

MINUTES
BOARD OF EDUCATION

May 10, 2021

7:30 PM

President Dave Zimmerman called the meeting to order at 7:30 PM with the following members in attendance:

I. Call Meeting to Order

I.A. Roll Call

I.B. Notice of Nebraska Open Meetings Act Posted

I.C. Motion to excuse Betsy Frerichs from the May board meeting

Motion to excuse Betsy Frerichs from the May board meeting. This motion, made by Aaron Whitwer and seconded by Angela Meyer, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

II. Approval of Minutes from the April 12, 2021, Regular Board Meeting

Motion to approve minutes from the April 12, 2021, Regular Board Meeting. This motion, made by Jim Zvolanek and seconded by Dana Dorn, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

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

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 Dana Dorn and seconded by Angela Meyer, passed.

Betsy Frerichs: Absent, Aaron Whitwer: Abstain (With Conflict), Dana Dorn: yes, Angela Meyer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 4, no: 0, Absent: 1, Abstain (With Conflict): 1

IV.A.2. Lunch & Activity Claims

V. Support Service

V.A. Facility Update

V.B. Personnel Items

V.B.1. Hiring Recommendations

V.B.1.1. Jeremy Doose - 1.0 FTE - 7-12 Social Studies Teacher for the 2021-2022 School Year

Motion to approve Jeremy Doose as the 7-12 social studies teacher for the 2021-2022 school year. This motion, made by Jim Zvolanek and seconded by Aaron Whitwer, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

V.B.1.2. Valerie Barnhart - 1.0 FTE - 7-12 English Language Arts Teacher for the 2021-2022 School Year

Motion to approve Valerie Barnhart as the 7-12 English Language teacher for the 2021-2022 school year. This motion, made by Angela Meyer and seconded by Dana Dorn, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

V.B.2. Resignations

V.B.2.1. Elizabeth Ogg - 1.0 FTE - 7-12 English Language Arts Teacher at the Conclusion of the 2020-2021 School Year

Motion to approve the resignation of Elizabeth Ogg as the 7-12 English Language Arts teacher at the conclusion of the 2020-2021 School Year. This motion, made by Dana Dorn and seconded by Jim Zvolanek, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

V.B.2.2. Jessica Tjaden - 1.0 FTE - Kindergarten Teacher at the Conclusion of the 2020-2021 School Year

Motion to approve the the resignation of Jessica Tjaden as the kindergarten teacher at the conclusion of the 2020-2021 school year. This motion, made by Jim Zvolanek and seconded by Dana Dorn, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

V.C. Technology Update

VI. Administrative and Committee Reports

VI.A. Student Board Member Report

VI.B.Elementary Principal's Report

VI.C.Secondary Principal's Report

VI.D. Superintendent's Report

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

VII.A. Set Activity Prices for the 2021-2022 School Year

Motion to keep the activity prices the same as the previous year. This motion, made by Aaron Whitwer and seconded by Angela Meyer, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

VII.B. Approval of Milk Bids for the 2021-2022 School Year

Motion to approve the escalating and de-escalating milk bid from Hiland Dairy for the 2021-2022 school year. This motion, made by Jim Zvolanek and seconded by Aaron Whitwer, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

VII.C. Set the Annual Student Fees Policy Hearing for June 14, 2021, at 7:10 p.m. in the Jr./Sr. High School Auditorium in Wymore, Nebraska

Motion to set the annual student fees policy hearing for June 14, 2021, at 7:10 p.m. in the Jr./Sr. High School auditorium in Wymore, Nebraska. This motion, made by Dana Dorn and seconded by Jim Zvolanek, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

VII.D. Set the Annual Parental Involvement Policy Review Hearing and to Set the Annual Title I Parental Involvement Policy Review Hearing for June 14, 2021, at 7:20 p.m. in the Jr./Sr. High School Auditorium in Wymore, Nebraska

Motion to set the annual parental involvement policy review hearing and to set the annual Title I parental involvement policy review hearing for June 14, 2021, at 7:20 p.m. in the Jr./Sr. High School auditorium in Wymore, Nebraska. This motion, made by Aaron Whitwer and seconded by Jim Zvolanek, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

VII.E. Review, Consider, and Award the Bid for the Jr./Sr. High School Boiler Project

Motion to approve the bid from Johnson Controls for the Jr./Sr. High School boiler project in the amount of \$344,581. This motion, made by Jim Zvolanek and seconded by Angela Meyer, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

VII.F. Review, Consider, and Award the Bid for the Jr./Sr. High School Auditorium Rooftop HVAC Unit

Motion to approve the bid from Johnson Controls for the Jr./Sr. High School auditorium rooftop HVAC unit in the amount of \$86,572. This motion, made by Dana Dorn and seconded by Jim Zvolanek, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

VII.G. Option Enrollment Applications

VIII. Adjournment

Motion to adjourn the meeting at 9:07 p.m. This motion, made by Aaron Whitwer and seconded by Dana Dorn, passed.

Betsy Frerichs: Absent, Dana Dorn: yes, Angela Meyer: yes, Aaron Whitwer: yes, David Zimmerman: yes, Jim Zvolanek: yes

yes: 5, no: 0, Absent: 1

BY

President of the Board of Education

Of this School District

ATTEST

Secretary of the Board of Education

of this School District

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.

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.

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.

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.

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

(1)(a) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in this subsection. Such notice shall be transmitted to all members of the public body and to the public.

(b)(i) Except as provided in subdivision (1)(b)(ii) of this section, in the case of a public body described in subdivision (1)(a)(i) of section 84-1409 or such body's advisory committee, such notice shall be published in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site. (ii) In the case of the governing body of a city of the second class or village or such body's advisory committee, such notice shall be published by: (A) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or (B) Posting written notice in three conspicuous public places in such city or village. Such notice shall be posted in the same three places for each meeting. (iii) In the case of a public body not described in subdivision (1)(b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(c) In addition to a method of notice required by subdivision (1)(b)(i) or (ii) of this section, such notice may also be provided by any other appropriate method designated by such public body or such advisory committee.

(d) Each public body shall record the methods and dates of such notice in its minutes.

(e) 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 (i) twenty-four hours before the scheduled commencement of the meeting or (ii) 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 as provided in subsection (1) of this section;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recodation 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 as provided in subsection (1) of this section 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, recodation 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 telecommunication equipment.

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 instate 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.

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.

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.

Revised
10/2020



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MINUTES
BOARD OF EDUCATION
April 12, 2021
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: Aaron Whitwer, Angela Meyer, Betsy Frerichs, Dana Dorn, Dave Zimmerman, and Jim Zvolanek. The following administrators were presents: Jerry Rempe, Jeff Murphy, & Christopher Prosocki. The following visitor was present: Clint Kimbrough.

Reasonable advance publicized notice of the meeting was given according to law by publishing, a designated method for giving notice of the school district. Posted Location:

- Wymore Arbor State Newspaper

Posted Date: 4/1/2021

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 Jr./Sr. High School auditorium.

II. Approval of Minutes from the March 8, 2021, Regular Board Meeting

Motion to approve minutes from the March 8, 2021, Regular Board Meeting. This motion, made by Angela Meyer and seconded by Jim Zvolanek, passed.
yes: 6, no: 0

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: 0.23%

Wymore State Bank, Special Funds: 0.20%

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 Dana Dorn and seconded by Betsy Frerichs, passed.

Aaron Whitwer: Abstain (With Conflict), Dana Dorn: yes, Betsy Frerichs: yes, Angela Meyer: yes, David Zimmerman: yes, Jim Zvolanek: yes
yes: 5, no: 0, Abstain (With Conflict): 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 working with Johnson Controls on air quality control projects, filling open maintenance positions, and summer projects pending on help that is available.

V.B. Personnel Items

Dr. Prosofski noted he just received a letter of resignation from Elizabeth Ogg (7-12 English Language Arts teacher) and the district is currently advertising for this open position.

V.B.1. Hiring Recommendation

V.B.1.1. Pam Trauernicht - 1.0 FTE - 7-12 School Counselor for the 2021-2022 School Year

Motion to approve Pam Trauernicht as the 7-12 school counselor for the 2021-2022 school year. This motion, made by Betsy Frerichs and seconded by Angela Meyer, passed.
yes: 6, no: 0

V.B.2. Resignation

V.B.2.1. Mike Ringen - 1.0 FTE - 7-12 Social Studies Teacher at the Conclusion of the 2020-2021 School Year

Motion to approve the resignation of Mike Ringen as the 7-12 social studies teacher at the conclusion of the 2020-2021 school year. This motion, made by Aaron Whitwer and seconded by Jim Zvolanek, passed.
yes: 6, no: 0

The school board accepted the resignation of Mike Ringen at the conclusion of the 2020-2021 school year with regrets. The school board thanked Mike for his years of service to Southern Public Schools.

V.C. Technology Update

Dr. Prosocki gave the board an update on the district's progress towards implementing eduCLIMBER this spring and fall. ESU 5 got a grant to purchase this data dashboard for teachers and administration to use in the ESU 5 area.

VI. Administrative and Committee Reports

VI.A. Student Board Member Report

There was not a student board member report at the April board meeting.

VI.B. Elementary Principal's Report

The elementary principal reported on the following items: current enrollment figures (3-Year-Old Preschool - 11, 4-Year-Old Preschool - 12, K - 29, 1st - 26, 2nd - 22, 3rd - 22, 4th - 22, 5th - 21, & 6th - 32), spring testing, summer school during the month of June, working on athletic and Elementary School scheduling for 2021-2022 school year, kindergarten roundup, and fun and field day, and the start of golf and track.

VI.C. Secondary Principal's Report

The secondary principal reported on the following items: current enrollment figures (7th - 27, 8th - 32, 9th - 28, 10th - 33, 11th - 26, & 12th - 26), the recent Scholastic & National Honor Society event, having 2 of our 4 alternative school spots filled, Shelby March and Autumn Lane making state speech competition, state testing (ACT and NSCAS), upcoming Honors and Fine Arts Night on May 4, submitting our graduation plan for approval to the local health officials (Which is required under the current Directed Health Measure), Honor Roll Percentages, and having the therapy dog back this fall.

VI.D. Superintendent's Report

Dr. Prosocki went over the American Rescue Plan that was passed on March 11, 2021, and the district is still waiting to see the amount of stimulus funds the district will receive from the third round of stimulus funding. Dr. Prosocki noted that 20% of this third round of funding has to be used for learning loss and he plans to use the remaining funds to address some deferred maintenance HVAC projects that are around 40-50 years old in an effort to improve the indoor air quality of our school facilities. The plan is to replace the 1965 & 1983 boilers and the HVAC system in the auditorium at the Jr./Sr. High School over the summer pending these projects are approved by the federal government. Next summer, the district will look to replace the Elementary School boiler, fix the HVAC system in the Jr./Sr. High School commons, update the obsolete HVAC controls in all of the classrooms, and complete some other smaller projects in both buildings. Next, Dr. Prosocki said the district will still implement the grab and go breakfast during the 2021-2022 school year and many ESU 5 schools already use this program to increase breakfast participation rates before the pandemic (Fairbury & Tri County). Dr. Prosocki said that the district COVID-19 safety procedures will remain in place for the remainder of the 2020-2021 school year as recommended by the CDC, UNMC, NDE, the Governor, and the local health officials, but during summer school at the Elementary, face coverings will move

to optional for students and staff because of the low participation rate in the program. Dr. Proski said that the majority of ESU 5 districts are going to keep their safety procedures in place for the next 5 to 6 weeks so students are not forced to quarantine for 10 days and miss out on some important end of the year milestones (Graduation, fun and field day, track and golf meets, etc.). He then went over a recent federal audit (Every Student Succeeds Act or ESSA) he has been working on with Stephanie Ware, he informed the school board that he will be leading Bruning-Davenport accreditation visit in October, and he went over the extra duty assignments for the 2021-2022 school year. Dr. Proski presented the school board with the fiscal impact would have been if LB 408 was passed the last 6 fiscal years (Fiscal Year 2014-2019). Dr. Proski noted the problem with 408 is that it will be a double whammy to school districts because the bill does not work with the current state aid formula or TEEOSA (When valuations go up, state aid goes down [This bill does not have hold harmless provisions in it and schools would lose both taxable valuation revenue because under LB 408 schools cannot pull more than 3% of valuation growth]). Under this broken and poorly craft bill, Southern Public Schools would have lost \$2,764,813 in revenue over a 6-year period or \$460,802 a year. If this bill is passed this legislative session, schools across Nebraska will have to make drastic cuts to our current operations. He also gave the board an update on LB644 and if it passes, it will require the county, cities, school districts, and community colleges to participate in a joint public hearing if any political subdivision is requesting more property tax dollars than the prior year. Dr. Proski noted that all districts in Nebraska already have tax request and budget hearings and the requirements under LB 644 will create extra administrative burden on political subdivisions. Next, Dr. Proski gave the school board an NCSA mid-session legislative report update, he and some board members gave an update from the recent NRCSA spring conference, and he gave the board an update on his progress towards the September 14, 2021, special bond election to erect a new practice gym, two new preschool classrooms, and some new playground equipment at the Elementary School. Lastly, he gave the board an update on the steering committee progress towards the district's first comprehensive strategic plan, he noted that summer weight room sponsors will be compensated this summer in an effort to align our practices with area school districts, and he talked to the school board if they would like weekly email updates from him on Fridays (Dr. Proski currently sends out weekly updates to all Southern staff members to keep them in the loop on a variety of district happenings and upcoming events).

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

VII.A. Special Education Services Contracted with ESU 5 for the 2021-2022 School Year

Motion to approve the special education services contracted with ESU 5 for the 2021-2022 school year. This motion, made by Betsy Frerichs and seconded by Dana Dorn, passed.
yes: 6, no: 0

Dr. Proski said that there are both state and federal mandates that require public schools in the United States to serve all special needs students. He stated that he feels that schools have a moral obligation to serve special needs students. Dr. Proski said that it is cheaper to contract out these services and the district does not have the resources to hire a fulltime occupational therapist or physical therapist. These contracted services will cost the district around \$200,000 next year.

VII.B. Review, consider, and take all necessary action to adopt a resolution (1) selecting and hiring a Performance Criteria Developer (PCD); (2) authorizing the PCD and superintendent or his designee to prepare a request for letters of interest and publish notice of the same and (3) authorizing the publication in a newspaper of general circulation within the District of a request for proposals for a design-builder

Motion to adopt a resolution (1) selecting and hiring Duval & Associates as the Performance Criteria Developer (PCD); (2) authorizing the PCD and superintendent or his designee to prepare a request for letters of interest and publish notice of the same and (3) authorizing the publication in a newspaper of general circulation within the District of a request for proposals for a design-builder. This motion, made by Aaron Whitwer and seconded by Betsy Frerichs, passed.
yes: 6, no: 0

The school board decided at the February board meeting to go with the design-build contract delivery system because it is a cheaper alternative to the construction management at risk method of construction because the district will not have all of the architect fees upfront if the September 14, 2021, special bond election does not pass. Under the Nebraska Political Subdivisions Constitution Alternative Act, schools are required by law to hire a Performance Criteria Developer (PCD). Dr. Prosocki also noted that if the September 14, 2021, special bond election passes, it will not take funds away from staff salaries, supplies, etc. A successful bond election will result in additional taxable revenue outside of the general fund operating budget to pay for the general obligation bond. An analogy that Dr. Prosocki tells his staff all the time is that if a person got a house loan, they could not use the house loan proceeds to purchase a new boat or a new car with the loan.

VII.C. Option Enrollment Applications

VIII. Adjournment

Motion to adjourn the meeting at 8:41 p.m. This motion, made by Dana Dorn and seconded by Jim Zvolanek, passed.
yes: 6, no: 0

The next Regular Board meeting is scheduled for 7:30 p.m., May 10, 2021, 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.

Southern Welcomes a New Maintenance Staff Member

My name is John Eisenhauer. I have lived in the Wymore area for over 25 years. My family consists of myself, Jennifer, and our children, Morgan and Jacob. We enjoy being active in our children's activities and sports. In my spare time I enjoy the outdoors, especially fishing and kayaking.



Southern Welcomes a New 7-12 Social Studies Teacher for 2021-2022

Hello, my name is Jeremy Doose. I am currently a senior at Concordia University-Nebraska in Seward, and will be graduating on May 8th. I will receive my degree in Secondary Education, with emphasis in Social Sciences. I am very excited to be joining the Southern Jr./Sr. High School team as a social studies teacher.

I am originally from Grand Island, Nebraska, where I graduated from Heartland Lutheran High School in 2017. I was active on the school Quiz Bowl team, and participated in Speech during my Senior year in the Extemporaneous Speech category. I also participated in football and basketball, and took a leap my senior year by joining the track team, throwing the shot put and discus.

More recently, I have spent my spare time with my friends in college, playing in intramural sports when those were in session. My family lives throughout Nebraska, from the Tri-Cities region to Lincoln and Omaha. I am thrilled to begin my teaching career, and I hope that I can help students at Southern Jr./Sr. High School to not only explore the subject of social studies, but to learn to love it! I look forward to getting to know you all in the coming years.



Elizabeth Ogg
2636 West Sumner Street
Lincoln, NE 68522

April 12, 2021

Southern Public Schools Administrators and School Board Members
115 S. 11th Street
Wymore, NE 68466

Dear Dave Zimmerman, Jim Zvolanek, Dana Dorn, Angela Meyer, Aaron Whitwer, Betsy Frerichs, Dr. Chris Prosocki, and Mr. Jeffrey Murphy:

Please accept this letter as notice of my resignation from the position of English teacher at the end of the 2020-2021 school year. I have accepted an English position at Norris School District and will not be returning to Southern Public Schools for the 2021-2022 school year.

I appreciate the opportunities and experiences that Southern has provided me over the years. I have enjoyed my time at Southern and will miss my students and colleagues, but it is time that I work closer to home.

Thank you for everything.

Sincerely,

Elizabeth Ogg

Jessica Tjaden
1431 7th Rd. Marysville, KS 66508 – 402-429-9973 – jess.tjaden2@gmail.com

April 26th, 2021

Chris Prosocki
Superintendent
Southern Public Schools
115 S 11th St.
Wymore, NE 68466

Chris Prosocki,

Please accept my resignation from my position as a kindergarten teacher at Southern Elementary School. I have accepted a position at Marysville Elementary School which will be finalized on May 10th, 2021 at their board meeting. My last day at Southern Public Schools will be May 24th, 2021.

My students have given me great pleasure over the last eleven years, and the administration has been very supportive during my tenure with the school district.

I wish you all the best. If I can be of any assistance to you during the remainder of the term, please let me know.

Sincerely yours,

A handwritten signature in cursive script that reads "Jessica Tjaden". The signature is written in black ink and is positioned above the printed name.

Jessica Tjaden

cc: Jerry Rempe, Principal, Southern Elementary School

Approval, Accreditation, and Accountability

DRAFT REGULATIONS - APRIL 2021

The mission of the Nebraska Department of Education (NDE) is to lead and support all Nebraskans for learning, earning, and living. As part of this mission, the NDE serves as a regulator through the promulgation of rules and regulations. From a system perspective, there are two important changes to be aware of:

- Current Rules 10 and 14 will be replaced with three new Rules: (1) Approval, (2) Accreditation, and (3) Accountability
- Accountability for a Quality Education System, Today and Tomorrow (AQuESTT) serves as the framework for the Approval, Accreditation and Accountability Rules

The purpose of this document is to outline key changes to current rules governing the approval, accreditation and accountability of public and non-public schools.

APPROVAL RULE

Minimum requirements for the operation of approved schools

The minimum requirements found in the approval rule are organized by the three AQuESTT domains: (1) Leadership, (2) Success, Access, and Support, and (3) Teaching, Learning, and Serving.

Below are many of the key changes found in the approval rule:

Leadership Domain:

- Eliminate verbatim statutory requirements repeated in rule to provide clarity regarding regulatory authority and reduce redundancy.
- Ensure the related regulations section (001.05) of the rule is a comprehensive list of related minimum standards, appropriately connecting previously disparate regulations to better frame a singular minimum standard of approval.
- Update Safe and Healthy Schools (003.01A2) section to help ensure student safety.
- Require (003.01C) all schools have a properly endorsed principal to ensure proper administration of the school and evaluation of certificated staff.
- Simplify the rule and reduce administrative burden (allowing administrators to focus more time and attention on students) by framing instructional time in measurements of instructional hours and credit; eliminate instructional units as a measurement of instructional time.
- Restructure loss of approval requirements to help encourage self-reporting, creating a more cooperative problem solving approach to compliance. (008)

Success, Access, and Support Domain:

- Strengthen existing multicultural education regulations (004.01A3c) to ensure all Nebraska students have a fundamental understanding of a global society.
- Provide equity to highly mobile students by ensuring the transferability of credits earned at an approved Nebraska school. (004.01A6)
- Ensure elementary and middle schools have computer science and technology instruction; and middle schools have world language instruction to help prepare students for a changing world. (004.01C1h/004.01D1i/004.01D1h)
- Maintain high expectations for school systems to have properly endorsed teachers in the content area they are teaching. (004.01C2/004.01D3/004.01E4)
- Align graduation requirements to ensure common minimum standards for all schools (004.01E2)
- Eliminate barriers related to multi-site and distance learning options to allow more opportunities for students

Teaching, Learning, and Serving Domain:

- Ensure all schools have appropriate policies for the support, development, and evaluation of certified employees; aligned to the Nebraska Teacher Principal Performance Standards. (005.01A)
- Adjust school library requirements to ensure all school libraries are appropriately staffed, while providing schools the flexibility to best utilize their school librarian. (005.01C)

ACCREDITATION

Required of all public school systems, optional for nonpublic schools

Below are many of the key changes found in the accreditation rule:

- Development of an accreditation system that relies on an ongoing continuous improvement process.
- Incorporate regulations that focus on the key steps of goal development, data based decision making, and teamwork. (Section 004.03)
- Build a more robust on-site evaluation process that focuses on a peer review model, while also providing a statewide consistent approach to continuous improvement.
- Structure accreditation cycles based upon transparency and growth to focus resources on school systems that want or need additional support, without the fear of an additional label. (Section 007)

ACCOUNTABILITY

Accountability of Public and Nonpublic Schools

Below are many of the key changes found in the accountability rule:

- Clarify requirements for the collection and reporting of student achievement data for specific school systems in Nebraska. All school systems are accountable to stakeholders regarding student outcomes. (Section 004)
- Organize accountability regulations pertaining to the classification and designation of public schools and districts needing additional supports to improve. (Section 005)
- Connect the accountability rule to key provisions within the Approval and Accreditation Rules to ensure schools engage in data-informed decision making for improvement.



Brad Dirksen
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AQUESTT

Annual Preschool Advisory Committee Meeting April 16, 2021

Present: Chris Prosocki, Jerry Rempe, Amanda Freese, Annie Manley, Becky Weyer, Audrey Whitwer, Tiffany Henrichs, & Sue Sapp

Chris Prosocki called the meeting to order at 9:00 p.m.

Program Highlights – 3-Year-Old & 4-Year-Old Preschool Programs

- The district moved teachers around this year (The 3-year-old teacher is now the 4-year-old teacher and the 4-year-old teacher is now the 3-year-old teacher) and it has been beneficial to loop Amanda Freese the past two years (The same students had the same teacher for two years in a row).
- Moving the 3-year-old preschool from half days to full days has helped provide more instructional time for the 3-year-old preschool students.
- Both the parent members and community members liked having the 4-year-old preschool program at the Elementary School because it helped with the transition of the 4-year-olds to kindergarten.
- The parents on the committee commend the district for providing transportation for preschool students the past two years.

Areas of Growth – 3-Year-Old & 4-Year-Old Preschool Programs

- Everyone on the committee said minus the pandemic related concerns on both side of the aisle this year, things have run very smoothly. In the future, some committee members were wondering if there could be a new preschool play area at the Elementary School like the one that is currently located at the 3-year-old preschool.

Other Topics Discussed at the Meeting

- The committee talked in depth about the upcoming special bond election on September 14, 2021, and Dr. Prosocki noted that the district is still in the infancy of this project and the school board will need to finalize some more items over the summer months regarding the overall cost of the project (2 new preschool classrooms, a new practice gym, and some new playground equipment).
- The committee also talked about the updated preschool handbooks, social media/website communication outlets, and the transition to the Little Raiders preschool program.

Chris Prosocki adjourned the meeting at 9:45 p.m.

Aid to Local Governments

State Aid to K-12 Schools

Table 16 shows the total amount of General Fund state aid to K-12 schools from the various aid programs, the average percent change over the two year period is a positive 3.6%..

TEEOSA aid is based on the current law and Special Education reimbursement is increased by 1% per year. For other K-12 General Fund aid programs, the committee budget includes restoration of the 2018 across the board cut and a return to the FY18 level. A description of the various programs follows the table.

Table 16 Total General Fund State Aid to K-12 Schools

	Approp FY2016-17	Approp FY2017-18	Approp FY2018-19	Committee FY2019-20	Committee FY2020-21
State Aid to Education (TEEOSA)	974,507,975	1,036,237,766	1,022,555,859	1,014,915,776	1,039,139,959
Special Education	226,526,585	228,791,851	231,079,770	233,390,568	235,724,474
High ability learner programs	2,202,384	2,342,962	2,342,962	2,342,962	2,342,962
Early Childhood program	3,474,583	3,619,357	3,619,357	3,619,357	3,619,357
Early Childhood Endowment	4,800,000	5,000,000	5,000,000	7,500,000	7,500,000
Nurturing Healthy Behaviors	384,000	400,000	400,000	400,000	400,000
School Lunch	376,351	392,032	392,032	392,032	392,032
Textbook loan program	446,880	465,500	465,500	1,465,500	1,465,500
School Breakfast reimbursement	617,898	617,898	617,898	617,898	617,898
Adult Education	206,077	214,664	214,664	214,664	214,664
Learning Communities Aid	470,000	470,000	470,000	470,000	470,000
Summer Food Service grants	86,400	90,000	90,000	90,000	90,000
High School Equivalency Assist	720,000	750,000	750,000	750,000	750,000
Quality Child Care – Scholarships	96,000	100,000	100,000	100,000	100,000
Quality Child Care – Bonuses	66,240	69,000	69,000	69,000	69,000
Total Gen Fund Aid - K-12 Districts	1,214,981,373	1,279,561,030	1,268,167,042	1,266,337,757	1,292,895,846
General Funds:					
\$ Change over Prior Yr	6,181,491	64,579,657	(11,393,988)	(1,829,285)	26,558,089
% Change over Prior Yr	0.5%	5.3%	-0.9%	-0.1%	2.1%

Special Education The agency request included a 10% increase for both FY19-20 and FY20-21 which is the maximum authorized by statute. Statute provides for a 10% cap on increases in Special Education reimbursement starting in FY14-15 as amended by LB974-2014. The previous cap was 5%. The committee proposed budget for FY22 and FY23 includes a 1.0% per year increase.

Special Education (General Funds only)	FY18/FY19 Biennium		FY19/FY20 Biennium		Committee Proposal	
	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23
Base Year Appropriation	222,063,117	222,063,117	226,526,585	226,526,585	231,079,770	231,079,770
Cost/Client increases	2,220,631	4,463,468	2,265,266	4,553,185	2,310,798	4,644,704
Shift GF from Spec Ed to Medicaid, LB276	0	0	0	0	0	0
Total - New Appropriation	224,283,748	226,526,585	228,791,851	231,079,770	233,390,568	235,724,474
\$ Change over Prior Yr	2,220,631	2,242,837	2,265,266	2,287,919	2,310,798	2,333,906
% Change over Prior Yr	1.0%	1.0%	1.0%	1.0%	1.0%	1.0%

High Ability Learner Program In the 2011 legislative session, funding for the High Ability Learner program was shifted from General Funds to the Education Innovation Fund (lottery) for FY2011-12 and FY2012-13 as provided for in LB 333 enacted during that session. LB495 (2013) provided for a continuation of lottery funds to fund this program in FY13-14, FY14-15, and FY15-16. The FY16-17 budget shifted back to General Funds to replace the use of education lottery funds for this program at the FY16 level of \$2,342,962. In the 2018 session, a 6% reduction was enacted to balance the budget. In 2019 budget for FY2019-20 and FY2020-21 restores funding to the level prior to that cut.

The committee proposal has no changes in funding.

High Ability Learners	FY18/FY19 Biennium		FY19/FY20 Biennium		Committee Proposal	
	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23
Base Year Appropriation	2,342,962	2,342,962	2,202,384	2,202,384	2,342,962	2,342,962
Restore GF, lottery earmark expires	0	0	0	0	0	0
6% base reduction in aid	0	(140,578)	0	0	0	0
Restore 6% base reduction in aid	0	0	140,578	140,578	0	0
Total - New Appropriation GF	2,342,962	2,202,384	2,342,962	2,342,962	2,342,962	2,342,962
Education Innovation Fund (lottery)	0	0	0	0	0	0
Total Funding	2,342,962	2,202,384	2,342,962	2,342,962	2,342,962	2,342,962

Early Childhood Grant Program In the 2011 legislative session, funding for the Early Childhood grant program was shifted from General Funds to the Education Innovation Fund (lottery) for FY2011-12 and FY2012-13 as provided for in LB 333 enacted during that session. Under LB 333 funding would revert back to General Funds starting in FY2013-14. LB495 (2013) provided for a continuation of lottery funds at level of \$1.75 million in FY13-14, \$1.85 million in FY14-15 and \$1.95 million in FY15-16. The budget for FY16-17 included \$1,950,000 increase in General Funds to replace the use of education lottery funds for this program. In the 2017 session, the budget for FY2017-18 and FY2018-19 was reduced by 4% in essence extending the one-time reduction in LB22 enacted that session. In the 2018 session the FY19 budget was reduced by an additional 4%. The budget for FY2019-20 and FY2020-21 restored funding of that 4% cut.

The committee proposal has no changes in funding.

Early Childhood Grant Program	FY18/FY19 Biennium		FY19/FY20 Biennium		Committee Proposal	
	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23
Base Year Appropriation	3,770,164	3,770,164	3,474,583	3,474,583	3,619,357	3,619,357
One-time funds to be used over 3 yrs	0	0	0	0	0	0
Restore GF, lottery earmark expires	0	0	0	0	0	0
Extend LB22 4% cut	(150,807)	(150,807)	0	0	0	0
4% base reduction in aid deficit		(144,774)	0	0	0	0
Restore 4% base reduction in aid	0	0	144,774	144,774	0	0
Total - New Appropriation GF	3,619,357	3,474,583	3,619,357	3,619,357	3,619,357	3,619,357
Education Innovation Fund (lottery)	0	0	0	0	0	0
Total Funding	3,619,357	3,474,583	3,619,357	3,619,357	3,619,357	3,619,357

Early Childhood Endowment In the 2006 legislative session, LB1256 was enacted creating the Nebraska Early Childhood Education Endowment fund and board of trustees. Income from the endowment is then used to provide grants to school districts, cooperatives of school districts, and educational service units for early childhood education programs for at-risk children from birth to age three as determined by the board of trustees. The bill provided that the Department of Education select an endowment provider for the Nebraska Early Childhood Education Endowment where such provider had (1) experience in managing public and private funds for the benefit of children and families in multiple locations in Nebraska and (2) irrevocably commit no less than twenty million dollars in a private endowment to be used solely as part of the Nebraska Early Childhood Education Endowment.

The program known as Sixpence, is currently administrated by Nebraska Children and Families Foundation and governed by the Nebraska Early Childhood Education Endowment Fund Board of Trustees. The endowment fund consists \$40 million transferred from the State Permanent School Fund (after a successful constitutional amendment authorizing such allocation) and \$20 million from private donations.

In the 2013 session, the legislature provided the first General Funds to supplement the endowment income, \$4 million in both FY13-14 and FY14-15. An additional \$1 million was also provided from the Education Innovation Fund (lottery) for FY14, FY15, and FY16. The FY17 budget included an additional \$1,000,000 General Funds in FY2016-17 to replace the expiration of the Education Innovation Fund earmark. The budget for FY2017-18 and FY2018-19 continued funding at the FY17 level for General Funds. In the 2018 session the FY19 budget was reduced by an additional 4%. The budget for FY2019-20 and FY2020-21 restores funding of that 4% cut.

The committee proposal incorporated the contents of LB142 by including an additional \$2.5 million each year.

Early Childhood Endowment	FY18/FY19 Biennium		FY19/FY20 Biennium		Committee Proposal	
	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23
Base Year Appropriation	5,000,000	5,000,000	4,800,000	4,800,000	5,000,000	5,000,000
Increase state funding (proposed in LB 342-2)	0	0	0	0	2,500,000	2,500,000
4% base reduction in aid	deficit	(200,000)	0	0	0	0
Restore 4% base reduction in aid	0	0	200,000	200,000	0	0
Total - New Appropriation GF	5,000,000	4,800,000	5,000,000	5,000,000	7,500,000	7,500,000

Textbook Loan Program State statute provides for an appropriation for monies for the purchase of textbooks for loan to students attending private approved or accredited schools. Rule 4 ("Regulations for Textbook Loans to Children Enrolled in Private Schools in Nebraska") is the applicable rule for the textbook loan process and the disbursement of the monies. The Governor recommended increasing the current \$465,000 amount by \$1,000,000 to a total of \$1,465,000. The committee proposed budget also includes that increase. This would be the first increase in funding for the program since FY2009-10.

TEEOSA State Aid to Schools The Committee budget includes funding for state aid to schools at the amount calculated under the current law. The FY2021-22 is based on the calculation prepared by the Dept of Education in January 21 and reflects the certification amount. The FY22-23 estimate is based on Fiscal Office calculationsthe. Overall change in total TEEOSA aid is a \$5.8 million (-0.6%) reduction in FY21-22 in FY2021-22 and a \$24.2 million (3.2%) increase in FY2022-23

Table 17 TEEOSA Aid

TEEOSA – Current Law	All Funds FY2020-21	All Funds FY2021-22	All Funds FY2022-23	All Funds FY2023-24	All Funds FY2024-25
School Disbursements	1.61%	2.94%	4.07%	3.50%	3.50%
Property Valuations (assessed)	2.13%	2.21%	2.99%	2.31%	2.40%
Property Valuations (used in formula)	3.88%	4.16%	4.45%	3.50%	3.56%
Cost Growth Factor	4.50%	5.00%	5.00%	5.00%	5.00%
Local Effort Rate	\$1.000	\$1.000	\$1.000 \$1.000	\$1.000	
Total Formula Need	3,743,010,300	3,837,808,271	3,977,475,799	4,120,138,799	4,264,343,657
Effective Yield from Local Effort Rate	2,163,481,367	2,253,581,694	2,353,808,195	2,436,235,219	2,522,997,506
Net Option Funding	116,432,806	120,316,416	123,963,022	127,314,704	131,770,718
Allocated Income Tax	49,403,946	50,639,955	52,159,154	53,723,928	57,269,707
Other Actual Receipts	526,673,075	537,210,808	552,427,644	567,564,466	583,706,709
Community Achievement Plan Aid	6,604,831	6,714,260	6,844,469	7,083,662	7,331,590
Total Formula Resources	2,862,596,024	2,968,463,133	3,089,202,484	3,191,921,979	3,303,076,231
Calculated Equalization Aid	880,414,276	869,345,138	888,273,315	928,216,820	961,267,426
Net Option Funding	116,432,806	120,316,416	123,963,022	127,314,704	131,770,718
Allocated Income Tax	49,403,946	50,639,955	52,159,154	53,723,928	57,269,707
Community Achievement Plan Aid	6,604,831	6,714,260	6,844,469	7,083,662	7,331,590
TEEOSA State Aid	1,052,855,859	1,047,015,768	1,071,239,960	1,116,339,114	1,157,639,442

TEEOSA – Current Law	All Funds FY2020-21	All Funds FY2021-22	All Funds FY2022-23	All Funds FY2023-24	All Funds FY2024-25
State General Funds	1,022,555,859	1,014,915,768	1,039,139,960	1,083,739,114	1,124,639,442
Insurance Premium Tax (w/o deficit)	30,300,000	32,100,000	32,100,000	32,600,000	33,000,000
Total TEEOSA Aid	1,052,855,859	1,047,015,768	1,071,239,960	1,116,339,114	1,157,639,442
Dollar Change from prior year - Total	(13,056,990)	(5,840,091)	24,224,191	45,099,154	41,300,328
Percent Change from prior year - Total	-1.2%	-0.6%	2.3%	4.2%	3.7%
Dollar Change from prior year - GF	(13,681,907)	(7,640,091)	24,224,191	44,599,154	40,900,328
Percent Change from prior year - GF	-1.3%	-0.7%	2.4%	4.3%	3.8%

The decline in TEEOSA state aid in FY2020-21 and again in FY2021-22 can be attributed to the growth in valuation being higher than the growth in school disbursements. In this case growth in valuation means not the overall growth in assessed valuation which only averaged 2.2% but the growth in valuation used in the formula i.e.. equalized districts which averaged 4%. This difference can be seen in the two year average growth in residential property (6.5%) versus agricultural land (-3.9%. By contrast the growth in disbursements averaged 2.3% over the two years.

Table 18 Historical TEEOSA Aid

Fiscal Yr	General Funds	Insurance Premium	ARRA & EDJOBS	TEEOSA (Total Aid)	Dollar Change	Pct Change
FY1988-89	133,716,100	0	0	133,716,100	11,035,386	9.0%
FY1989-90	133,720,830	0	0	133,720,830	4,730	0.0%
FY1990-91	311,462,100	0	0	311,462,100	177,741,270	132.9%
FY1991-92	357,283,727	0	0	357,283,727	45,821,627	14.7%
FY1992-93	370,668,616	0	0	370,668,616	13,384,889	3.7%
FY1993-94	383,069,609	0	0	383,069,609	12,400,993	3.3%
FY1994-95	400,230,135	0	0	400,230,135	17,160,526	4.5%
FY1995-96	414,933,814	0	0	414,933,814	14,703,679	3.7%
FY1996-97	434,834,334	12,409,260	0	447,243,594	32,309,780	7.8%
FY1997-98	454,273,986	11,670,497	0	465,944,483	18,700,889	4.2%
FY1998-99	579,978,752	11,261,483	0	591,240,235	125,295,752	26.9%
FY1999-00	581,552,195	12,490,055	0	594,042,250	2,802,015	0.5%
FY2000-01	549,272,990	12,053,426	0	561,326,416	(32,715,834)	-5.5%
FY2001-02	630,212,142	14,868,591	0	645,080,733	83,754,317	14.9%
FY2002-03	647,477,820	14,450,387	0	661,928,207	16,847,474	2.6%
FY2003-04	625,337,469	15,364,409	0	640,701,878	(21,226,329)	-3.2%
FY2004-05	618,298,707	16,018,569	0	634,317,276	(6,384,602)	-1.0%
FY2005-06	683,473,181	17,121,101	0	700,594,282	66,277,006	10.4%
FY2006-07	704,377,213	14,090,116	0	718,467,329	17,873,047	2.6%
FY2007-08	753,555,548	15,058,425	0	768,613,973	50,146,644	7.0%
FY2008-09	825,056,857	14,333,724	0	839,390,581	70,776,608	9.2%
FY2009-10	824,960,159	15,247,109	93,668,750	933,876,018	94,485,437	11.3%
FY2010-11	795,941,721	13,992,839	198,897,916	1,008,832,476	74,956,458	8.0%
FY2011-12	804,689,087	17,151,812	212,958	822,053,857	(186,778,619)	-18.5%
FY2012-13	838,452,050	13,415,035	212,958	852,080,043	30,026,186	3.7%
FY2013-14	884,888,317	21,693,014	0	906,581,331	54,501,288	6.4%
FY2014-15	912,390,088	20,581,754	0	932,971,842	26,390,511	2.9%
FY2015-16	946,539,661	26,496,964	0	973,036,625	40,064,784	4.3%
FY2016-17	952,153,581	27,159,388	0	979,312,969	6,276,344	0.6%
FY2017-18	973,666,433	24,601,976	473,345	998,741,754	19,428,785	2.0%
FY2018-19	974,507,975	25,000,000	906,222	1,000,414,197	1,672,443	0.2%

Fiscal Yr	General Funds	Insurance Premium	ARRA & EDJOBS	TEEOSA (Total Aid)	Dollar Change	Pct Change
FY2019-20	1,036,237,766	29,675,083	0	1,065,912,849	65,498,651	6.5%
FY2020-21	1,022,555,859	30,300,000	0	1,052,855,859	(13,056,990)	-1.2%
FY2021-22 NDE	1,014,915,768	32,100,000	0	1,047,015,768	(5,840,091)	-0.6%
FY2022-23 LFO est	1,039,139,960	32,100,000	0	1,071,239,960	24,224,191	2.3%
FY2022-23 LFO est	1,083,739,114	32,600,000	0	1,116,339,114	45,099,154	4.2%
FY2022-23 LFO est	1,124,639,442	33,000,000	0	1,157,639,442	41,300,328	3.7%
<u>Avg % Change</u>						
FY72 to FY82 (10 Yr)	10.5%	2.4%	--	10.5%		
FY82 to FY92 (10 Yr)	14.2%	2.0%	--	14.2%		
FY92 to FY02 (10 Yr)	5.8%	1.5%	--	6.1%		
FY02 to FY12 (10 Yr)	2.5%	1.4%	--	2.5%		
FY12 to FY22 (10 Yr)	2.3%	6.5%	--	2.4%		

Aid to ESU's

The amount of aid to ESU's is based on funding of a certain level of core services and technology infrastructure. The agency request, Governor's recommendation, and the committee proposed maintains aid at the FY2020-21 level.

Aid to ESU's	FY18/FY19 Biennium		FY19/FY20 Biennium		Committee Proposal	
	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23
Base Year Appropriation	14,051,761	14,051,761	13,085,000	13,085,000	13,613,976	13,613,976
Cost increases-core services	0	0	267,558	528,976	0	0
3% base reduction in aid	(421,553)	(421,553)	0	0	0	0
4% base reduction in aid deficit		(545,208)				
Total - New Appropriation	13,630,208	13,085,000	13,352,558	13,613,976	13,613,976	13,613,976
\$ Change over Prior Yr	(421,553)	(545,208)	267,558	261,418	0	0
% Change over Prior Yr	-3.0%	-4.0%	2.0%	2.0%	0.0%	0.0%

Homestead Exemption

The committee proposed budget includes (1) a \$4.1 million reduction to eliminate the FY20 deficit that had to be included in the FY21 appropriation, (2) a roughly 5% per year increase in eligibility and utilization costs (\$4.7 million FY22 and \$9.8 million in FY23), and (3) \$2.6 and \$2.7 million in FY22 and FY23 to adjust the FY21

Homestead Exemption	FY18/FY19 Biennium		FY20/FY21 Biennium		Committee Proposal	
	FY2017-18	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23
Base Year appropriation	72,515,000	72,515,000	84,100,000	84,100,000	101,100,000	101,100,000
Base adjustment per base yr actual data	2,235,000	2,235,000	0	0	2,583,000	2,797,150
Change due to eligibility, valuation, and tax rates	3,411,900	6,206,400	4,600,000	7,900,000	4,717,000	9,802,850
Midbiennium Changes	0	3,100,000	4,100,000	9,100,000	(4,100,000)	(4,100,000)
LB 683 (2016) Change homestead exemptions, survivor	38,100	43,600	0	0	0	0
Total General Funds (without deficits)	78,200,000	84,100,000	92,800,000	101,100,000	104,300,000	109,600,000
Deficit	3,100,000	1,300,000	in FY21	2,000,000	?	?
Total General Funds (with deficits)	81,300,000	85,400,000	92,800,000	103,100,000	104,300,000	109,600,000
\$ Change (including deficits)	6,550,000	4,100,000	7,400,000	10,300,000	1,200,000	5,300,000
% Change (including deficits)	8.8%	5.0%	8.7%	11.1%	1.2%	5.1%

baseline due to the requested deficit in the program. The net change reflects a 1.2% in FY22 and 5.1% in FY23 based on Dept. of Revenue best estimate at this time based on existing statutes.

AQuESTT System of Approval, Accreditation, and Accountability

The mission of the Nebraska Department of Education (NDE) is to lead and support all Nebraskans in learning, earning, and living. As part of this mission, the NDE serves as a regulator through the promulgation of rules and regulations.

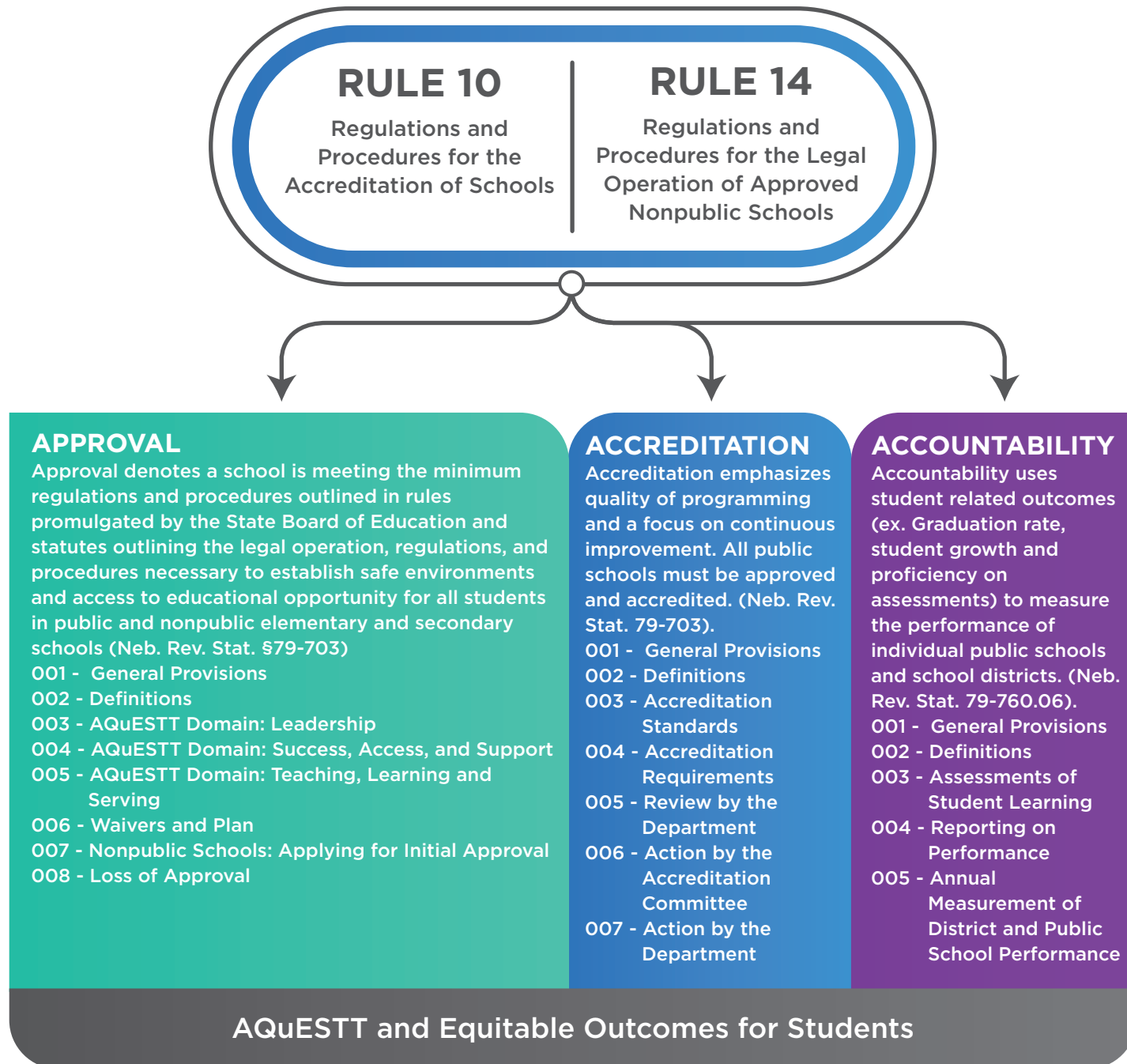
The purpose of this document is to outline key changes to current rules governing the approval, accreditation, and accountability of public and non-public schools.

Revision Background

The NDE is required to accredit and/or approve all schools in the state, guided by current Rules 10 and 14.

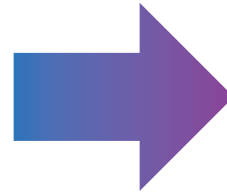
As part of its commitment to advancing equity, the State Board of Education directed the NDE to begin the revision and reinterpretation process of these rules in Fall 2018.

As part of this revision, the NDE is creating three separate, but interrelated rules for approval, accreditation, and accountability of public and non-public schools.



What is changing?

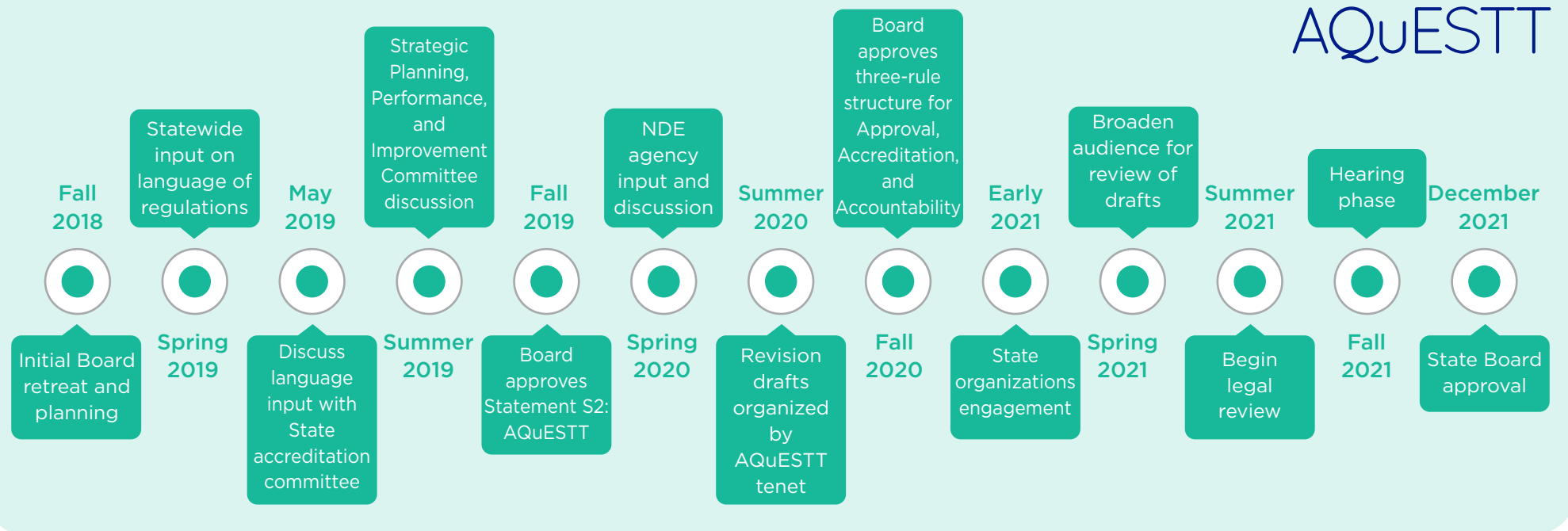
- Replacing Rules 10 and Rule 14 with three new Rules: Approval, Accreditation, and Accountability
- Linking accountability with accreditation
- Creating a multi-cycle accreditation system
- Refining accreditation's focus on continuous improvement
- Creating a path for local school boards to be more involved in accreditation and accountability procedures and policies



Why is this change happening now?

- Higher expectations for advancing equity through a laser-like focus on marginalized students, including:
 - Economically disadvantaged
 - Students with disabilities
 - English Learners
 - Students of color
- Refines our focus on continuous improvement
- Provides clarity on rules to inform and support each other
- Aligns approval, accreditation, and accountability to the State Board of Education's vision and to AQuESTT

AQuESTT System of Approval, Accreditation, and Accountability Timeline



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Special Legislative Report: Status of Legislation, 2021 Session

*By Dr. Mike Dulaney
NCSA Executive Director
May 10, 2021*

The following NCSA report indicates the status of education-related legislation that is currently pending or has been passed and signed into law. The report also includes special notes, where applicable, of pending amendments.

Bills Passed and Signed into Law

LB 5 (Blood) Establishes the Purple Star Schools Program. It encourages but doesn't require every school in the state to appoint a "military liaison" who will then create programming for students who might be recent transfers into the school district after moving here with their military family.

LB 17 (Kolterman) Makes substantive and technical changes to the retirement plans administered by the Nebraska Public Employees Retirement Systems.

LB 83 (Flood) Amends the Open Meetings Act to modernize the way public bodies hold virtual meetings and create the statutory framework for public bodies to hold virtual meetings during a declared emergency.

LB 143 (Kolterman) Requires notice to a child's school upon the placement change of a child in the child welfare system. If the person or court in charge of the child determines that it is not in the child's best interest to remain in the same school after a placement change, LB 143 would require notice to the new school where the child will be enrolled.

LB 154 (Wayne) Requires the State Board of Education to implement, by August 1, 2022, a statewide system for tracking individual student discipline.

LB 368 (Sanders) Grants discretionary authority to the State Auditor to assess a late fee of \$20 per calendar day when political subdivisions fail to timely file a required report with the Auditor's office. The total late fee would not be allowed to exceed \$2,000.

LB 389 (Sanders) Establishes an alternative path for military spouses to receive a teaching certificate or permit in Nebraska if the applicant holds a valid certificate or permit in another state.

LB 451 (McKinney) Prohibits an employer from discriminating against an employee or applicant on the basis of hair texture/hairstyle historically associated with race.

Bills on Final Reading

LB 2 (Briese) Amends property tax valuation provisions to provide that for purposes of school district taxes levied to pay principal and interest on bonds, agricultural land and land receiving special valuation will be valued at 50% of its actual value.

LB 322 (Williams) Creates the Safe2Help Nebraska report line. Requires NDE to establish a multi-modal statewide, anonymous reporting system enabling students, parents, school personnel, and community members to report threats or concerns of possible harm.

LB 527 (Walz) Currently, each school district is required to begin providing transition services to students with disabilities no later than the age of 16. LB 527 changes the age schools are required to begin providing transition services to students to age 14.

LB 639 (Day) Creates the Seizure Safe Schools Act. Beginning in school year 2022-23, each school board and the governing body of each private school must have at least one school employee at each school who has met the training requirements necessary to administer or assist with the self-administration of a seizure rescue medication or medication prescribed to treat seizure disorder symptoms.

LB 644 (Hansen, B.) Creates the Property Tax Request Act. Each political subdivision within a county that seeks to increase its property tax request by more than the allowable growth percentage must participate in a joint public hearing. Each political subdivision must designate one representative to attend the joint public hearing on behalf of the political subdivision.

Bills on Select File

LB 88 (Morfeld) Provides certain protections to student journalists and student media advisers. This bill was debated on April 14th and failed to advance. The measure will not be further considered this session but will carry-over to the 2022 Session.

LB 132 (DeBoer) Originally designed to create a School Finance Review Commission comprised of senators and education officials. As advanced to Select File, a compromise is in the works to create a commission entirely comprised of senators. The compromise amendment is not yet available for review.

LB 147 (Kolterman) Transfers management of the OPS (Class V) Retirement Plan to NPERS. Also includes provisions of LB 146 to permit a recently retired teacher to serve as a substitute teacher for up to eight days per calendar year during the 180-day “no work” period.

LB 281 (Albrecht) Requires school districts to adopt a child sexual abuse prevention instructional program for students in kindergarten through grade 12 beginning in school year 2022-23.

LB 288 (Walz) Delays certification of state aid until June 10th. This bill is no longer relevant since it did not pass prior to the certification of state aid on March 1st.

LB 323 (Walz) Proposes various modifications in the formula to make school districts whole in light of the effects of the pandemic in the previous school year. NDE staff had noticed provisions in the formula as they relate to transportation allowance, early childhood education, summer school allowance, etc. that, if unchanged, would have impacted schools negatively going forward. The bill is a sort of hold harmless bill due to the pandemic. LB 323 is not prioritized but the Speaker indicated to Senator Walz that he would place the bill on the agenda at some point in time.

LB 388 (Friesen) Creates the Nebraska Broadband Bridge Act within the Public Service Commission. The Act provides funds for grants to increase access to high speed broadband across the state.

LB 396 (Brandt) Creates the Nebraska Farm-to-School Program Act. The program is meant to link elementary and secondary public and nonpublic schools with Nebraska farms to provide schools with fresh food for inclusion in school meals and snacks, encourage children to develop healthy eating habits, and improve the incomes of Nebraska farmers who will enjoy direct access to consumer markets.

LB 428 (Health Committee) Clarifies that the education programs provided by DHHS at the youth rehabilitation and treatment centers (YRTCs) must maintain accreditation by the State Board of Education and that juveniles committed to the YRTCs are entitled to receive an age-appropriate and developmentally appropriate education, equivalent to educational opportunities offered within the regular settings of public school districts across the state.

LB 432 (Revenue Committee) This measure became a “shell” bill in incorporate various revenue-related provisions. The bill now provides for (1) a \$2,000 income tax credit to the parents of a stillborn child, (2) adopts the Firefighter Cancer Benefits Act, (3) allows Nebraska Education Savings Plan Trust (NEST) funds to be used for costs incurred while participating in a qualified apprenticeship program, and (4) reduces the top marginal corporate income tax rate from 7.81% to 6.84%.

LB 452 (McKinney) Requires NDE to create and recommend financial literacy academic content standards and distribute the standards to all school districts. Each district is required to adopt its own content standards and create its own program based upon those standards.

LB 528 (Walz) This measure represents the NDE technical cleanup bill. Senator Wayne has a pending amendment to LB 528 (AM1190) to terminate the Enrollment Option Program on July 1, 2022.

LB 529 (Walz) Provides for behavioral awareness training for school personnel. The training is to be provided through the ESUCC. The bill also provides for a redistribution of the education lottery proceeds. Senator Murman has a pending amendment to LB 529 (AM990) that would amend the Student Discipline Act with language similar to what was proposed by Senator Groene last year under LB 147.

Bills on General File

LB 117 (Cavanaugh, M.) Creates the Hunger-Free Schools Program Act. Every public school participating in the federal school breakfast program or the federal school lunch program that has an identified student percentage equal to or greater than 62.5% would be required to operate under the community eligibility provision to maximize the federal reimbursement for eligible breakfasts and lunches. LB 117 is not prioritized and not likely to advance in this session.

LB 135 (Wishart) Changes the level of reimbursement for special education services. By 2026-27, the reimbursement rate must be at least 80%. LB 135 is not prioritized and not likely to advance this session.

LB 136 (Vargas) Allows a student, that has been suspended two or more times, from one or more schools in the school district, for a total of nine or more school days, to be subject to the procedures set out in the Student Discipline Act that are applicable to a long-term suspension. LB 136 is not prioritized and not likely to advance this session.

LB 198 (Vargas) A comprehensive revamp of the Student Discipline Act. LB 198 is not prioritized and not likely to advance this session.

LB 200 (Vargas) Requires students to fill out a FAFSA (Free Application for Federal Student Aid) prior to graduating from high school, unless such requirement was waived. LB 200 is not prioritized and not likely to advance this session.

LB 210 (Murman) Changes the requirements of the policies and procedures that each school board is required to establish, by explicitly stating that a home school student must be required to take no more and no less than 10 credit hours in any semester to participate in extracurricular activities, including coursework that is directly related to team practice for an extracurricular activity in which the student is participating or is planning to participate. LB 210 is not prioritized and not likely to advance this session.

LB 359 (Pansing Brooks) Amends the definition of multicultural education to include and reflect the diverse races and cultures of all persons in Nebraska and the U.S. and incorporates the histories, perspectives and contributions of African Americans, Hispanic Americans, Native Americans, and Asian Americans. Special emphasis must be placed on human relations and sensitivity toward all races, ethnicities, and cultures. LB 359 is not prioritized and not likely to advance this session.

LB 364 (Linehan) Creates the Opportunity Scholarships Act. Under the Act, individual and corporate taxpayers would qualify for a non-refundable tax credit equal to the amount the taxpayer contributed to a scholarship-granting organization. LB 364 was debated on April 28th but failed to advance. The bill will not be considered further in the 2021 Session.

LB 378 (DeBoer) Requires the Commissioner of Education to provide a summary report of public school data to the Legislature. The report would consist of data from the most recently available complete data year for each school district. LB 378 was designed to work in coordination with the

passage of LB 132 to create a school finance review commission. LB 378 is not prioritized and not likely to advance this session.

LB 408 (Briese) Provides that a political subdivision's property tax request for any year may not exceed its property tax request in the prior year by more than 3%. LB 408 was debated on April 21st and 22nd but was not advanced. The bill will not be considered further in the 2021 Session.

LB 454 (Friesen) Creates a property tax stabilization payment for school districts that have a property tax requirement in excess of 70% of their formula need. LB 454 was debated on May 4th but did not advance. The bill will not be considered further in the 2021 Session.

LB 473 (DeBoer) Creates the Extraordinary Increase in Special Education Cost Act in order to assist school districts with large unexpected special education costs which will allow them to more easily meet the needs of all students. LB 473 is not prioritized and not likely to advance this session.

LB 523 (Albrecht) Relates to special building funds and provides new processes and procedures for school districts. LB 523 is not prioritized and not likely to advance this session.

LB 641 (Day) Amends a law passed during the 1918 pandemic (§ 79-8,106). The existing law provides that in case of epidemic sickness prevailing to such an extent that the school or schools in any school district must be closed, teachers will be paid their usual salaries in full for the time schools will be closed. LB 641 would include educational support professionals as employees who must also receive pay in such circumstances. LB 641 is not prioritized and not likely to advance this session.

5045 Student Fees

The school district shall provide free instruction in accordance with the Nebraska State Constitution and the Nebraska statutes. The district also provides activities, programs, and services that extend beyond the minimum level of constitutionally required free instruction. Under the Public Elementary and Secondary Student Fee Authorization Act, the district is permitted to charge students fees for these activities or to require students to provide specialized equipment and attire for certain purposes. This policy is subject to further interpretation or guidance by administrative or board regulations. Students are encouraged to contact their building administration, their teachers or their coaches, and sponsors for further specifics.

A. Definitions.

- 1.** "Students" means students, their parents, guardians or other legal representatives.
- 2.** "Extracurricular activities" means student activities or organizations that (1) are supervised or administered by the district; (2) do not count toward graduation or advancement between grades; and (3) are not otherwise required by the district.
- 3.** "Post-secondary education costs" means tuition and other fees associated with obtaining credit from a post-secondary educational institution.

B. Listing of Fees Charged by this District.

1. Guidelines for Clothing Required for Specified Courses and Activities.

Students are responsible for complying with the district's grooming and attire guidelines and for furnishing all clothing required for any special programs, courses or activities in which they participate. The teacher, coach, or sponsor of the activity will provide students with written guidelines that detail any special clothing requirements and explain why the special clothing is required for the specific program, course or activity.

2. Safety Equipment and Attire.

The district will provide students with all safety equipment and attire that is required by law. Building administrators will assure that (a) such equipment is available in the appropriate classes and areas of the school buildings, (b) teachers are directed to instruct students in the use of such devices, and (c) students use the devices as required. Students are responsible for using the devices safely and as instructed.

3. Personal or Consumable Items.

The district does not provide students with personal or consumable items for participation in courses and activities including, but not limited to, pencils, paper, pens, erasers and notebooks. Students who wish to supply their own personal or consumable items may do so, as long as those items comply with the requirements of the district. The district will provide students with facilities, equipment, materials and supplies, including books. Students are responsible for the careful and appropriate use of such property. Students will be charged for damage to school property caused by the student and will be held responsible for the reasonable replacement cost of any school property that they lose.

4. Materials Required for Course Projects.

The district will provide students with the materials necessary to complete all basic curricular projects. In courses where students choose to produce a project that requires materials beyond the basic materials provided by the district, the students will furnish the materials, purchase the materials from the school, or purchase the materials from an outside vendor with an order form provided by the school.

5. Technological Devices

The district will provide students with the technological devices necessary to complete all basic curricular projects. To the extent that a student is not required by the district's curriculum to utilize a device off district property, the district may charge students a convenience fee to take the device off district property. The maximum dollar amount of this convenience fee charged by the district will be \$50.00.

As with all school property, students may be charged for damage to such devices. To protect against such potential losses, students and parents may, but are not required, to purchase insurance coverage for the devices.

6. Extracurricular Activities.

The district may charge students a fee to participate in extracurricular activities to cover the district's reasonable costs in offering such activities. The district may require students to furnish specialized equipment and clothing that is required for participation in extracurricular activities, or may charge a reasonable fee for the use of district-owned equipment or attire. Attached to this policy is a list of the fees charged for particular activities. The coach or sponsor will provide students with additional written guidelines detailing the fees charged, the equipment and/or clothing required, or the usage fee charged. The guidelines will explain the reasons that fees, equipment and/or clothing are required for the activity.

The following list details the maximum dollar amount of all extracurricular activities fees and the specifications for any equipment or attire required for participation in extracurricular activities:

Student activity card (covers admission to all extracurricular events)	\$30.00
Student participation fee (required of all students who participate in athletics and/or other extracurricular activities)	\$0
Future Business Leaders of America	\$100.00
National Honor Society	\$100.00
Cheerleading, Drill Team, Flag Corps Students must purchase uniforms and shoes selected by the sponsor and/or student group. The maximum dollar amount charged by the school district for these items will be:	\$350.00
Football Students must provide their own football shoes, undergarments, and	

mouthguards	\$0
Golf Students must provide their own golf shoes, undergarments, and clubs	\$0
Softball Students must provide their own shoes, gloves, and undergarments	\$0
Track, Volleyball, and Wrestling Students must provide their own shoes and undergarments	\$0
Science Club	\$50.00
Art Club	\$50.00
Future Farmers of America Students must purchase their own jackets and pay dues	\$200.00
Industrial Technology Classes	\$200.00
Spanish Club	\$50.00

7. Post-Secondary Education Costs.

Some students enroll in postsecondary courses while still enrolled in the district’s high school. As a general rule, students must pay all costs associated with such post-secondary courses. However, for a course in which students receive high school credit or a course being taken as part of an approved accelerated or differentiated curriculum program, the district shall offer the course without charge for tuition, transportation, books, or other fees. Students who chose to apply for post-secondary education credit for these courses must pay tuition and all other fees associated with obtaining credits from a post-secondary educational institution.

8. Transportation Costs.

The district will charge students reasonable fees for transportation services provided by the district to the extent permitted by federal and state statutes and regulations.

The maximum dollar amount of the transportation fee charged by this district shall be \$100.00.

9. Copies of Student Files or Records.

The district will charge a fee for making copies of a student's files or records for the parents or guardians of such student. The Superintendent or the Superintendent's designee shall establish a schedule of student record fees. Parents of students have the right to inspect and review the students' files or records without the payment of a fee, and the district shall not charge a fee to search for or retrieve any student's files or records.

The district will charge a fee of \$0.15 per page for reproduction of student records.

10. Participation in Before-and-After-School or Pre-Kindergarten Services.

The district will charge reasonable fees for participation in before-and-after school or pre-kindergarten services offered by the district pursuant to statute.

The maximum dollar amount charged by the district for these services shall be \$0.

11. Participation in Summer School or Night School.

The district will charge reasonable fees for participation in summer school or night school and may charge reasonable fees for correspondence courses.

The maximum dollar amount charged by the district for summer and night school shall be \$0.

12. Charges for Food Consumed by Students.

The district will charge for items that students purchase from the district's breakfast and lunch programs. The fees charged for these items will be set according to applicable federal and state statutes and regulations. The district will charge students for the cost of food, beverages, and the like that students purchase from a school store, vending machine, booster club or from similar sources. Students may be required to bring money or food for field trip lunches and similar activities.

The maximum dollar amount charged by the district for the breakfast and lunch programs is as follows:

- Breakfast Program – Grades PK-12
 - Regular Price \$2.05
 - Reduced Price \$0.30

- Lunch Program – Grades PK-6
 - Regular Price \$2.95
 - Reduced Price \$0.40

- Lunch Program – Grades 7-12
 - Regular Price \$3.05
 - Reduced Price \$0.40

13. Charges for Musical Extracurricular Activities.

Students who qualify for fee waivers under this policy will be provided, at no charge, the use of a musical instrument in optional music courses that are not extracurricular activities. For musical extracurricular activities, the school district will require students to provide the following equipment and/or attire:

Band	<p>The school will provide students with an instrument, along with supplies to maintain and play the instrument. Instruments will be supplied on a first come, first serve basis based on available inventory.</p> <p>Band Uniforms: The school will provide band uniforms, shoes, and hats free of charge to high school students.</p>
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	Stage Band: The school will provide a stage band t-shirt. Students must provide black shoes, black socks, and black pants.
Swing Choir	Students must purchase outfits and shoes selected by the sponsor and/or student group. The maximum dollar amount charged by the district for these materials will be \$200.00

14. Contributions for Junior and Senior Class Extracurricular Activities.

Students are eligible to participate in a number of unique extracurricular activities during their last two years in high school, including prom, various senior recognitions, and graduation. In order to fund these extracurricular activities, the school district will ask each student to make a contribution to their class’s fund. This contribution is completely voluntary. Students who chose not to contribute to the class fund are still eligible to participate in the extra activities. The suggested donation to the class fund will be \$25.00.

C. Waiver Policy.

Students who qualify for free or reduced-price lunches under United States Department of Agriculture child nutrition programs shall be provided a fee waiver or be provided the necessary materials or equipment without charge for (1) participation in extracurricular activities, (2) materials for course projects, and (3) the use of a musical instrument in optional music courses that are not extracurricular activities. Actual participation in the free or reduced-price lunch program is not required to qualify for the waivers provided in this section. The district is not obligated to provide any particular type or quality of equipment or other material to eligible students. Students who wish to be considered for waiver of a particular fee must submit a completed fee waiver application to their building principal.

D. Distribution of Policy.

This policy will be published in the Student Handbook or its equivalent that will be provided to students at no cost.

E. Voluntary Contributions to Defray Costs.

The district will, when appropriate, request donations of money, materials, equipment or attire from parents, guardians and other members of the community to defray the costs of providing certain services and activities to students. These requests are not requirements and staff members of the district are directed to clearly communicate that fact to students, parents and patrons.

F. Fund-Raising Activities

Students may be permitted or required to engage in fund-raising activities to support various curricular and extracurricular activities in which they participate. Students who decline to participate in fund-raising activities are not eligible under this policy for waiver of the costs or fees which the fund-raising activity was meant to defray.

G. Student Fee Fund.

The school board hereby establishes a Student Fee Fund. The Student Fee Fund shall be a separate school district fund that will not be funded by tax revenue, and that will serve a depository for all monies collected from students for (1) participation in extracurricular activities, (2) post-secondary education costs, and (3) summer school or night school courses. Monies in the Student Fee Fund shall be expended only for the purposes for which they were collected from students.

Adopted on: 1-14-2019
Revised on: 6-8-2020
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

5057

District Title I Parent and Family Engagement Policy

The school district will jointly develop with parents a School-Parent-Student Compact that outlines how the parents, school staff, and students will share the responsibility for improved student academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards.

The written District Parent and Family Engagement Policy will be jointly developed and distributed to parents and family members of participating children and the local community in an understandable format and to the extent practicable, in a language the parents can understand. An annual evaluation of the content and effectiveness of the Parent and Family Engagement Policy will be used to design evidence-based strategies for more effective parental involvement, to revise the Parent and Family Engagement Policy and to remove barriers to participation.

The school district recognizes the unique needs of students who are being served in its Title I program, and the importance of parent and family engagement in the Title I program. Parent and family engagement in the Title I Program shall include, but is not limited to:

1. An annual meeting to which all parents of participating children will be invited to inform parents of their school's participation under this part, to explain the requirements of this part, and the right of the parents to be involved. Invitations may take the form of notes sent with students or announcements in the school newsletter. Additional meetings may be scheduled, based upon need and interest for such meetings.
2. An explanation of the details for the child's and parents' participation, including but not limited to: curriculum objectives, the forms of academic assessment used to measure student progress and the achievement levels of the challenging State academic standards, type and extent of participation, parental input in educational decisions, coordination and integration with other Federal, State, and district programs, and evaluations of progress.
3. Opportunities for participation in parent involvement activities such as training to help parents work with their children to

improve achievement. A goal of these parent activities is to provide parents with opportunities to participate in decisions relating to the education of their students, where appropriate.

4. The district will, to the extent practicable, provide parents of limited English proficiency, parents with disabilities, parents with limited literacy, are economically disadvantaged, are of a racial or minority background or parents of migratory children with opportunities for involvement in the Title I Program. Communication to parents about student progress and the district's other Title I Program communications will be provided in the language used in the home to the extent practicable. Responses to parent concerns will be provided in a timely manner.
5. Opportunities for parent-teacher conferences, in addition to those regularly scheduled by the school district, if requested by the parents or as deemed necessary by school district staff.
6. The district will coordinate and integrate parental involvement programs and activities with other programs in the community. These may include cooperation with other community programs such as Head Start and preschools and other community services such as the public library.
7. Educate teachers, specialized instructional support personnel, principals, and other school leaders, with the assistance of parents in the value and utility of contributions of parents, how to reach out to, communicate with and work with parents as equal partners.

This policy shall be reviewed annually at the annual meeting where concerned parties can have a conversation about possible changes to the Parent and Family Engagement Policy.

Adopted on: 1-14-2019

Revised on: _____

Reviewed on: 6-8-2020

3003.1
Bidding for Construction, Remodeling, Repair, or Related Projects
Financed with Federal Funds

I. Applicability of the Policy

This policy applies only to construction and contracts 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.

The District will also comply with the requirements of the public lettings laws (NEB. REV. STAT. §§ 73-101 through 73-106) when the contemplated expenditure for the complete project exceeds \$100,000, the Political Subdivisions Construction Alternatives Act (NEB. REV. STAT. §§ 13-2901 through 13-2914), energy financing contracts (NEB. REV. STAT. §§ 66-1062 through 66-1066), other applicable state laws, and the board's general policy on Bidding for Construction and Related Projects. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

II. All projects undertaken pursuant to this policy will be subject to the following bond requirements

- A. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.**
- B. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.**
- C. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by**

law of all persons supplying labor and material in the execution of the work provided for in the contract.

III. Construction Projects with an Anticipated Cost of Under \$250,000

A. Methods of Bidding/Soliciting Quotations or Estimates

The type of procedures required depends on the anticipated cost of the project.

1. Construction with an Anticipated Cost of 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.

2. Construction with an Anticipated Cost of between \$10,000 and \$250,000 (Small Purchase Procedures)

For construction projects subject to this policy, 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.

B. Construction Projects with an estimated cost of between \$100,000 and \$249,999 will be made pursuant to the District's Policy on Bid Letting and Contracts.

Pursuant to Nebraska law, construction projects which have an anticipated aggregate cost of \$100,000 or more are subject to state

public lettings laws (NEB. REV. STAT. §§ 73-101 through 73-106). The board will follow its standard policy on bid letting and contracts for construction projects financed with federal funds which have an anticipated aggregate cost of between \$100,000 and \$250,000.

IV. Construction Projects with an Anticipated Cost Over \$250,000

A. Sealed Bids: All constructions projects subject to this policy with an anticipated cost of \$250,000 or more will be publicly solicited using the sealed bid method

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. Sealed bids will be publically opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.
4. The contract will be awarded to the lowest responsive and responsible bidder.
 - a) Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.
 - b) Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
 - c) Any or all bids may be rejected if there is a sound documented reason.
5. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on the work, its equipment and facilities, honesty, integrity, skills,

business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.

6. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

B. Advertising for Bids.

1. The superintendent or designee will arrange to advertise for bids by publishing notice in any newspaper of general circulation within the school district at least 7 calendar days prior to the date on which bids are due.

2. Nothing shall prevent the superintendent or designee from advertising in additional media outlets or for a longer period of time.

C. Bid Documents

1. The bid documents shall identify the day upon which the bids shall be returned, received, or opened and shall identify the hour at which the bids will close or be received or opened.

2. The bid documents shall also provide that such bids shall be opened simultaneously in the presence of the bidders or their representatives.

3. Bids received after the date and time specified in the bid documents shall be returned to the bidder unopened.

4. If bids are being opened on more than one contract, the board, in its discretion, may award each contract as the bids are opened.

5. Sealed bids will be opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.

6. Bids will be reviewed by the Superintendent and/or designee and submitted to the board for approval.

7. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the

bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on the work, its equipment and facilities, honesty, integrity, skills, business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.

8. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

D. The terms of any construction project undertaken pursuant to this policy will be memorialized in a written contract which has been reviewed by the district's legal counsel and approved by the board.

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. Full and Open Competition

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

D. 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.

E. Settlements of Issues Arising Out of Contract

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.

F. 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 construction projects for a minimum of five (5) years after the sale or demolition of the building. 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 Construction Records for Projects Financed with Federal Funds
- a) The District must maintain records sufficient to detail the history of all construction projects financed with federal funds. These records will include, but are not necessarily limited to the following: rationale for the method of construction, 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 construction records shall be in accordance with applicable law and Board policy.

VI. 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. Contracts 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, with the limited exception of unsolicited items of nominal value.

D. Enforcement

Disciplinary Actions will be applied for violations of such standards by officers, employees, or agents of the District at the board's discretion.

Adopted on: 8-13-2018

Revised on: 6-10-2019

Reviewed on: _____

3003.1
Bidding for Construction, Remodeling, Repair, or Related Projects
Financed with Federal Funds

I. Applicability of the Policy

This policy applies only to construction and contracts 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.

The District will also comply with the requirements of the public lettings laws (NEB. REV. STAT. §§ 73-101 through 73-106) when the contemplated expenditure for the complete project exceeds \$100,000, the Political Subdivisions Construction Alternatives Act (NEB. REV. STAT. §§ 13-2901 through 13-2914), energy financing contracts (NEB. REV. STAT. §§ 66-1062 through 66-1066), other applicable state laws, and the board's general policy on Bidding for Construction and Related Projects. In the event of a conflict between state and federal law, the more stringent requirement shall apply.

II. All projects undertaken pursuant to this policy will be subject to the following bond requirements

- A. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.**
- B. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.**
- C. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by**

law of all persons supplying labor and material in the execution of the work provided for in the contract.

III. Construction Projects with an Anticipated Cost of Under \$250,000

A. Methods of Bidding/Soliciting Quotations or Estimates

The type of procedures required depends on the anticipated cost of the project.

1. Construction with an Anticipated Cost of 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.

2. Construction with an Anticipated Cost of between \$10,000 and \$250,000 (Small Purchase Procedures)

For construction projects subject to this policy, 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.

B. Construction Projects with an estimated cost of between \$100,000 and \$249,999 will be made pursuant to the District's Policy on Bid Letting and Contracts.

Pursuant to Nebraska law, construction projects which have an anticipated aggregate cost of \$100,000 or more are subject to state

public lettings laws (NEB. REV. STAT. §§ 73-101 through 73-106). The board will follow its standard policy on bid letting and contracts for construction projects financed with federal funds which have an anticipated aggregate cost of between \$100,000 and \$250,000.

IV. Construction Projects with an Anticipated Cost Over \$250,000

A. Sealed Bids: All constructions projects subject to this policy with an anticipated cost of \$250,000 or more will be publicly solicited using the sealed bid method

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publically advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. Sealed bids will be publically opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.
4. The contract will be awarded to the lowest responsive and responsible bidder.
 - a) Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.
 - b) Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
 - c) Any or all bids may be rejected if there is a sound documented reason.
5. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on the work, its equipment and facilities, honesty, integrity, skills,

business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.

6. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

B. Advertising for Bids.

1. The superintendent or designee will arrange to advertise for bids by publishing notice in any newspaper of general circulation within the school district at least 7 calendar days prior to the date on which bids are due.

2. Nothing shall prevent the superintendent or designee from advertising in additional media outlets or for a longer period of time.

C. Bid Documents

1. The bid documents shall identify the day upon which the bids shall be returned, received, or opened and shall identify the hour at which the bids will close or be received or opened.

2. The bid documents shall also provide that such bids shall be opened simultaneously in the presence of the bidders or their representatives.

3. Bids received after the date and time specified in the bid documents shall be returned to the bidder unopened.

4. If bids are being opened on more than one contract, the board, in its discretion, may award each contract as the bids are opened.

5. Sealed bids will be opened in a place and at the specific time stated in the bid solicitation. Bidders shall be notified of the opening and invited to be present.

6. Bids will be reviewed by the Superintendent and/or designee and submitted to the board for approval.

7. The board shall have discretion in determining which bidders are responsible and responsive and shall award the contract to the lowest, responsible, and responsive bidder whose bid meets the

bid specifications. This means that the board will select the bid that offers the best value and award a contract based upon the amount of the bid and the bidder's ability and capacity to carry on the work, its equipment and facilities, honesty, integrity, skills, business judgment, experience, equipment, facilities, financial stability, past performance, and other relevant factors.

8. The board will generally complete its review of bids and select a vendor within 30 days of bid submission.

D. The terms of any construction project undertaken pursuant to this policy will be memorialized in a written contract which has been reviewed by the district's legal counsel and approved by the board.

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. Full and Open Competition

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

D. 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.

E. Settlements of Issues Arising Out of Contract

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.

F. 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 construction projects for a minimum of five (5) years after the sale or demolition of the building. 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 Construction Records for Projects Financed with Federal Funds
- a) The District must maintain records sufficient to detail the history of all construction projects financed with federal funds. These records will include, but are not necessarily limited to the following: rationale for the method of construction, 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 construction records shall be in accordance with applicable law and Board policy.

VI. 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. Contracts 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, with the limited exception of unsolicited items of nominal value.

D. Enforcement

Disciplinary Actions will be applied for violations of such standards by officers, employees, or agents of the District at the board's discretion.

Adopted on: 8-13-2018

Revised on: 6-10-2019

Reviewed on: _____