

MINUTES  
BOARD OF EDUCATION

August 14, 2023

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 August 14, 2023, Regular School Board Meeting

Motion to excuse Betsy Frerichs from the August 14, 2023, regular school board meeting.

This motion, made by Jeff Argo and seconded by Jared McKeever, passed.

Betsy Frerichs: Absent, Jeff Argo: yes, Dana Dorn: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: yes

yes: 5, no: 0, Absent: 1

II. Approval of Minutes from the July 10, 2023, Regular Board Meeting & July 24, 2023, Special Board Meeting

Approval of minutes from the July 10, 2023, regular board meeting & July 24, 2023, special board meeting. This motion, made by Dana Dorn and seconded by Debra Schlake, passed.

Betsy Frerichs: Absent, Jeff Argo: yes, Dana Dorn: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: 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: Items 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 Jeff Argo and seconded by Debra Schlake, passed.

Betsy Frerichs: Absent, Jeff Argo: yes, Dana Dorn: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: yes  
yes: 5, no: 0, Absent: 1

IV.A.2. Lunch & Activity Claims

V. Support Service

V.A. Facility Update

V.B. Personnel Items

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. A Co-op for High School Track with Diller-Odell for the 2023-2024 & 2024-205 School Years

VII.B. Set the Budget Hearing for September 11, 2023, at 7:15 p.m. in the Boardroom in Wymore, NE

Motion to set the budget hearing for September 11, 2023, at 7:15 p.m. in the boardroom in Wymore, NE. This motion, made by Debra Schlake and seconded by Jared McKeever, passed.

Betsy Frerichs: Absent, Jeff Argo: yes, Dana Dorn: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: yes  
yes: 5, no: 0, Absent: 1

VII.C. Option Enrollment Applications

VIII. Adjournment

Motion to adjourn the meeting at 8:34 p.m. This motion, made by Dana Dorn and seconded by Jeff Argo, passed.

Betsy Frerichs: Absent, Jeff Argo: yes, Dana Dorn: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: 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 telecommunications 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  
July 10, 2023  
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: Dana Dorn, Dave Zimmerman, Debra Schlake, Jared Mckeever & Jeff Argo. The following administrator was present: Christopher Prososki.

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

- Fairbury Journal-News

Posted Date: 7/5/2023

Reasonable advance notice was simultaneously given to board members and a copy of their acknowledgment 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 was posted on the back of the board of education meeting room.

I.C. Motion to Excuse Betsy Frerichs from the July School Board Meeting

Motion to excuse Betsy Frerichs from the July school board meeting. This motion, made by Debra Schlake and seconded by Jeff Argo, passed.

yes: 5, no: 0, Absent: 1

II. Approval of Minutes from the June 12, 2023, Regular Board Meeting, Student Fees Hearing, & Parental Involvement Hearing

Motion to approve minutes from the June 12, 2023, regular board meeting, student fees hearing, & parental involvement hearing. This motion, made by Jeff Argo and seconded by Dana Dorn, passed.

yes: 5, no: 0, Absent: 1

III. Communications, Audiences, and Recognitions

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

IV. Financial Statement: Items 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 Jared McKeever, passed.

yes: 5, no: 0, Absent: 1

##### IV.A.2. Lunch & Activity Claims

#### V. Support Service

##### V.A. Facility Update

John Eisenhower provided the school board with a written report on getting the entrance projects ready, Sentey Electric installing a Level 2 Charger at the Jr./Sr. High School, installing a sink in the art room at the elementary school, cleaning rooms for the fall, and filling in cracks in the asphalt.

Dr. Prosocki said that work is progressing on the new elementary entrance and on the Americans with Disabilities (ADA) ramp at the Jr./Sr. High School, but now the ramp will need to go through the media center because of a load-bearing wall and some electric panels that we did not discover until the demolition started. Next, Dr. Prosocki said that the Jr./Sr. High School entrance project has been put out to bid and Dr. Prosocki noted that the new transformer was installed at the Jr./Sr. High School, which is just north of the gym. A new scoreboard was installed this past week and the district will need to work with the city to get power to the new scoreboard.

##### V.B. Personnel Items

Dr. Prosocki noted that Brenden Salts was just hired as the 2:00 p.m. - 10:00 p.m. custodian at the Jr./Sr. High School.

##### V.C. Technology Update

Dr. Prosocki said work has started on upgrading the cabling and network switches over the past month in both buildings. Federal e-rate funding was used to fund this project. Dr. Prosocki noted that services that are eligible for e-rate support include the internal connections needed for broadband connectivity within schools. Support is limited to the internal connections necessary to bring broadband, and provide it throughout schools. School devices do not qualify for the federal e-rate funding.

#### 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

Dr. Prososki noted that the administration will be attending Administrators' Days in Kearney at the end of July. He gave the school board an update on the annual safety and security meeting in August, and he presented the school board with a certificate of accreditation from the Nebraska Department of Education. Next, Dr. Prososki gave the school board an update on the 2023-2024 budget. He noted that after talking to the Gage County Assessor, he foresees Southern's valuation increasing by around 7% when compared to the previous year. Dr. Prososki said that Southern will lose \$148,545 in state aid next school year and staffing costs will increase by \$325,905 from the previous school year. Southern will also receive additional SPED reimbursement of \$271,176, and the district tax request will increase by around \$311,139 to offset the increase in staffing costs and the loss of state aid. Based on these numbers, Southern will need to attend the Joint Public Hearing again in September. Open Sky, a non-partisan think tank, recently did an analysis of how two neighboring school districts fared under Governor Pillen's new state aid formula. District 1 was a winner and District 2 was a loser. In order for District 2 to remain whole due to the loss of funding, this district would need to increase its tax request. Unfortunately, District 2 in the analysis was Southern and it highlights the budget challenge Southern will face this upcoming school year. Next, Dr. Prososki gave the school board an update on the district strategic planning team, he went over the final legislative report for the 2023 session, he went over the start of the school schedule for staff, and he said the school board will need to hold a special board meeting on July 24, to consider approving the bid for the Jr./Sr. High School entrance upgrade. Lastly, Dr. Prososki said that the district committed a Family Educational Rights and Privacy Act (FERPA) violation in June at the Jr./Sr. High School, which was related to the student privacy laws. Based on the violation, Dr. Prososki had to self-report the matter to the Student Privacy Policy Office (SPPO), which is a sub-section of the U.S. Department of Education (USDOE). Dr. Prososki said that he required all office staff, the school nurse, and the building principals to complete a FERPA training last school year. Dr. Prososki said the outcome of the violation could be as simple as creating a corrective action plan or the USDOE could take federal funding away from the district. Dr. Prososki said he already has more training lined up for the office staff, the school nurse, and the building principals in the fall. Dr. Prososki said that he will work with the building principals to create procedure safeguards so this type of infraction does not occur again in their buildings.

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

### VII.A. Set Substitute Compensation for the 2023-2024 School Year

Motion to set substitute compensation for the 2023-2024 school year at \$155. This motion, made by Debra Schlake and seconded by Jared McKeever, passed.  
yes: 5, no: 0, Absent: 1

Dr. Prososki said that by moving substitute pay up to \$155 from \$150, it will put Southern with the same substitute compensation as Beatrice and Diller-Odell for the upcoming school year.

## VII.B. Approval of the District Handbooks for the 2023-2024 School Year

Motion to approve the district handbooks for the 2023-2024 school year. This motion, made by Dana Dorn and seconded by Debra Schlake, passed.

yes: 5, no: 0, Absent: 1

Dr. Proski noted that besides all of the new federal and state laws that changed and were included in the handbooks, the only other substantial change was that now elementary students are not allowed to wear shorts from November 1 until the last day in February. Before the end date was March 15.

## VII.C. Option Enrollment Applications

## VIII. Adjournment

Motion to adjourn the meeting at 8:28 p.m. This motion, made by Jeff Argo and seconded by Debra Schlake, passed.

yes: 5, no: 0, Absent: 1

The next Regular Board meeting is scheduled for 7:30 p.m., August 14, 2023, at Southern Jr./Sr. High School Boardroom in Wymore. The Board of Education will usually adhere to the sequence of the published agenda, but reserves the right to adjust the order of items if necessary and may elect to amend the agenda as deemed necessary.

BY

President of the Board of Education  
Of this School District

ATTEST

Secretary of the Board of Education  
of this School District

MINUTES  
SPECIAL BOARD OF EDUCATION  
July 24, 2023  
6:30 PM

I. Call Meeting to Order

President Dave Zimmerman called the meeting to order at 6:30 p.m. and the following members were present: Betsy Frerichs, Dave Zimmerman, Debra Schlake, Jared McKeever, & Jeff Argo. The following administrator was present: Christopher Prosofski.

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:

- Fairbury Journal-News

Posted Date: 7/19/2023

Reasonable advance notice was simultaneously given to board members and a copy of their acknowledgment 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 was posted on the back of the board of education meeting room.

I.C. Motion to Excuse Dana Dorn From the July 24, 2023, Special School Board Meeting

Motion to excuse Dana Dorn from the July 24, 2023, special school board meeting. This motion, made by Jeff Argo and seconded by Jared McKeever, passed.

Dana Dorn: Absent, Jeff Argo: yes, Betsy Frerichs: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: yes  
yes: 5, no: 0, Absent: 1

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

II.A. Consider the Bid for the Jr./Sr. High School Entrance Remodel Project

Motion to accept the bid for the Jr./Sr. High School entrance remodel project to Rogge at the cost of \$773,000. This motion, made by Debra Schlake and seconded by Jeff Argo, passed.

Dana Dorn: Absent, Jeff Argo: yes, Betsy Frerichs: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: yes  
yes: 5, no: 0, Absent: 1

The school board noted that the safety and security of the students and staff is of the upmost importance. Based on Rule 10 (Regulations & Procedures for the Accreditation of Schools), all schools in Nebraska must have a yearly safety visit. This review includes a visit to school buildings to analyze plans, policies, procedures, and practices, and provide recommendations. Over the last 20 years, Bruce Lang, the former Chief of Police at Beatrice, has recommended that we upgrade the Jr./Sr. High School entrance so it is more safe and secure. The district will be using its cash reserve and the special building fund to fund this project. The project completion date for this project is January 2, 2024. Southern is also one of the last districts in the area to complete this safety and security enhancement.

### III. Adjournment

Motion to adjourn the meeting at 7:00 p.m. This motion, made by Debra Schlake and seconded by Jared McKeever, passed.

Dana Dorn: Absent, Jeff Argo: yes, Betsy Frerichs: yes, Jared McKeever: yes, Debra Schlake: yes, David Zimmerman: yes  
yes: 5, no: 0, Absent: 1

The next Regular Board meeting is scheduled for 7:30 p.m., August 14, 2023, at Southern Jr./Sr. High School Boardroom 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 identify yourself, including an address and the name of any organization you represent. The board may waive the address requirement to protect the security of the individual.
- **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.

***Special Education Services Provided by ESU #5***  
**Support Data for 2023-24 – Intent to Contract**

***BEHAVIOR CONSULTANT/AUTISM SPECIALIST***

The behavior consultant works with school staff serving students with behavioral challenges. The behavior consultant conducts functional behavioral assessments, designs positive behavior intervention plans and provides consultation to individual education teams on the implementation of positive behavior interventions. Consultation includes conducting professional development, team meetings, attending IEPs and summarizing and analyzing data.

The behavioral consultant is responsible for developing intervention plans and coaching/teaching staff in the implementation of these programs. Duties also include completing assessments, assisting with progress reports and providing other services as requested by her supervisor. The behavioral consultant will be available to provide de-escalation and physical management training in the form of CPI training to area schools who contract for her services.

The behavior consultant also serves districts as an autism specialist. As part of the position, the autism specialist is available to assist in assessing and evaluating students who are suspected of having autism. The autism specialist is available for consultation on a variety of topics related to autism including assessment, programming, visual schedules, structured teaching, verbal behavior support, and applied behavior analysis programming support.

***DIAGNOSIS/EVALUATION (PSYCHOLOGIST/DIAGNOSTICIAN)***

For the purposes of evaluation and determining eligibility for special education services, ESU 5 has a team of school psychologists and diagnosticians for the 2023-24 school year. The school psychology team works closely with your district's Student Assistance Team (SAT) to evaluate based on the guidelines provided by the Nebraska Department of Education. Aside from diagnostics and evaluation of students, ESU 5 school psychologists are well-versed in Positive Behavior Interventions and Supports (PBIS) and Multi-Tiered Systems of Support (MTSS) to help build school-wide programs. The staff will assist schools in planning for ways to meet their school improvement goals through a system-wide program which may include Response to Intervention (RtI) and Positive Behavior Interventions and Supports (PBIS) and will be available to meet regularly with school districts to help guide programs with the use of data and to help the district develop ways to improve grade level interventions for both struggling and advanced students alike. The school psychologists are available for academic, behavioral, and social consultation and intervention support for your teachers.

***EARLY INTERVENTION COORDINATION***

Children between the ages of birth to three years old who have developmental delays are eligible for service coordination from the Early Development Network at ESU 5. This service is family-based and

paid for by the Department of Health and Human Services through Federal Medicaid Funds. The Early development network services are designed to meet the needs of families, including medical and learning needs of the children, and preparation of the children for educational entrance into kindergarten.

All districts in the ESU 5 area are supported through this program. The Early Intervention Team works on child find activities, encouraging families, medical personnel, teachers and community members to promote early intervention. The team completes an annual grant application, the funds of which are used for such areas as technical assistance to families, cultural awareness, identification of children, communication among team members, and public awareness activities.

**Early Intervention Coordination is provided to districts at no cost.**

### ***EXTENDED SCHOOL YEAR***

It is necessary for each district to take a look at individual needs for each of their special education students and consider whether or not extended school year services are needed. An extended school year program may be provided by your school district for students as determined as a need by the student's IEP team. Regression data must be shown in order for a student to qualify for extended school year services.

### ***INDEPENDENT SERVICE PROVIDERS***

Occasionally, there is a need to contract with individual contractors or organizations in order to meet the needs of the students. Whenever we contract for this service on your behalf, we work with those agencies that have an approved rate with NDE. However, sometimes the costs that you are charged does not match with the NDE approved rate. This means that your reimbursement for that service will be less than expected. Private service provider rates can be higher than those established with the State Department with amounts over the approved rate not being reimbursed. Private contractors are paid road time as well as the time they spend with students, parents, teachers, etc. in evaluations, as well as developing IEPs.

### ***INSTRUCTOR FOR DEAF/HEARING IMPAIRED***

ESU 5 will continue to have a staff person available during 2023-24 to provide services in the area school districts as needed. The educator of the Deaf and Hard of Hearing provides both direct services to students as well as consultation with teachers and parents. They arrange for appropriate equipment needs for schools, including sound amplification systems, and consultation with medical personnel and audiologists.

### ***MENTAL HEALTH PROVIDERS***

ESU 5 continues to have 6 mental health providers on staff for the 2023-24 school year. The role of the mental health counselor in the school is to provide direct services to the students in need of support in their mental wellness. Students must have documented permission from their parent or guardian to

participate in the program. Like other service providers, on-site professional development is available. For those districts that contract with the ESU for mental health services, please remember that you will continue to pay a set, non-reimbursable cost.

### ***ILCD COORDINATION***

This person provides support in ensuring that schools are compliant as they work on school improvement for special education. This process will include working closely with professional development to make sure that the special education and school improvement processes mesh together.

**The ILCD Coordinator is a program supported directly by grant funding and the ESU. This program is provided at no cost to the district.**

### ***OCCUPATIONAL THERAPY AND PHYSICAL THERAPY***

ESU 5 continues to staff 4 full time Occupational Therapists and a Certified Occupational Therapy Assistant (COTA). Occupational therapists develop programming for students who have this as a related service on their IEP. They work with students with a variety of programming goals to improve access to the educational setting. This may include fine motor, sensory, or a variety of other programming that may be impacting the student's ability to fully access their educational setting.

We will continue to staff a full time Physical Therapist to serve districts in Gage County. Physical therapy services districts that currently use contracted physical therapy programming not provided by ESU 5 will continue to use this service. Physical therapy programming serves the needs of students who have issues with gross motor programming needs as developed by the IEP team.

### ***PROGRAM SUPERVISION***

Program Supervision will continue to be provided as a Special Education Coop function of ESU 5 with the reimbursable cost for the program being claimed by ESU 5 through the NDE special education plan and budget process. As a participating school district, you will be asked to continue paying your percentage share (based on the number of participating districts) the costs of those functions that are non-reimbursable, which includes the amount not reimbursed by NDE.

The director of special education will take an active role in the day to day operation of both ESU and school owned special education programs and will provide direct contact with students, teachers and parents (for school owned programs). We will also work with ESU staff development personnel to establish in-service components for IEP development and learning strategies training. We will continue to assist school districts with the ILCD (Improving Learning for Children with Disabilities) process.

IDEA and NDE standards require that we focus our teaching training in meeting new requirements as well as continuing to change the way we work with children with disabilities. Within program

supervision, one of the ways we can meet this goal is to continue to offer both regular education and special education staff with appropriate in-service activities. Inclusion for children with disabilities in the regular classroom is to provide teacher training for both regular and special educators.

As our part of the partnership and supervision, we plan to continue to offer appropriate in-service activities during the school year and throughout the summer in order to ensure compliance with IDEA and Rule 51 and 52 requirements. These areas can be addressed using in-service dollars budgeted in your special education budget or grant monies appropriated by NDE. Educational Service Unit 5 will continue to provide the administrative support through program supervision.

Special education supervision continues to be responsible for maintaining student demographics through NSSRS. The scheduling of educational assessments is a part of the Program Supervision, as is submission of special education information incorporated into PowerSchool and SRS. This includes monitoring a monthly SPED Snapshot to NDE, to ensure SPED data and PowerSchool data are current. ESU 5 SPED staff will continue to support the districts with ADVISER. If students receive physical therapy, occupational therapy, mental health or speech therapy and are Medicaid eligible, the administrative assistants are also responsible for filling out the Medicaid in the Public Schools (MIPS) forms. We will continue to process and oversee IDEA applications and final financial reports. For the Early Development Network, the administrative assistants take referral information, enter the students into the NDE Connect Portal, type in narratives, keep student records current and send in monthly billings to Health and Human Services.

### ***SPEECH THERAPY***

Our goal is to continue to provide a service delivery system for schools in Gage, Jefferson and Thayer counties that will meet the individual needs of students who need speech and language programming as developed by their IEP.

### ***SECTION 504 COORDINATOR***

For the 2023-24 school year, ESU 5 will continue to support a person to serve in the role as a Section 504 specialist. There has been an increase in the number of students being provided with services through Section 504 and ESU 5 sees the value in providing support to districts in order to ensure that their programming meets the federal guidelines and to meet the needs of the students.

**This service will be provided to the districts at no charge.**

### ***VISION SPECIALIST***

ESU 5 employs a vision specialist to work with children who are visually impaired or blind. This service is available for students whose needs are identified through their IEP. The availability of this service has been helpful to districts which must meet the needs of this low incidence population in a cost effective manner.

# Southern School District #1

## *Every Student, Every Day, The Southern Way*

115 S. 11th Street Box 237 Wymore, NE 68466

Phone: 402.645.3326 Fax: 402.645.8049

<http://www.southernschools.org>

### Administration

Dr. Christopher Prosocki – Superintendent  
Jeff Murphy – Secondary Principal  
Kane Hookstra – Elementary Principal

### Board of Education

Dave Zimmerman – President  
Dana Dorn – Vice President  
Debra Schlake – Secretary  
Betsy Frerichs  
Jeff Argo  
Jared McKeever

September 15, 2023

Congratulations! You have been invited to serve on the Southern Public Schools District Strategic Planning Team. Your perspective, unique talents, and experiences are needed to help shape the future path for our school district!

Our school board and administration believe in engaging all of our stakeholders in this important process. We have selected a model that is highly interactive and allows for each participant to have a vital role in the process.

It is time to chart a new path for our school district and this is where your participation as a critical stakeholder of Southern Public Schools is needed. This fall, we will be creating a new five-year strategic plan that will guide the work and resources of our district. We will plan on meeting 2 evenings during the fall and one evening in the Spring to create our mission, beliefs, objectives, and strategies. These strategies will then be used to create action plans at the district level.

Each participant in this process has an equal voice. All participants will be asked to share their thoughts and experiences with the group and through prompting questions and consensus we will identify our priorities for Southern Public Schools going forward.

We plan on meeting on the following evenings at Southern High School:

- *Wednesday, October, 11th 5:30- 8:30 PM (Dinner will be provided)*
- *Monday, October 30th 5:30 - 8:30PM (Dinner will be provided)*
- *Wednesday, March 6th 5:30 - 8:30PM (Dinner will be provided)*

Please RSVP acceptance or regrets by Friday, September 29th to Dr. Christopher Prosocki at [cprosocki@southernschools.org](mailto:cprosocki@southernschools.org)

Thank you for your service and support of Southern Public Schools! Please contact me if you have any questions.

Sincerely,

Dr. Christopher Prosocki  
Superintendent