselor, the Title IX coordinator, or other school employee with whom she or he feels comfortable.

Retaliation Prohibited. Retaliation for good faith reports or complaints made as a result of this policy is prohibited. Individuals who knowingly and intentionally make a false report shall be subject to discipline as provided by district policy and state law.

Policy Violations. Any violation of this policy by an employee may result in disciplinary action up to and including dismissal from employment and/or referral to the Nebraska Department of Education, which may result in the suspension or revocation of the employee's certificate. Any violation involving sexual or other abuse will result in referral to the Nebraska Department of Health and Human Services, law enforcement, or both.

Policy Verification. Employees shall verify that they have received, reviewed, and understood this policy by signing an acknowledgment document indicating the same.

No Limits on Reports to NDE. Nothing in this policy shall be construed to limit any certificated employee's duty to report any known violation of the standards of professional practices (Title 92, Nebraska Administrative Code, Chapter 27, commonly known as Rule 27) adopted by the Nebraska Board of Education.

Adopted on: 11-12-2018

Revised on: 10-12-2020

Reviewed on: _____

5018

Parent and Guardian Involvement In Education Practices

The school district recognizes the importance of parental and guardian involvement in the education of their children. The school district will take the following steps to ensure that the rights of parents and guardians to participate in the education of their children are preserved.

1. Parents/Guardians will be provided access, as described in district procedures, to district-approved textbooks and other curricular materials and tests used in the district upon request.
 - a. A parental request to review specific approved textbooks and other district- or building-approved curricular materials (written, visual, and audio) should be made to the principal of the building where the textbooks and curriculum materials are used.
 - b. Parents may check out textbooks and may review curricular materials such as video and audio recordings within a time frame determined by the building principal to prevent disruption of the instructional process.
 - c. A parental request to review specific standardized and criterion-referenced tests used in the district should be made in writing to the building principal. Copies of the most recent tests used in the district will be available for parent review. Parents wishing to review statewide assessments will be provided with sample questions and a copy of a practice test, but will not be provided with copies of the actual assessment due to testing security. In the case of other secure tests such as the ACT, parents must contact the publisher to obtain copies of the test.
2. Parents/Guardians will be permitted, within district procedures, to attend and observe courses, assemblies, counseling sessions, and other instructional activities.
 - a. Parents/guardians are invited to make appointments with the building principal to visit classes, assemblies and other instructional activities. The principal shall give permission after determining that parental/guardian observation would not disrupt the activity. Observations that last more than 60 minutes or occur on consecutive days are typically disruptive and will not be permitted absent unusual circumstances, in the sole discretion of the building principal.

- b. Parents/guardians may contact the building principal to request permission to attend counseling sessions in which their child is involved.
- 3. Parents/guardians will be permitted, within district procedures, to ask that their children be excused from school experiences that parents find objectionable.
 - a. Building principals may excuse a student from any single school experience at the parent's written request.
 - b. When appropriate, alternative experiences will be provided for the student by the school.
- 4. Parents/guardians will be informed through the student handbook and district policies of the manner that the district will provide access to records of students.
- 5. Parents/guardians will be informed of the standardized and criterion-referenced district testing program. Parents may request additional information from the building principal.
- 6. Parents/guardians will be informed of the circumstances under which they may opt-out of state and federal assessments.
 - a. In accordance with federal law, at the beginning of the school year, the District shall provide notice of the right to request a copy of this policy to parents/guardians of students attending schools receiving Title I funds. The District will provide a copy of this policy to a requesting parent in a timely manner.

- b. State Assessments

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

c. National Assessment of Educational Progress

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

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

7. Parents/guardians will be notified of their right to remove their children from surveys prior to district participation in surveys.
 - a. The principal must approve all surveys intended to gather information from students before they are administered to students.
 - b. Students' participation in surveys is voluntary. Parents/guardians may restrict their child from participating in any survey.

Adopted on: 12-10-2018

Revised on: 10-12-2020

Reviewed on: 6-8-2020

5067

Student Assistance Team or Comparable Problem Solving Team

Pursuant to the Rules of the Nebraska Department of Education, the school district uses a general education student assistance team ("SAT") or a comparable problem solving team ("Team"). The SAT or Team will use and document problem-solving and intervention strategies to assist teachers in the provision of general education and to meet the needs of students who may be struggling in the general curriculum or who are struggling to comply with the student code of conduct or to meet acceptable behavioral and social norms.

If the SAT or Team feels that all viable alternatives have been explored, a referral for multidisciplinary evaluation shall be completed. The referral shall comply with the requirements of the Rules of the Nebraska Department of Education.

All teaching staff must:

- 1) Support the SAT or Team process by appropriately referring students who may benefit from the SAT or Team process; and
- 2) Faithfully and consistently implementing the intervention strategies recommended by the SAT or Team.

The failure to support the SAT or Team process is a serious matter and may constitute just cause for terminating or canceling a teacher's employment.

Adopted on: 1-14-2019

Revised on: 10-12-2020

Reviewed on: _____