

**DATE:**  
**TO:** ESU #1 Board of Directors  
**FROM:** Bill Heimann, Administrator  
**RE:** Tuesday, January 12, 2021 Board Meeting

There will be a meeting of the ESU #1 Board of Directors, on Tuesday, January 12, 2021, at 5:30 PM in the

ESU #1 Conference Room  
211 Tenth Street  
Wakefield, NE 68784-5014

Consideration, discussion and any action necessary will be taken on the following items.

- A. Notification of Open Meetings Law
- B. Roll Call\*
- C. Approve Agenda\*
- D. Board Re-Organization
- E. Consent Agenda\*
  - 1. Previous Minutes (copy attached)
  - 2. Financial Reports\*
    - a. Revenue Report/Treasurer's Report
    - b. Cash Summary/Expenditure Report
  - 3. Bills for January
  - 4. Administrator's Monthly Report
    - a. Mileage Reimbursement Rate
    - b. Legislative Update
    - c. COVID-19 Update
    - d. ESU #1 All-Staff Day
    - e. Email Address
- F. Public Comment
- G. Board Member Code of Ethics
- H. ESU #1 Committee
- I. Position Appointments
- J. Designate Newspapers of Record
- K. Government Relations Network
- L. Early Childhood Pyramid Implementation Facilitator Grant
- M. Personnel\*
  - 1. Consider, discuss, and take necessary action on employee contracts and personnel changes.
    - a. Resignation(s)
    - b. New Hire(s)
    - c. Contract Change(s)
    - d. Termination(s)
- N. Adjournment

This agenda contains a list of subjects known at the time of its distribution on . A copy of the agenda reflecting any changes will be kept in the ESU #1 Administrative office and will be readily available for public inspection during normal office hours. Except for items of emergency nature, the agenda will not be enlarged later than twenty-four hours before the scheduled commencement of the meeting. The Board reserves the right to change the order of business discussed.

\*Action Items

# 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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**ESU #1 Board Meeting  
Tuesday, December 8, 2020**

A meeting of the ESU #1 Board of Directors convened in open and public session on Tuesday, December 8, 2020, at ESU #1 in ESU #1 Conference Room, 211 Tenth Street, Wakefield, NE 68784-5014. Notice is further hereby given that, in accordance with the State Statute, members of the Board appeared by videoconference or telephonic means.

**Present:** Traci Haglund, Tucker Hight, AJ Johnson, Shannon Johnson, Lana Oswald, Sally Reinert, Benjamin Schultz, Helen Sorensen, Robby Thompson, Grant Torpin, **Absent:** Rhonda Heise.

Notice of the meeting was given in advance by publication and/or posting, as shown below, in accordance with the Board approved method for giving notice of meetings. Notice of this meeting was given in advance to all members of the Board of Directors. The Recording Secretary maintains a list of news media requesting notification of meetings and advance notification to the listed media of the time and place of the meeting and the subjects to be discussed at this meeting was provided. Availability of the agenda was communicated in the publicized notice and current copy of the Agenda was maintained as stated in the publicized notice. All proceedings of the Board of Directors, except as may be hereinafter noted, were taken while the convened meeting was open to the attendance of the public.

**Published/Posted Locations:**

- Wayne Herald: December 3, 2020
- Central Office Front Door: December 4, 2020
- Sparq: December 4, 2020

A. Notification of Open Meetings Law

At the beginning of this meeting, President AJ Johnson announced and informed the public that a current copy of the Open Meetings Act is available at the meeting site, and is also provided in electronic agenda.

**Join Zoom Meeting**

<https://zoom.us/j/99089610239>

Meeting ID: 990 8961 0239

One tap mobile

+13462487799,,99089610239#

Dial by your location

+1 312 626 6799 US

Meeting ID: 990 8961 0239

### B. Roll Call\*

Motion by Sally Reinert, seconded by Traci Haglund, to excuse the absence of member(s): Rhonda Heise. After discussion and on roll call vote, the Board voted as follows:

#### **Motion Carried:**

Rhonda Heise: Absent, Traci Haglund: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

### C. Approve Agenda\*

Motion by Grant Torpin, seconded by Robby Thompson, to approve the December 8, 2020 agenda as presented. After discussion and on roll call vote, the Board voted as follows:

#### **Motion Carried:**

Rhonda Heise: Absent, Traci Haglund: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

### D. Consent Agenda\*

Motion by Traci Haglund, seconded by Sally Reinert, to approve all items on the consent agenda as provided. Items include: November 10, Minutes; November Financial Reports (Treasurer, Revenue and Expense reports); December bills of \$884,205.54; and Administrator's Report. After discussion and on roll call vote, the Board voted as follows:

#### **Motion Carried:**

Rhonda Heise: Absent, Traci Haglund: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

D.1. Previous Minutes (copy attached)

D.2. Financial Reports\*

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

D.2.b. Cash Summary/Expenditure Report

D.3. Bills for December

D.4. Administrator's Monthly Report

D.4.a. Teaching and Learning Team Planning Session

D.4.b. COVID-19 Update

D.4.c. Superintendent Positions in ESU #1

#### E. Public Comment

#### F. Recognition of Board Service

The ESU #1 Board expressed their appreciation for outgoing Election District #4 member Rhonda Heise, who has served on the Board since January 2013. A plaque will be presented to Rhonda on behalf of the Board.

#### G. Appoint District 4 Board Member

Motion by Sally Reinert, seconded by Tucker Hight, to appoint Susan Strahm of Pender as the ESU1 board representative to fill the the vacant District 4 seat effective January 12, 2021. After discussion and on roll call vote, the Board voted as follows:

#### **Motion Carried:**

Rhonda Heise: Absent, Traci Haglund: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

#### H. 2021 Mileage Rate

Motion by Tucker Hight, seconded by Robby Thompson, to apply the new 2021 IRS federal mileage rate, as it becomes effective, for the calculation of commuter and business miles for calendar year 2021. After discussion and on roll call vote, the Board voted as follows:

#### **Motion Carried:**

Rhonda Heise: Absent, Traci Haglund: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

#### I. ESU #1 Board Committees

The 2021 Board Committees topic will be placed on the January 2021 agenda for discussion and action.

#### J. Nebraska Association of School Boards State Conference

#### K. Consider, discuss, and take all necessary action regarding the performance evaluation of ESU #1 Administrator

President Johnson thanked the Board for completing the Administrator Evaluation instrument. President Johnson stated that Dr. Heimann's performance meets expectations in all categories. President Johnson and Dr. Heimann have met to review the evaluation.

#### L. Virtual Board Meeting Meetings in 2021

The Governor's executive order allows the continuation of virtual board meetings through January 31, 2021.

#### M. Personnel\*

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

M.1.a. Resignation(s)

Motion by Lana Oswald, seconded by Traci Haglund, to accept the letter of intent from Sp/Lg Pathologist Cathy Schroeder to retire at the end of the 2020-2021 contract year. After discussion and on roll call vote, the Board voted as follows:

**Motion Carried:**

Rhonda Heise: Absent, Traci Haglund: For, Tucker Hight: For, AJ Johnson: For, Shannon Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Robby Thompson: For, Grant Torpin: For  
For: 10, Against: 0, Absent: 1

M.1.b. New Hire(s)

M.1.c. Contract Change(s)

Tower Paraeducator Echo Rudloff has been hired part-time as an EDN Service Provider, effective November 18. She will be splitting her time between the two positions.

M.1.d. Termination(s)

N. Adjournment

As there were no additional agenda items, President Johnson declared the meeting adjourned at 6:03 p.m.

Lisa Salmon, Recording Secretary

Helen Sorensen, Board Secretary



## 107th Legislature, 1st Session

### YOUR 2021 EDUCATION COMMITTEE

SEN. LYNNE WALZ, CHAIR  
SEN. TOM BRANDT (NEW)  
SEN. JEN DAY (NEW)  
SEN. LOU ANN LINEHAN  
SEN. TERRELL MCKINNEY (NEW)  
SEN. ADAM MORFELD  
SEN. DAVE MURMAN  
SEN. PATTY PANSING BROOKS

**DURING SESSION, THE EDUCATION COMMITTEE MEETS ON MONDAYS AND TUESDAYS IN ROOM 1525 ON THE 1ST FLOOR OF THE CAPITOL**

#### JOIN US ONLINE!

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#### NASB LEGISLATIVE TEAM

COLBY COASH, JOHN SPATZ,  
MATT BELKA & VICKI WALTER-WINTERS

### IT HAS BEGUN ...

Day 1 of this year's 90-day session took place Wednesday as 49 Senators were sworn in by the Chief Justice to begin the day. The election of leadership followed.

Senator Mike Hilgers of Lincoln was elected to serve as the Speaker of the Legislature for the next two-years. He ran unopposed.

Your Education Committee Chair for the next two years will be Senator Lynne Walz of Fremont who won a close vote over Sen. Mike Groene of North Platte. The remaining seven members of the committee were decided in the afternoon and are listed to the left with three new members to the Committee.

The Government, Military and Veteran Affairs Committee will continue to be Chaired by Sen. Tom Brewer of Gordon, who ran unopposed.

Sen. Mark Kolterman of Seward will continue to be the Chair of the Nebraska Retirement Systems as he ran unopposed.

The Chair of the Revenue Committee for the 107th Legislative Session will again be Sen. Lou Ann Linehan of Elkhorn who ran unopposed.

#### OTHER COMMITTEE CHAIRS INCLUDE:

- Agriculture: Sen. Steve Halloran of Hastings
- Appropriations: Sen. John Stinner of Gering
- Banking, Commerce and Insurance: Sen. Matt Williams of Gothenburg
- Business and Labor: Sen. Ben Hansen of Blair
- General Affairs: Sen. Tom Briese of Albion
- Health and Human Services: Sen. John Arch of Papillion
- Judiciary: Sen. Steve Lathrop of Omaha
- Natural Resources: Sen. Bruce Bostelman of Brainard
- Transportation and Telecommunications: Sen. Curt Friesen of Henderson
- Urban Affairs: Sen. Justin Wayne of Omaha

#### KEY DATES OF NOTE:

- Senators are allowed to introduce bills for the first 10 working days, which is January 20
- The NASB Legislation Committee meeting is scheduled for January 22
- The annual NASB Legislative Issues Conference is February 1, and will be held virtually
- The final day of the 107th Legislature, 1st Session is currently scheduled for June 10

Throughout the course of this 90-day session, look to NASB to keep you informed on pertinent information regarding key bills and topics important to your schools, public education, advocacy, and local school governance through these *Legislative Notes* updates, on social media at our Twitter and Facebook pages, and always online at [www.NASBonline.org](http://www.NASBonline.org)!



SPEAKER MIKE HILGERS



SEN. LYNNE WALZ



SEN. TOM BREWER



SEN. MARK KOLTERMAN



SEN. LOU ANN LINEHAN

## Code of Ethics for ESU 1 Board Members

Members of the Board of ESU 1 are expected to abide by the following Code of Ethics in performance of their duties as a Board member and will be requested to acknowledge their intent to do so:

1. **Follow Laws:** I will uphold and enforce the constitutions, laws, rules and regulations of the state and federal governments, the state and federal agencies, binding court orders pertaining to educational service units, and the policies and regulations of ESU 1. Desired changes shall be brought about only through legal and ethical procedures.
2. **Non-Discrimination:** I will not make decisions which affect personnel, students, parents, the public, or otherwise on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, or on the basis of constitutionally protected speech.
3. **Welfare of Students:** I will make decisions in terms of the educational welfare of students served by ESU 1 and will seek to develop and maintain services and programs that meet the individual needs of students served by the ESU regardless of their sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, social standing, or personal feelings not associated with the best interests of ESU 1 and the students.
4. **Role of the Board:** I will confine my action as a member of the Board to policy making, planning, and evaluation of the Administrator. I will carry out my responsibility, not to administer ESU 1 or its services and programs, but, together with my fellow board members, to see that they are well run. I will refer all complaints which I may receive to the Administrator and will act on the complaints at public meetings only after failure of an administrative solution. I will support decisions made by the Board, even if it is not the one I would have made, although I will reserve my independent right to seek a change using appropriate procedures. I will recognize that authority rests with the Board as a whole and will make no personal promises nor take any private action that may compromise the Board.
5. **Meetings of the Board:** I will attend all meetings of the Board except when I am unable to attend for excusable reasons, will be prepared to be an active participant at such meetings, and will follow appropriate rules of order at such meetings. I will fulfill my responsibilities on any committees and any officer positions to which I may be elected, assigned or appointed. I will not attempt to circumvent the open meetings laws by participating in meetings with a quorum of other members of the Board to make decisions on ESU 1 matters. I will not seek closed session meetings or participate in closed session meetings except as permitted by law.
6. **Independent Judgment:** I will refuse to surrender my independent judgment to special interest or partisan political groups.
7. **Confidentiality:** I will hold confidential all matters pertaining to ESU 1 which, if disclosed, would needlessly injure individuals, the Board, or ESU 1. I will not ask for legally confidential information about staff or students when not required to fulfill my duties as a Board member. When such information is made available to me in my role as a Board member, I will maintain the confidentiality of such information.
8. **Conflicts:** I will not use my position as a Board member for personal gain or for the gain of family or friends. Where I have a personal conflict of interest which



## ESU #1 Board of Director's Committees:

Committee members are appointed by the board president. The committees gather information and report to the entire board with recommendations. Committee members are appointed annually.

- Buildings and Grounds – Review facilities, projects, and safety
- Finance and Personnel – Review budget, monthly and annual financial reports, and employee compensation
- Policy and Legislative – Review existing and proposed board policy. Review legislation or regulations that may affect education