

UNIT ORGANIZATION

Section 1 ESU Name, Mission and Duties

A. ESU Name

The legal name of our educational service unit is “Educational Service Unit No. 1 of the State of Nebraska.” It may also be referred to as ESU 1, either with or without a number designation (No. 1 or #1).

Legal Reference:	§ 79-1202
Date of Adoption:	August 14, 2018

B. Mission

The mission of ESU 1 is to provide innovation, leadership and services for each member school district so they are successful in reaching their targeted educational goals.

Legal Reference:	§ 79-1204
Date of Adoption:	August 14, 2018

C. Statutory Role

The statutory role of ESU 1 is to serve as an educational service provider in Nebraska’s system of elementary and secondary education. ESU 1 shall:

1. Act primarily as a service agency in providing core services and services identified and requested by member school districts;
2. Provide for economy, efficiency, and cost-effectiveness in the cooperative delivery of educational services;
3. Provide educational services through leadership, research, and development in elementary and secondary education;
4. Act in a cooperative and supportive role with the State Department of Education and school districts in development and implementation of long-range plans, strategies, and goals for the enhancement of educational opportunities in elementary and secondary education;
5. Serve, when appropriate and as funds become available, as a repository, clearinghouse, and administrator of federal, state, and private funds on behalf of school districts which choose to participate in special programs, projects, or grants in order to enhance the quality of education in Nebraska schools.
6. Provide core services to member school districts, including:
 - a. In order of priority, (i) Staff development which shall include access to staff development related to improving the achievement of students in poverty and students with diverse backgrounds; (ii) technology, including distance education services; and (iii) instructional materials services;
 - b. Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting statewide requirements, and achieving statewide goals in the state's system of elementary and secondary education;

- c. Core services shall provide schools with access to services that: (i) ESU 1 and its member school districts have identified as necessary services; (ii) are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources; (iii) can be efficiently provided by ESU 1 to its member school districts; and (iv) can be adequately funded to ensure that the service is provided equitably to the public school districts.
 - d. Core services shall be designed so that the effectiveness and efficiency of the service can be evaluated on a statewide basis; and
 - e. Core services shall be provided by ESU 1 in a manner that minimizes the costs of administration or service delivery to member school districts.
- 7. Meet minimum accreditation standards set by the State Board of Education that will:
 - a. Provide for accountability to taxpayers;
 - b. Assure that educational service units are assisting and cooperating with school districts to provide for equitable and adequate educational opportunities statewide; and
 - c. Assure a level of quality in educational programs and services provided to school districts by the educational service units.
- 8. In fulfilling its role and mission, ESU 1 may contract to provide services to:
 - a. Nonmember public school districts;
 - b. Nonpublic school systems;
 - c. Other educational service units; and
 - d. Other political subdivisions, under the Interlocal Cooperation Act and the Joint Public Agency Act.
- 9. ESU 1 will not regulate school districts unless specifically provided pursuant to law.

Legal Reference:	§ 79-1204; NDE Rule 84.001.03-.06
Date of Adoption:	August 14, 2018

D. Principal Office

The principal office of the ESU shall be: 211 Tenth Street, Wakefield, Nebraska.

Legal Reference:	§ 79-1220
Date of Adoption:	August 14, 2018

E. Boundaries

The boundaries of ESU 1 are set and adjusted by the State Board of Education. A current copy of the boundaries of the ESU shall be kept in the principal office.

Any joint school district located in two or more counties shall be considered a part of the ESU in which the greater number of school-age children of such joint school district reside.

Legal Reference:	§ 79-1205; 79-1217(4)
Date of Adoption:	August 14, 2018

Section 2 ESU Board

A. Board's Name and Role

The ESU is governed by a board legally known as the “Board of Educational Service Unit No. 1.” The Board is responsible for the general control and direction of ESU 1.

Legal Reference:	§ 79-1217
Date of Adoption:	August 14, 2018

B. Duties and Function of the Board

The Board functions as a policy-forming and legislative body, and in some circumstances, as a quasi-judicial body. The general duties and functions of the Board are as follows:

1. Policies: Adopt policies governing the organization and operation of the ESU that are appropriate to serve the role and mission of ESU 1 and meet requirements of law. The Board policies will be available for review upon request at the administrative office of the ESU. The Board may act to suspend policies for a specified purpose and limited time by a majority vote of the Board.
2. Personnel: Appoint and fix the compensation and duties of the Administrator and evaluate the Administrator's performance. The method for selecting the Administrator shall be determined by the Board and may include the use of Administrator Selection Services or committee(s) created by the Board for the sole purpose of identifying candidates for the position. With the advice of the Administrator, the Board shall also employ and fix the compensation and duties of professional and classified staff. The Board shall be responsible for taking action on certain personnel grievances and personnel contracts required pursuant to law or Board policy.
3. Budget: Provide for the preparation and adoption of the annual budget for the operations of the ESU, which shall include contemplated expenditures and expected revenue.
4. Services: Exercise final authority with regard to the determination of services to be provided to member school districts and contracted services to be provided to other schools or entities. The Board shall determine the participation of the ESU in providing supplementary educational services.
5. Purchases and Contracts: Approve purchases and contracts for which Board action is required pursuant to law or Board policy.
6. Audit: Cause a complete and comprehensive annual audit to be made of the books, accounts, records, and affairs of the ESU. The audits shall be conducted annually, except that the Auditor of Public Accounts may determine an audit of less frequency to be appropriate but not less than once in any three-year period. The Board may contract with the Auditor of Public Accounts or select a licensed public accountant or certified public accountant or firm of such accountants to

conduct the audit and shall be responsible for the cost of the audit pursuant to the contract. Such audit shall be conducted in the same manner as audits of county officers. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts.

7. **Fulfill Mission:** Take any other lawful and appropriate action to fulfill the ESU's mission.

Legal Reference:	§§ 79-1217 to 79-1224, § 79-1229 NDE Rule 84, section 3.04F
Date of Adoption:	August 14, 2018

Section 3 ESU Board Members

A. Election Districts

After each decennial census, the Board shall divide the territory of the ESU into at least five and up to twelve numbered election districts that are compact and contiguous and substantially equal in population.

Board members are elected to represent the geographical boundaries of the ESU. One member is elected to represent each election district for the term provided by law.

Legal Reference:	§ 32-515; § 79-1217; § 79-1217.01
Date of Adoption:	August 14, 2018

B. Filling Vacancies

Whenever a vacancy occurs on the Board, the remaining members of the Board shall appoint an individual residing within the election district for which the vacancy exists who meets the qualifications for the office to fill such vacancy for the balance of the unexpired term.

A "vacancy" may occur when, unless excused by a majority of the remaining members of the Board, a member is absent from the geographical boundaries of ESU 1 for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the Board.

Legal Reference:	79-1217(2)
Date of Adoption:	August 14, 2018

C. Role of Individual Board Members

The role of individual Board members is to express their position by voting on issues presented at duly called meetings of the Board. The Board of ESU 1 functions only when it takes official action at a duly called meeting of the Board. Individual Board members and individual Board officers cannot bind ESU 1 or its Board to a contract or obligation and may not speak on behalf of the Board except when acting upon specific authority given by the Board.

Legal Reference:	<i>Busboom v. Southeast Nebraska Technical Community College</i> , 194 Neb. 448 (1975); <i>Markay v. School District No. 18</i> , 58 Neb. 479 (1899).
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Date of Adoption:	August 14, 2018
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D. Orientation of New Board Members

The Board and the administrative staff will be available to assist each new member-elect to understand the Board's functions, policies and procedures and operations of the ESU both before and after the member takes office. Each member-elect will be:

1. Given selected material on the functions of the Board and the ESU.
2. Invited to meet with the Administrator and other administrative personnel to discuss services they perform.
3. Invited to attend Board meetings.
4. Given copies of the policies and administrative regulations and other pertinent materials.

Legal Reference:	
Date of Adoption:	August 14, 2018

E. Oath of Office

Board members before taking office shall take and sign the following oath or affirmation:

I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservations, or for purpose or evasions; and that I will faithfully and impartially perform the duties of the office of member of the Board of Educational Service Unit No. 1, according to law, to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence; and that during such time that I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence. So help me God.

Legal Reference:	§ 11-101 to § 11-101.03
Date of Adoption:	August 14, 2018

F. Code of Ethics for Board Members

Board members of ESU 1, like all public officers in the State, "stand in a fiduciary relationship to the people whom they have been elected or appointed to serve. As fiduciaries and trustees of the public wealth they are under an inescapable obligation to serve the public with the highest fidelity. In discharging the duties of their office they are required to display such intelligence and skill as they are capable of, to be diligent and conscientious, to exercise their discretion not arbitrarily but reasonably, and above all to display good faith, honesty and integrity. They must be impervious to corrupting influences and they must transact their business frankly and openly in the light of public scrutiny so that the public may know and be able to judge them and their

work fairly. These obligations are . . . assumed by them as a matter of law upon their entering public office.”

To assure that the entire Board acts in accordance with the foregoing legal responsibilities and to ensure the effective functioning of the Board, each Board member will sign a Board-approved Code of Ethics for ESU 1 Board Members. The Code of Ethics is to be signed upon assumption of office and at each annual meeting.

Legal Reference:	<i>Nebraska Legislature on behalf of the State of Nebraska v. C. David Hergert</i> , 271 Neb. 976, 1011 (2006)
Date of Adoption:	August 14, 2018

G. Compensation of Board Members

Members of the Board shall receive no compensation for their services. Members may be reimbursed for the actual and necessary expenses incurred in the performance of their duties, pursuant to law and by a majority vote of the Board.

The Board may permit its members to participate in the ESU’s hospitalization, medical, surgical, accident, sickness, or term life insurance coverage or any one or more of such coverages. A Board member electing to participate in the insurance program of the ESU shall pay both the employee and the employer portions of the premium for such coverage.

If the Board opts to permit its members to participate in insurance coverage, the Administrator shall report quarterly at a Board meeting the board members who have elected such coverage. Such a report shall be made available in the ESU office for review by the public upon request.

Legal Reference:	§ 79-1217(3); § 79-1232
Related Policy:	Coffee Act Policy (Reimbursable Expenses)
Date of Adoption:	August 14, 2018

Section 4 Board Officers

A. Officer Positions

The Board shall elect one of its members as president, one as vice president, and one as secretary. The Board shall employ a treasurer who shall be paid a salary to be fixed by the board.

Legal Reference:	§ 79-1218
Date of Adoption:	August 14, 2018

B. President

The duties and responsibilities of the President include, but are not necessarily limited to, the following:

1. Call meetings of the Board.
2. Preside at all meetings of the Board.

3. Appoint board members to committees.
4. Serve as ex-officio member of all committees, unless such would create a violation of the open meetings law.
5. Send correspondence connected to the position of President.
6. Vote on any issue that may come before the Board.
7. Sign warrants upon the treasury for claims allowed by the Board.
8. Perform such other duties as required by law or by action of the Board.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 14, 2018

C. Vice President

The Vice President is to assume all duties and responsibilities of the President when the President is absent.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 14, 2018

D. Secretary

The duties and responsibilities of the Secretary include, but are not necessarily limited to, the following:

1. Assure that accurate records of all Board meetings are prepared and maintained.
2. Assure that all Board members are notified of all meetings of the Board.
3. Assure that required reports to county, state, and federal officials are prepared and submitted on a timely basis.
4. Be responsible for correspondence for and in the name of ESU 1 as authorized by the Board.
5. Sign all orders on the treasury for the payment of authorized claims.
6. Act as custodian of all documents, title papers, and records of the Board.
7. Assure that all legal notices are published.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 14, 2018

E. Treasurer

The Board shall employ a Treasurer who shall be paid a salary to be fixed by the Board. The duties and responsibilities of the Treasurer include, but are not necessarily limited to, the following:

1. Be the custodian of all funds of the Board.
2. Attend all meetings of the Board.
3. Prepare and submit to the Board a written monthly report of the state of ESU 1 finances.
4. Pay out money of the Board only upon a warrant signed by the President, or in the President's absence, by the Vice President, and countersigned by the secretary.

5. Assure that funds are placed in depositories approved by the Board and secured as required by law.
6. Assure that accurate accounts of all receipts and disbursements are kept.
7. Assure that accurate reports on the state of finances and other financial reports and statements as required by state and federal statute and board policy are prepared and submitted to the appropriate authority on a timely basis.

The treasurer shall give bond or evidence of equivalent insurance coverage, payable to the Board, in such sum as the Board shall determine conditioned for the faithful performance of the duties as treasurer of the Board and for the safekeeping and proper disbursement of all funds of the Board collected or received by the treasurer. Such bond shall be signed by a corporate surety company or insurance company authorized to do business within this state. Such bond or insurance coverage may be enlarged at any time the Board deems such enlargement necessary or advisable. The cost of such bond or insurance coverage shall be paid out of funds of the Board.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 14, 2018

F. Recording Secretary

The Board may employ a recording secretary who shall be paid compensation to be fixed by the Board. The duties of the recording secretary will include:

1. Notify members of the Board of all regular and special meetings.
2. Publish legal notices.
3. Keep accurate records of all Board meetings.
4. Act as custodian of all documents and records of the meeting of the Board.
5. Perform other duties as directed by the Board.

Legal Reference:	
Date of Adoption:	August 14, 2018

G. Removal from Officer Position

A Board member may be removed from an officer position by a majority vote of the members of the Board.

Legal Reference:	
Date of Adoption:	August 14, 2018

H. Filling Vacancy in Officer Position

In the event of a vacancy in an officer position, the Board shall elect by a majority vote a successor to serve until a majority of the Board elects a different member to serve that office position.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 5 **Board Committees**

A. Committees

Committees may be created by the President of the Board or by a majority vote of the Board.

Unless otherwise specifically provided, at the time of appointment, all Committees are hereby intended to be and shall operate as a “subcommittee” within the definition of Neb. Rev. Stat. § 84-1409(1)(b). As such, no meeting of any Committee may include a quorum of the Board. In addition, no Committee may hold hearings, make policy, or take formal action on behalf of the Board.

Legal Reference:	§ 84-1409
Date of Adoption:	August 14, 2018

B. Appointments

The President shall appoint members of committees. However, the entire Board may, by a majority vote, take action in the first instance to make committee appointments and may remove any existing committee members and appoint replacement members.

Legal Reference:	
Date of Adoption:	August 14, 2018

C. Temporary Committees

Temporary committees may be established by the Board as deemed necessary for specific identified purposes.

Legal Reference:	
Date of Adoption:	August 14, 2018

D. Committee Operations

No member or Committee of the Board, or staff member of the Unit, shall have the power to act for the Board, or to imply an action on the part of the Board without specific approval authorized by the Board with record of such action recorded in the official minutes.

The Board or Administrator may refer business to a Committee; however, unless otherwise specifically provided, such Committee shall have no power or authority to hold hearings, make policy, or to make any determination or take or effect any formal action on behalf of the Board or the District. The role of a Committee is to gather and serve as an informational avenue only and to guide, make recommendations, and report directly to the Administrator on any referred business, regardless of who appointed same. No Committee may engage in the formation of tentative policy, act as an advisory committee to the Board or as instrumentalities exercising essentially public functions. Any such prohibited actions shall be null and void.

All Board members will be informed of meetings of Committees. Committee reports shall be brought to the Board in written form whenever possible.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 6 Administration

A. Concept of Administration

The administration of ESU 1 is responsible for the direction, coordination, and control of staff and programs in their efforts to achieve the mission and educational goals adopted by the Board within the guidelines established by Board policy and law.

To demonstrate leadership, develop positive relationships within the community and resolve problems that arise internally and/or externally, the Board expects the administration to specialize in the following:

1. Decision making and communication.
2. Planning, organizing, implementing, and evaluating.
3. Coordinating and guiding the various centers of power within the ESU and the community to enable people to work together as a team for the purpose of education that might not be possible if done separately.

The administration is expected to create and maintain appropriate mechanisms such as councils and committees to:

1. Foster good communications within the staff.
2. Allow representative members of the staff to have a voice in the development of policies and in the making of decisions affecting them.

Legal Reference:	§ 79-1219
Date of Adoption:	August 14, 2018

B. Administrator

The Administrator to be employed by the Board shall be a person experienced in public school administration, shall hold at least a standard administrative certificate and shall meet all other requirements issued through the Nebraska Department of Education.

Legal Reference:	§ 79-1219 NDE Rule 21; NDE Rule 84.005.01
Date of Adoption:	August 14, 2018

C. Duties and Function of the Administrator

The Administrator is the chief executive officer of ESU 1. As chief executive officer, the Administrator is delegated the authority and responsibility for the overall administration of ESU 1 in all of its aspects. The Administrator shall carry out the executive and administrative functions in accordance with Board policies and directives in compliance with law.

The Administrator is delegated the authority and responsibility for the efficient execution of all decisions made by the Board concerning the internal operation of the ESU. The Administrator shall further perform duties which are specifically designated in the policies as duties of the Administrator, duties assigned to the Administrator by the Board, duties that are established in the Administrator's employment contract and job description, and duties that are mandated by law as the responsibility of the Administrator.

The general duties and functions of the Administrator are as follows:

1. **Policies:** The Administrator's responsibilities related to policies are:
 - a. To present the Board with new or amended policies as appropriate to serve the role and mission of ESU 1 and meet changing requirements of law.
 - b. To implement Board policies and assure compliance with Board policies.
 - c. To assure that the Board policies are available for review upon request at the administrative office of the ESU.
2. **Personnel:** The Administrator is responsible for the overall management of staff. Responsibilities related to personnel include:
 - a. To recommend administrative and supervisory positions for approval by the Board. The Board will approve the broad purpose and function of administrative and supervisory positions.
 - b. To assign, supervise and evaluate administrators and supervisors and direct them in the performance of their duties.
 - c. To recommend candidates for employment and establish terms of employment for approval by the Board.
 - d. To prepare written job descriptions for employees.
 - e. To prepare and distribute staff handbooks. Staff handbooks that are approved by the Board shall be deemed to be policies of the Board and shall have the same effect as Board-adopted policies.
 - f. To develop and provide an effective staff development program.
 - g. To make assignments of personnel to their particular schools and responsibilities as determined appropriate.
 - h. To discipline staff and terminate or recommend termination of employment when appropriate.
 - i. To create and maintain appropriate mechanisms such as councils and committees to foster good communications within the staff and to allow representative members of the staff to have a voice in the development of policies and in the making of decisions affecting them.
3. **Budget:** The Administrator's responsibilities related to the budget are:
 - a. To prepare the annual budget for the operations of the ESU with the assistance of staff, give required budget hearing notices, present the budget for approval by the Board, and file such reports and forms related to the budget and tax levy process as required.
 - b. To make every attempt possible to operate within the limits set forth by the budget.

4. Services: The Administrator shall communicate and provide leadership with regard to the determination of services to be provided to member school districts and services to be provided to other schools or entities via contract. The Administrator shall ensure that the services are provided in a satisfactory manner.
5. Purchases and Contracts: The Administrator's responsibilities related to purchases and contracts are:
 - a. To be in charge of all financial matters of the ESU.
 - b. To study and recommend to the Board fiscally prudent and suitable purchases and contracts for which Board action is required pursuant to law or Board policy. Where Board action is not required, to approve such purchases and contracts after appropriate consultation with other administrators and appropriate staff, or to provide oversight of those staff that are delegated such purchasing responsibilities.
 - c. To maintain a current inventory of ESU property.
 - d. To assure that ESU facilities, equipment and property are appropriately maintained.
 - e. To provide long-range and short term planning concerning facilities.
6. Board and Community Communications. The Administrator's responsibilities related to communications with the Board are:
 - a. To prepare and send out agenda, special reports and minutes for Board meetings.
 - b. To prepare for and attend all Board meetings unless excused.
 - c. To promptly inform the Board of decisions or actions taken that are not covered in Board policies or by Board action. The Administrator shall have authority to make such decisions or take such actions on behalf of the ESU where the Administrator reasonably determines that it is necessary to do so.
 - d. To keep the Board informed concerning the total ESU programs and operations.
 - e. To communicate to the schools and the community information about the activities of the ESU and publish reports on such activities as legally required.
 - f. To coordinate and guide the stakeholders within the ESU and the community to cooperatively enhance efficiency and effectiveness of ESU programs and services.
 - g. To keep abreast of the trends and changes in education for possible implementation of selected programs. The Administrator will be expected to attend district, state, and national conventions of professional educational organizations. The Administrator will secure advance approval from the Board before attending any out of state convention. The Administrator will report to the Board such information that is learned at such programs that will require Board action. Reimbursement for expenses allowed shall be in accordance with Board Policy.
 - h. The Administrator shall, prior to July 1 of each year in which a statewide primary election is to be held, certify to the election commissioner or county clerk of each county located within the ESU the corporate name of each school district located within the county. If a school district is a joint school

district located in two or more counties, the Administrator shall certify to each election commissioner or county clerk the educational service unit of which the school district is considered to be a part.

The Administrator is responsible to maintain the official records of the ESU.

The Administrator shall serve as a member of the Educational Service Unit Coordinating Council.

The Administrator is to delegate duties to other members of the administrative team or other staff as required for the effective administration of the ESU, except in such matters that Board policy, Board action, or law prohibits the delegation. The Administrator remains responsible for assuring that the delegated duties are performed as required.

On or before January 31 of each year, the Administrator shall submit to the Commissioner of Education a report described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the educational service unit during the year, (b) other information as necessary to fulfill the requirements of section 79-1241.03, and (c) such other information as the commissioner directs.

The Administrator is expected to adhere to the “Code of Ethics” for certificated educators as adopted by the Nebraska Department of Education and the ethical code of the American Association of School Administrators.

Legal Reference:	§ 13-905; § 79-1217(6); § 79-1245, § 79-1229(1) NDE Rule 27
Date of Adoption:	August 14, 2018

D. Line of Responsibility

Each ESU employee is responsible to the Board through the Administrator. All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises. Administrative officers shall refer such matters to the next higher authority when necessary.

Employees have the right to appeal decisions made by an administrative officer to the next higher authority and thus through successive steps to the Board on matters regarding continuation of employment, terms and conditions of employment, and matters of policy and procedures.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 7 **Consultants and Legal Counsel**

A. Consultants

The Board encourages the use of consultants as a means of providing specialized services not normally required on a continuing basis.

Legal Reference:	
Date of Adoption:	August 14, 2018

B. Legal Counsel

The Board shall use an attorney at law to advise on all legal matters. The attorney of record shall be named annually at the regular January board meeting.

Members of the staff may have access to the Board's legal counsel only at the specific direction of the Administrator.

At times it may become necessary for the Board to obtain additional legal assistance. The Administrator is authorized to make appropriate arrangements for additional legal services.

Legal Reference:	
Date of Adoption:	August 14, 2018

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 affects or may be reasonably seen by others as affecting my ability to make a fair and impartial decision on a matter before the Board, I will follow the law and Board policy to avoid the conflict from affecting the decision of the entire Board.
9. **Personnel Matters:** I will vote to appoint the best qualified personnel available after consideration of the recommendation of the administration. I will support and protect personnel in the proper performance of their duties but likewise will hold staff accountable, on matters which reach the Board, to the standards and expectations of the Board and the administration.
10. **Role Model.** I understand that my personal actions may reflect on ESU 1 and the schools and communities served by ESU 1 due to my position as a Board member. I will in all respects serve as a proper role model and engage in conduct which is reflective of a good citizen in the communities served by ESU 1.

Agreed to by the members of the Board of Educational Service Unit 1 on this ____ day of _____, 20__.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

BOARD MEETINGS

Section 1 Location of Meetings

The traditional meeting place for Board meetings will be the board room at the ESU's principal office. The President or Administrator may designate a different meeting place for individual meetings with advance notice to all members. The alternative location may not be outside the boundaries of the ESU unless approved by the Board at any preceding meeting.

Legal Reference:	§§ 79-1218, 84-1412(5)
Date of Adoption:	August 14, 2018

Section 2 Regular Meetings

The regular meetings of the Board shall be held on the second Tuesday of each calendar month and commence at 5:30 p.m. A regular meeting may be scheduled for a different date or time when approved by the Board at any preceding meeting.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 3 Annual Organizational Meeting

An organizational meeting of the Board shall be held at the regular Board meeting in January each year for the purpose of seating any new members and electing officers.

The order of business for the annual organizational meeting shall be as follows:

1. Call meeting to Order, announce posting of Public Meetings Act and Roll Call (the Administrator shall chair the meeting until the new President is elected)
2. Administer oath of office to any new Board members
3. Elections of Officers
 - a. President (upon being elected the new President shall chair the remainder of the meeting)
 - b. Vice President
 - c. Secretary

Upon call for nominations for each office by the Chair, nominations shall be made by written or oral ballot. Voting will be by oral or written ballot on all members nominated and repeated until a majority is achieved for a nominee. If the tie is not broken after five ballots, the Chair will determine the winner by the flip of a coin, followed by a vote ratifying such selection. The vote may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes of the meeting.

The term of the elected officers shall begin immediately upon election at the annual organizational meeting and end upon the election of a successor at the next following annual organizational meeting.

4. Committees, positions, and designations
 - a. Select Treasurer
 - b. Select Recording Secretary
 - c. Select legal counsel
 - d. Select members of Board Committees
 - e. Designate depository bank(s)
 - f. Designate newspaper(s) of record
5. Approval of current Board policies and regulations
6. Designate date for the annual review of Board policies
7. Disseminate conflict of interest statutes to each Board member and code of ethics for signature by each Board member
8. Determine the ESU's participation in providing supplementary educational services for the calendar year.

Other items on the meeting agenda

Legal Reference:	§ 79-1218; § 84-1413 (3)
Date of Adoption:	August 14, 2018

Section 4 Special Meetings

A special meeting of the board may be called by the President. A special meeting may also be called by any five Board members.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 5 Emergency Meetings

An emergency meeting may be held without advance public notice. An emergency is any event or occasional combination of circumstances which calls for immediate action or remedy; pressing necessity; exigency; a sudden or unexpected happening; an unforeseen occurrence or condition. In the event of an emergency meeting:

1. the nature of the emergency shall be stated in the minutes,
2. any formal action taken in such meeting must pertain only to the emergency,
3. the meeting may be held by means of electronic or telecommunication equipment,
4. news media must be contacted, and
5. complete minutes that specify 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.

Legal Reference:	§ 84-1411 (5)
Date of Adoption:	August 14, 2018

Section 6 Notice of Meeting

A. Notice to Public

Reasonable advance publicized notice shall be given for meetings that are subject to the Open Meetings Act. The notice shall give the time and place of the meeting and contain an agenda of subjects known at the time of the 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 ESU 1 during normal business hours.

The public notice shall be given by a method designated by the Board. The designated methods are publication or posting a reasonable time in advance of the meeting. Three days advance notice shall be considered sufficient. If notice is given by publication, the notice shall be published in a newspaper of general circulation in the ESU. If notice is given by posting, the notice shall be posted on the front door of the principal office of the ESU. The notice may in addition be posted at post offices, banks and other public places in the boundaries of the ESU or such other places at which the public may reasonably be notified.

For an emergency meeting, notice shall not be required to be given; however, the Board will complete minutes for such an emergency meeting as required by law.

The Board meetings that are subject to the notice requirement include all regular, special, or called meetings, formal or informal, of the ESU for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the ESU.

The notice requirement does not apply to:

1. Chance meetings or attendance at or travel to conventions or workshops of members of the Board at which there is no meeting of the Board intentionally convened, if there is no vote or other action taken regarding any matter over which the Board has supervision, control, jurisdiction, or advisory power.
2. Meetings of subcommittees unless a quorum of the Board attends or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of the Board.
3. Judicial or quasi-judicial proceedings, such as termination hearing proceedings.

Legal Reference:	§ 84-1409; § 84-1410 (5); 84-1411 (5)
Date of Adoption:	August 14, 2018

B. Notice of Budget Meeting

A summary of the prepared yearly budget of ESU 1 shall be published one time in a legal newspaper published in or of general circulation in each county in ESU 1 at least five days before a meeting at which such budget shall be considered for adoption by the Board. Such publication shall also specify the date, time, and place of the public hearing at which the budget will be considered and any tax levy made.

Legal Reference:	§ 79-1227
Date of Adoption:	August 14, 2018

C. Yearly Activities

By November 1 of each year, the Board shall publish a brief report of the yearly activities of the Board. The report shall include the amount of revenue received and expenditures itemized by categories. This publication shall be for one time in a newspaper of general circulation distributed in each county in the ESU. A copy of the report shall be distributed to each member school district by November 1 of each year.

Legal Reference:	§ 79-1228
Date of Adoption:	August 14, 2018

D. Notice to Board Members

Notice of meetings shall be transmitted to all members of the Board. The Administrator shall deliver or otherwise make available the meeting notice, agenda, minutes of the preceding meeting, and such other materials pertinent to the meeting as the President may direct, to the Board members.

For regular meetings, the notice packet shall be mailed or delivered on the Friday preceding each meeting. For special meetings, the notice packet shall be mailed or delivered the later of three days prior to the meeting or the same day that notice to the public is given.

Legal Reference:	§ 84-1411 (1)
Date of Adoption:	August 14, 2018

E. Notice to Media

The Secretary shall maintain a list of the news media requesting notification of meetings and make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed.

Legal Reference:	§ 84-1411 (4)
Date of Adoption:	August 14, 2018

Section 7 Agenda

A. Agenda Construction

Control of the agenda is the responsibility of the President. The Administrator is responsible for preparing agendas, subject to modification by the President. Any Board member may suggest agenda items to be placed on the agenda.

Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting. The Board shall have the right to modify the agenda to include items of an emergency nature only by action taken at the public meeting at which the item is to be considered.

Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.

The Board shall not act on any matter unless the same is on the agenda for the meeting.

Legal Reference:	§ 84-1411 (1)
Date of Adoption:	August 14, 2018

B. Agenda Availability

The agenda for each meeting shall be kept continuously current. The agenda shall be readily available for public inspection at the principal office of the ESU during normal business hours.

Legal Reference:	§ 84-1411 (1)
Date of Adoption:	August 14, 2018

Section 8 Board Member Attendance

A. Personal Presence at Meeting and Telephone Conference or Videoconference Meetings

Board members must be personally present at the Board meeting in order to vote or otherwise participate at the meeting in their position as a board member. Attendance via telephonic or videoconferencing means is permitted if the procedures for a telephonic or videoconference meeting are followed, and for emergency meetings, if the procedures for an emergency meeting are followed.

The procedures for a telephonic or videoconference meeting are as follows:

1. Reasonable advance publicized notice must be given which identifies each telephone conference or videoconference location at which a Board member will be present;
2. All telephone conference or videoconference meeting sites identified in the notice are located within public buildings used by Board members or at a place which will accommodate the anticipated audience;
3. Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call or videoconference was not used;
4. At least one copy of all documents being considered is available to the public at each site of the telephone conference call or videoconference;
5. At least one Board member is present at each site of the telephone conference call or videoconference identified in the public notice;
6. The telephone conference call lasts no more than one hour (there is no time limit for videoconference calls); and
7. No more than one-half of the Board's meetings in a calendar year are held by telephone conference call and no more than one-half of the Board's meetings in a calendar year are held by videoconference call.

Legal Reference:	§ 84-1411 (2) (3), (5) and (6)
Date of Adoption:	August 14, 2018

B. Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 9 Public Attendance and Participation

A. Open Meetings Act Poster

At least one current copy of the Open Meetings Act shall be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting the public shall be informed about the location of the posted information by announcement of the President.

Legal Reference:	§ 84-1412 (8)
Date of Adoption:	August 14, 2018

B. Attend

Members of the public shall be permitted to attend all Board meetings. Members of the public will not be required to identify themselves in order to be admitted to the meeting.

The Board may allow advisors, consultants, and other persons who are not participating as Board members to appear at the meeting via telephone or other similar means.

The President has the authority to ensure that all persons conduct themselves in an orderly manner at the meeting. Undue interruption or other interference with the orderly conduct of business will not be allowed. The President may order persons who are disorderly to be removed from the meeting.

Legal Reference:	§ 84-1411 (3) and (6) § 84-1412 (1) and (3)
Date of Adoption:	August 14, 2018

C. Hear

The Board shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

Legal Reference:	§ 84-1412 (7)
Date of Adoption:	August 14, 2018

D. Record

Members of the public may use recording devices (tape recorder, video camera, etc.) to record any part of a meeting of the Board, except for closed sessions.

The President shall control the placement of any recording device so the device does not obstruct the view of Board members or other members of the public attending the meeting and does not

otherwise interfere with the meeting.

Legal Reference:	§ 84-1412 (1)
Date of Adoption:	August 14, 2018

E. Access to Written Materials

At least one copy of all reproducible written material to be discussed at an open meeting will be made available at the meeting for examination and copying by members of the public.

Legal Reference:	§ 84-1412 (8)
Date of Adoption:	August 14, 2018

F. Speak

Members of the public will be permitted to speak at Board meetings at which a public forum is on the Agenda. Members of the public may also speak when invited to make a presentation or when recognized by the President. The Board is not required to allow members of the public to speak at each meeting. However, the Board will not forbid public participation at all meetings.

Members of the public will not be required to have their name placed on the agenda prior to the meeting in order to speak about items on the agenda.

Members of the public who desire to address the Board will be required to identify themselves.

The President shall have the authority to establish reasonable time limits for individual speakers and for the duration of public forum sessions.

Speakers will be permitted to address the Board consistent with free speech rights. However, offensive language, defamatory remarks, and hostile conduct will not be tolerated. Further, charges or complaints against an ESU 1 employee are not to be made for the first time at a public Board meeting without having followed the ESU 1 complaint procedure, except in the case of a personnel hearing before the Board.

Legal Reference:	§ 84-1412 (1) (2) and (3)
Date of Adoption:	August 14, 2018

Section 10 Closed Sessions

A. When Closed Sessions May Be Held

The Board 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.

Items for which closed sessions may be held include but are not be limited to:

1. strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
2. discussion regarding deployment of security personnel or devices;
3. investigative proceedings regarding allegations of misconduct; and
4. 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.

A closed meeting may not be held for the purpose of discussing the appointment or election of a new member to the Board.

The term “closed session” includes within its meaning any “executive session” or “executive meeting,” all of said terms being interchangeable.

Legal Reference:	§ 84-1410 (1)
Date of Adoption:	August 14, 2018

B. Procedure for Closed Sessions

1. Vote to Hold Closed Session: The subject matter and the reason necessitating the closed session shall be identified in the motion to close. The motion requires the affirmative vote of a majority of the voting members and shall be taken in open session.
2. Restate Subject Matter Limitation: If the motion to close passes, the President shall restate on the record the limitation of the subject matter of the closed session immediately prior to the closed session.
3. Restrict Discussions in Closed Session: The Board will restrict its consideration of matters during closed sessions to only those purposes set forth in the motion to close as the reason for the closed session.
4. No Action in Closed Session: The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this policy, 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. Formal action shall not, however, include negotiating guidance given by Board members to legal counsel or other negotiators in closed sessions relating to 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 ESU.
5. Challenge to Continuation of Closed Session: Any Board member 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 Board. Such challenge and its disposition shall be recorded in the minutes.

6. **Minutes of Closed Session:** The minutes of a meeting at which a closed session is held will set forth 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. Minutes of matters discussed in closed or executive session need not be kept.

Legal Reference:	§ 84-1410 (2) and (3)
Date of Adoption:	August 14, 2018

Section 11 Voting and Board Operating Procedures

A. Voting

Any action taken on any question or motion duly moved and seconded shall be by roll call vote in open session. Each Board member must vote on all matters, except when the member has a conflict of interest that precludes voting.

The roll shall be called and votes recorded for or against each motion. 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 may be satisfied by use of an electronic voting device which allows the yeas and nays of each member of the board to be readily seen by the public.

A majority vote of the quorum present shall be sufficient to adopt a motion or other action except where the law or Board policy specifies otherwise.

Legal Reference:	§ 84-1413 (2)
Date of Adoption:	August 14, 2018

B. Parliamentary Procedures

The rules of parliamentary procedures will serve as a guide for the Board in its deliberation when the issue in question is not covered by Board policy. All procedural matters related to motions and parliamentary procedures that are not covered by statute or ESU policy will be governed by parliamentary procedures embodied in the current edition of Robert's Rules of Order. The President shall decide all questions of order, subject to an appeal to the Board.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 12 Minutes

The Board shall keep minutes of all meetings showing the time and place, members present and absent, the substance of all matters discussed, and other matters required by law. The resignation of a Board member or any other circumstance that results in a vacancy in office shall be made a part of the minutes.

The minutes shall be prepared by the Recording Secretary immediately following the meeting. The minutes shall be written and available for inspection by the public and for distribution to the members of the Board within 10 working days, or prior to the next convened meeting, whichever occurs earlier. The minutes shall be a part of the agenda for the next regular meeting at which time they shall be corrected, if necessary, and approved. The minutes shall be kept in the office of the Administrator. The minutes are public records and are open to public inspection during normal business hours. The minutes may be kept as an electronic record.

Legal Reference:	§ 79-570 § 84-1413
Date of Adoption:	August 14, 2018

SERVICES and OPERATIONS

Section 1 Services

A. ESU Services

The ESU shall provide educational services as identified and requested by member school districts through the Advisory Committee and approved by the ESU Board.

Legal Reference:	NDE Rule 84, section 3.01
Date of Adoption:	August 14, 2018

B. Advisory Committee

The ESU 1 Board has established an Advisory Committee; which may sometimes be referred to as an Advisory Council.

1. Membership. The Advisory Committee shall be composed of representatives of each class of member districts in the ESU. The selection of the Advisory Committee members shall be determined by a process mutually acceptable to the ESU and member school districts.
2. Meetings. The Advisory Committee shall meet at least four times each school year.
3. Service Recommendations. The Advisory Committee shall provide recommendations for educational services to the ESU Board through the Administrator.
4. Review Program of Services. The Advisory Committee shall meet to review the program of services being offered by the ESU Board and to discuss and plan changes and further refinement of that program of services.

The Administrator is responsible for and is delegated the authority to, establish rules and procedures for the selection and replacement of members of the Advisory Committee and the effective operations of the Advisory Committee.

Legal Reference:	NDE Rule 84, sections 3.02; 3.04D § 79-102 (classification of school districts)
Date of Adoption:	August 14, 2018

C. Core Services to Member School Districts

Core services shall be provided to all member school districts.

Core services shall be within the following service areas in order of priority: staff development, technology, and instructional materials services.

Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting statewide requirements, and achieving statewide goals in the state's system of elementary and secondary education. Core services shall provide schools with access to services that: the ESU and its member school districts have identified as necessary services; are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources; can be efficiently provided by the ESU to its member school districts; and can be adequately funded to ensure that the service is provided equitably to the public school districts.

Core services shall be designed so that the effectiveness and efficiency of the service can be evaluated on a statewide basis. Core services shall be provided by the ESU in a manner that minimizes the costs of administration or service delivery to member school districts.

Legal Reference:	§§ 79-1204; 79-1241 NDE Rule 84, sections 9.01 and 9.02
Date of Adoption:	August 14, 2018

D. Use of Core Service Funds and Property Tax Funds

Funds distributed to the ESU for core services shall be used for core services with the approval of representatives of two-thirds of the member school districts, representing a majority of the students in those member school districts.

Funds generated by the ESU property tax shall only be used for purposes approved by representatives of two-thirds of the member school districts, representing a majority of the students in the member school districts.

The Administrator is responsible for and is delegated the authority to develop the process and procedures to obtain the required approvals, to include the following:

1. The Administrator or designees shall prepare and transmit a written proposal of core services offerings and use of the property tax levy to all member school districts each fiscal year.
2. The member school districts through their designated representatives shall indicate their approval or disapproval of the proposal within thirty calendar days after receipt of the proposal. Failure to so indicate within such time period shall be deemed approval of the proposal.
3. In the event a proposal fails to receive approval, the Administrator will consult with the designated representatives and/or the Boards of the member school districts. After such consultation, written proposals may be amended and resubmitted.

Legal Reference:	§§ 79-1241(2); 79-1242 NDE Rule 84, sections 1.04; 3.04A and B; and 9.02
Date of Adoption:	August 14, 2018

E. Services: Requests, Cost, and Payment

1. Services to Member School Districts. Services to be provided member school districts are determined by the ESU Board acting upon recommendations of the Advisory Committee and, where the service involves use of core service funds or funds generated by the ESU property tax, obtaining the requisite approval for services from member school districts.

Services are to be annually reviewed by the Administrator and Advisory Committee. Requests for new services are to be made to the Administrator and, if interest is sufficient, brought before the Advisory Committee and the ESU Board.

Services provided to any member school at no charge will be available to all member schools at no charge. Where costs are charged, the amount shall be determined in a manner that reflects the estimated actual cost that will be incurred in providing the service, including annual operational costs of the ESU. The cost of services provided to member schools at a cost shall be based on the cost of providing the service to each member school proportionate to usage. Payments shall be due at such time as established by the Board for the particular services.

2. Services to Non-Member School Districts. Services to be provided to non-member school districts are determined by the ESU Board acting upon recommendations of the Administrator. Written requests for such services shall be submitted to the Administrator.

The costs of the requested programs or services are to be based on the following:

- a. A proportionate share of the annual operational costs of the ESU must be paid by the school requesting services as a part of purchasing any one or multiple programs or services. This cost will be assessed based upon the valuation of the district divided by the total valuation of the ESU. This obtained factor will then be multiplied by the total operational cost of the ESU. The operational cost of the ESU shall include, but not be limited to the budgeted amount for the expenses of the Board, administration, central office, bookkeeping, operation of plant, and maintenance of plant.
- b. A program cost will be the proportional factor, as determined above, times the specific program budget or the calculated cost of the service, whichever is greater.
- c. A flat surcharge percentage, as determined by the board, will be applied to the above sum.
- d. Should a requesting school belong to another ESU and the other ESU extends reciprocal charges to ESU 1 schools, the charge will be limited to the calculated cost.

Payments shall be due at such time as established by the Board for the particular services.

Legal Reference:	§§ 79-1241(2); 79-1242 NDE Rule 84, sections 3.04A,B and 9.02
Date of Adoption:	August 14, 2018

F. Use of Funds from Other Sources

The Board may receive, for the purpose for which made available, any school district, county, state, or federal funds made available to it, or funds or property received from any other source. The Board may use tax revenue from the levy of the ESU for operational expenses and for the purpose of matching any funds that may be made available to it on a matching basis by any state or federal agency. The Board may utilize such personnel or services that may lawfully be offered by any state or federal agency or governmental unit.

It is the policy of the ESU to comply with the conditions of state and federal grant programs in which the ESU participates, including the conditions of the Every Student Succeeds Act ("ESSA") as applicable.

1. Authority to Sign Applications. The Administrator is authorized to sign applications for grant funds, including ESSA formula grants, on behalf of the ESU and may delegate such authority to other administrators at the discretion of the Administrator. The Administrator shall submit such applications as determined appropriate so long as acceptance of the funds does not include conditions contrary to the policies of the Board.
2. Supplement not Supplant. Federal funds shall be used to supplement, not supplant, the amount of funds or services available from non-federal sources, in compliance with the requirements of federal law. ESSA funds shall not be used to provide services otherwise required by law to be made available.
3. Equitable Allocation. Federal funds shall be used in a manner to ensure equitable allocation of resources. Staff are to be assigned and curriculum materials and instructional supplies are to be distributed to the schools in such a way that equivalence of personnel and materials is ensured among the schools in compliance with the requirements of federal law.
4. Maintenance of Effort. The ESU shall maintain fiscal effort related to ESSA programs in compliance with the requirements of federal law.
5. Resources. The procurement of resources related to ESSA programs, including contracts and purchase or service agreements for such program, shall be in accordance with the ESU's written procedures for purchasing and contracting. Purchase orders and invoices shall indicate an appropriate record of expenditures. All equipment purchased with federal funds, including those used in nonpublic and other facilities, shall be appropriately identified, inventoried, and when no longer

useful to the program, properly disposed. Resources such as staff, materials and equipment funded by Title I shall be used only for children participating in the program.

6. Maintenance of Records. Records of all federal financial and program information shall be kept for a minimum of 5 years after the start date of the project.
7. Identification of Eligible Children. The Administrator and the designees shall implement an appropriate process to identify children eligible for services provided under federal programs.
8. Coordination of Services. Title I services shall be coordinated and integrated with the regular classroom, with other agencies providing services, and with other federal, state and local programs.
9. Other Requirements. The Administrator shall take or cause other staff to take such action as required by law for the ESU to maintain compliance with ESSA and specific ESSA grant programs in which the ESU participates.

Legal Reference:	§ 79-1224; ESSA
Date of Adoption:	August 14, 2018

Section 2 Budget

A. Fiscal Year

The fiscal year for ESU 1 will be from September 1 through August 31.

Legal Reference:	§ 13-503
Date of Adoption:	August 14, 2018

B. Budget Preparation

1. Budget Statement. The Administrator shall annually prepare, in consultation with appropriate Board officers and committees, a proposed budget statement on forms prescribed and furnished by the auditor and present it to the Board. The proposed budget statement shall be made available to the public prior to publication of the notice of the public hearing on the proposed budget statement.
2. Budget Contents. The budget for the operation and maintenance of the ESU for the ensuing year shall itemize the contemplated expenditures and the expected revenue from taxation received by the ESU from available federal, state, and county sources, from contractual revenue from school districts, and from all other agencies and sources. Upon approval by the governing body, the budget shall be filed with the auditor.

3. **Public Hearing.** The Board shall each year conduct a public hearing on its proposed budget statement in accordance with law. A summary of the prepared yearly budget of the ESU shall be published one time in a legal newspaper published in or of general circulation in each county in the ESU at least five days before the meeting at which the budget is considered for adoption by the Board. Such publication shall also specify the date, time, and place of the public hearing at which the budget will be considered and any tax levy made.
4. **Filing Budget.** Upon approval by the Board, the budget shall be filed with the auditor.

Legal Reference:	§ 13-503; § 13-506; § 79-1226; § 79-1227
Date of Adoption:	August 14, 2018

Section 3 Reports, Evaluations and Audits

A. Report of Yearly Activities

The Board shall cause to be published by November 1 of each year a brief report of the yearly activities of the Board. The report shall include the amount of revenue received and expenditures itemized by categories. This publication shall be for one time in a newspaper of general circulation distributed in each county in the ESU. A copy of the report shall be distributed to each member school district by November 1 of each year.

Legal Reference:	§ 79-1228
Date of Adoption:	August 14, 2018

B. Annual Program Report

An annual written program report on the various programs of service to schools for the past year shall be provided by the Administrator to the ESU Board, to member school districts and to the Nebraska Department of Education by November 1 of each year.

Legal Reference:	NDE Rule 84.003.03
Date of Adoption:	August 14, 2018

C. Evaluation of Programs and Services

The Administrator shall ensure that a comprehensive evaluation of the programs and services of the ESU is conducted at least once in every seven year period using models approved by the Nebraska Department of Education (NDE) and as scheduled by the NDE.

The evaluation shall include an on-site visitation by an external team. The membership of the team shall be mutually agreed upon by the Administrator and the NDE. The External Team shall be a group of persons, not employed by the ESU or in schools served by the ESU, who conduct the on-site evaluation visit as required by NDE regulations.

Legal Reference:	NDE Rule 84.007
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Date of Adoption:	August 14, 2018
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D. Submission for Accreditation

The Administrator shall ensure that an application for accreditation is completed and submitted on or before November 1 of each year to NDE and that such other action is taken as necessary to maintain accredited status.

Legal Reference:	§ 79-1204 NDE Rule 84.004
Date of Adoption:	August 14, 2018

E. Annual Financial Report

On or before January 31, of each year, the Administrator shall submit to the Commissioner of Education an annual financial report showing: (a) the amount of money received from all sources during the year and the amount of money expended by the ESU during the year, (b) information as necessary to fulfill the requirements to determine the distance education and telecommunications allowance for the ESU (the costs for telecommunications services, for access to data transmission networks that transmit data to and from the ESU, and for the transmission of data on such networks paid by the ESU; the receipts from the federal Universal Service Fund; and any receipts from school districts or other educational entities for payment of such costs), and (c) such other information as the Commissioner directs.

Legal Reference:	§ 79-1229 (1) § 79-1243.01 (2)(a)
Date of Adoption:	August 14, 2018

F. Audits

A complete and comprehensive audit shall be made of the books, accounts, records, and affairs of the ESU. The audits shall be conducted annually, unless the Auditor of Public Accounts determines an audit of less frequency to be appropriate.

The ESU Board may contract with the Auditor of Public Accounts or select a licensed public accountant or certified public accountant or firm of such accountants to conduct the audit. The auditor shall meet the minimum competency standards established by the Auditor of Public Accounts. The audit shall be completed in accordance with law and the standards established by the Auditor of Public Accounts.

The original copy of the audit shall be filed in the office of the Auditor of Public Accounts within six months of the end of each fiscal year, or such earlier time as may be established by law. A copy of the annual audit report shall be provided to the ESU Board, to each member public school system on request, and to the Nebraska Department of Education by December 31.

Legal Reference:	§ 79-1229 NDE Rule 84, section 8 § 84-304.01 to .03
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	41 NAC 1 (Minimum Standards for Political Subdivision Audit Reports Required to be Filed with the Auditor of Public Accounts) 31 USCS §§ 7501 to 7507 (Single Audit Act) and OMB Circular A-133
Date of Adoption:	August 14, 2018

Section 4 Funds Management

A. System of Accounting

Uniform accounting methods shall be used for all ESU funds so as to conform to best business practice and existing guides from the Nebraska Department of Education. Monthly financial statements of the general fund accounts will be made available at each regular board meeting.

The Administrator shall be responsible for the proper use of the budget. The Administrator shall establish and operate budget controls for all departments and shall ensure administration of the budget such that funds are expended for the purposes appropriated and in conformity with legal requirements as well as the policies and actions of the Board.

Legal Reference:	
Date of Adoption:	August 14, 2018

B. Borrowing

The ESU may borrow money in amounts not to exceed the limits established by law and may execute and deliver in evidence thereof its promissory notes which it is hereby authorized and empowered to make and negotiate, bearing a rate of interest set by the ESU Board and maturing not more than two fiscal years from the date thereof. Such notes, before they are negotiated, shall be presented to the ESU Treasurer and registered with the ESU's records by the Treasurer. Such notes shall be payable out of the funds collected by the ESU in the order of their registry after the payment of prior registered warrants but prior to the payment of any warrant subsequently registered, except that if both warrants and notes are registered, the total of such registered notes and warrants shall not exceed one hundred percent of the unexpended balance of the total anticipated receipts of the general fund of the ESU for the current fiscal year and the following fiscal year. For the purpose of making such calculation, such total anticipated receipts shall not include any anticipated receipts against which the ESU has borrowed and issued notes pursuant to this section in either the current or the immediately preceding fiscal year.

In addition, the ESU may accept interest-free or low-interest loans from the state or federal government and may execute and deliver in evidence thereof its promissory notes maturing not more than twenty years from the date of execution.

Further, the ESU may enter into loan agreements for the purpose of borrowing money from financial institutions, including banks, in amounts not to exceed the limits established by law. As evidence of such borrowing, the ESU may execute and deliver one or more written loan agreements but shall not be required to execute and deliver separate promissory notes for each borrowing under such agreements. Money borrowed pursuant to such agreements shall bear interest at such rate or

rates and shall become due and be repaid as provided in such agreements. Any such agreement shall provide for repayment in full at least once each fiscal year and shall be for a term not exceeding one fiscal year. Any such agreement shall be registered upon books kept by the ESU Treasurer, and money borrowed pursuant to such agreement shall be paid out of funds collected upon the current existing levy prior to the payment of any warrant or note registered subsequent to any such loan agreement. If the ESU has any such loan agreement or agreements outstanding and has warrants or notes registered, the total amount shall not exceed the limits established by law.

All such borrowings shall require approval of the ESU Board.

Legal Reference:	§ 79-1244
Date of Adoption:	August 14, 2018

C. Depositories of Funds

The Board may from time to time designate the depository banks or other institutions or investments in which the Treasurer and officials of the ESU are authorized to deposit or invest funds of the ESU. The Treasurer and the Administrator or designee may use non-designated banks or institutions for deposit or investment when it is determined that such is required by financial exigencies or the sound protection of ESU funds; provided a report of such is made at the next following regular meeting of the Board.

The Treasurer and the Administrator or designee shall be responsible for ensuring that deposits in excess of the limits of the Federal Deposit Insurance Guaranty are secured by securities, bonds, or other means as required by law.

Legal Reference:	§§ 77-2386 to 77-23,106 (Public Funds Deposit Security Act)
Date of Adoption:	August 14, 2018

D. Coffee Act Policy (Reimbursable Expenses)

1. Workshops. Board members, employees and volunteers of the ESU are expected to maintain effectiveness by being well informed on educational and related issues and are encouraged to diligently perform their required duties, attend educational workshops, conferences, training programs, official functions, hearings or meetings which are necessary to perform required duties, sponsored by the ESU or State and national educational organizations or which are otherwise in the best interests of the ESU.
 - a. Approval to Attend. Board members are hereby given prior approval by the ESU Board to attend such functions within the State which are sponsored by this ESU, the Nebraska Association of School Boards, the Nebraska Council of School Administrators, the Nebraska Rural Community Schools Association, and similar organizations, without additional or further approval by the Board unless otherwise so determined. Upon approval by the Board or, in the case of in-state

functions, by the Administrator or the Administrator's designee, Board members are further authorized to attend other similar functions.

Employees and volunteers are authorized to attend such functions upon prior approval by the Administrator or the Administrator's designee.

- b. Reimbursement of Expenses. The ESU will pay the registration costs, tuition costs, fees or charges for attendance by Board members at such approved functions. The ESU will pay mileage at the rate allowed by law (that is, the rate established by the Department of Administrative Services) or actual travel expense if travel is authorized by commercial or charter means. The ESU will pay meals and lodging at a rate not exceeding the applicable federal rate unless a fully itemized claim is submitted substantiating the costs actually incurred in excess of such rate and such additional expenses are expressly approved by the Board.

For employees and volunteers, the ESU will pay costs and make reimbursements in the same manner as provided above for Board member attendance, unless otherwise established by policy, Board action, contract, or negotiated agreement.

2. Recognition. The Board hereby authorizes the President, Administrator or the Administrator's designee to determine when and to whom plaques, certificates of achievement, flowers or other items of value should be granted to recognize service by Board members, employees and volunteers. The maximum value of any such item to be awarded shall not exceed \$150.00. The Board may alter such maximum, but not more than once in any twelve-month period.
3. Meeting Refreshments. Non-alcoholic beverages may be provided to individuals attending public meetings. Meals may be provided to Board members, employees and volunteers attending joint meetings with other governing bodies. When the President or Administrator determines it to be in the best interests of the ESU and not in the form of a perquisite, because of timing or duration of a meeting or ESU activity, or other factors, the Board authorizes other nutritional refreshments to be provided to persons attending public meetings or in other appropriate or necessary situations.
4. Participants in Board Approved Activities. Non-alcoholic beverages and meals may be provided for individuals while performing or immediately after performing relief, assistance or support activities in emergency situations (including, but not limited to, tornado, severe storm, fire, or accident) and to volunteers during or immediately following their participation in any activity approved by the Board (including, but not limited to, mowing, picking up litter, removing graffiti, or snow removal).
5. Annual Recognition Dinner. One recognition dinner each fiscal year may be held for Board members, employees or volunteers. Such annual dinner may be held

separately for Board members, employees of each department and volunteers, or in any combination. The maximum cost per person for such recognition dinner is hereby established at \$50.00.

6. Spouses. This policy does not authorize the expenditure of public funds to pay for any expenses incurred by a spouse of a Board member, employee, or volunteer unless the spouse is also a Board member, employee or volunteer or unless the expenditure is otherwise permitted by law.
7. General. Payment or reimbursement for expenses incurred by Board members, employees or volunteers may be allowed to the extent otherwise specifically permitted by law. The authority necessary to carry out the provisions of this policy should be and is hereby delegated from the Board to the designated officials as indicated herein.

Legal Reference:	§§13-2201 to 13-2204 § 81-1176 (mileage rate)
Date of Adoption:	August 14, 2018

E. Gifts

1. Gifts to the ESU. The Board welcomes monetary and material contributions or other types of citizen contributions to the ESU. Material contributions may be rejected where not suitable to efficient use by the ESU. All donations become the property of the ESU and will be used in the interests of the ESU.
2. Gifts to Employees. Students and patrons shall not to be encouraged or coerced to give personal gifts to ESU employees in their position as employees. In the event an employee receives such a gift with a monetary value in excess of \$50, the employee is to inform the Administrator, who is then authorized to require that the employee disburse the gift to the ESU or equitably among other ESU staff serving the person making the gift.
3. Gifts by ESU Employees. ESU employees are not to give gifts to students who they serve in their employment. Exceptions are allowed for a homebound or seriously ill child, and in other cases where administrative approval is given.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 5 Purchasing

A. Authority

In order to carry out the statutory mission of the ESU, the ESU is authorized to:

1. Purchase, lease, or lease-purchase real estate, equipment, supplies, services, and personal property for its own use.

2. Either individually, or collectively with other educational service units, purchase, lease, lease-purchase, or act as purchase agent for administrative and instructional supplies, instructional equipment, instructional services, and personal property for resale only to educational entities.
3. Acquire office space by purchase out of funds appropriated to the ESU for educational purposes or rent or lease such space as may be necessary.
4. Acquire the personal property necessary for the performance of its duties.

When the ESU advertises for bids for administrative or instructional supplies, instructional equipment, instructional services, and personal property, acceptance of any bid submitted to the ESU obligates the ESU to award the contract in accordance with the plans and specifications and in the quantities set forth in the bid documents.

Legal Reference:	§§ 79-1220 and 79-1223
Date of Adoption:	August 14, 2018

B. General Guidelines

The procurement of goods and services for the ESU shall be secured in an efficient and economical manner. All legal requirements are to be followed and each purchase shall be within the mission, objectives and financial resources of the ESU. Competition between suppliers is considered to be desirable for the purpose of securing maximum value at a minimum cost.

Contracts for purchases, services, leases or rental and other agreements to encumber funds shall be made only with the approval of the Board or, where authorized, by the Administrator or designee.

Legal Reference:	
Date of Adoption:	August 14, 2018

C. Procurement Plan – Code of Conduct

ESU #1 seeks to conduct all procurement procedures in compliance with federal and state regulations and without any conflicts of interest with employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent of ESU #1 may participate in the selection, award, or administration of a contract supported by federal, state, or local funds if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No employee, officer, or agent of ESU #1 may solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

Employees, officers or agents of ESU #1 that violate these standards shall be subject to appropriate

disciplinary actions.

Legal Reference:	
Date of Adoption:	August 8, 2017

D. Purchasing Policies

The Administrator shall ensure that all purchases are made in the interest of economy and efficiency. Where necessary, standards and procedures shall be established to accomplish the following policies of the ESU Board:

1. Purchases up to \$5,000. For the greatest efficiency in expediting purchases, the administration shall be authorized to purchase any item specifically budgeted which has a sale price within the established limit.
2. Purchases from \$5,000 up to \$40,000. The Superintendent shall request the submission of proposals for purchases which have a sale price within the established limit. The Administrator shall receive and evaluate all proposals in making a recommendation to the Board for acceptance. The Board may review all proposals submitted relating to the recommended purchase. Since this is a proposal system, not a bidding process, the ESU in no way shall be obligated to arbitrarily award the contract to the lowest proposal, but shall reserve the right to reject any and all proposals or to waive any informality in any proposal it deems advisable, and to award to the proposer which, in its opinion, is most desirable.
3. Purchases of \$40,000 and above. The Administrator shall advertise for sealed bids which shall be opened in conformity with any applicable laws and in compliance with any procedures established by the Administrator. The Board retains the right to determine the responsibility of the bidders, and shall award the contract to the lowest responsible bidder meeting specifications, be the bidder a member or apart from the local community.
4. Any ESU employee who orders any supplies or equipment outside of that which has been included in the annual budget and without written authorization of the business office or Administrator shall be personally liable for payment for the supplies or equipment purchased.
5. ESU employees purchasing supplies and equipment out of an activity or grant account must first secure a purchase order from the business office authorizing the purchase. Failure to do so will cause the person to be personally liable for payment for the supplies or equipment purchased.

Legal Reference:	
Date of Adoption:	August 9, 2016

E. Credit Cared Purchasing Program

1. The ESU Board authorizes the Administrator or designee to contract with one or more financial institutions, card-issuing banks, credit card companies, charge card companies,

debit card companies, or third-party merchant banks capable of operating a purchasing card program on behalf of the ESU.

2. The Board delegates to the Administrator or designee: (a) the determination of the type of purchasing card or cards to be utilized in the ESU's purchasing card program; and (b) the determination of which employees shall be approved or disapproved to be assigned a purchasing card in the ESU's purchasing card program. The Administrator shall submit the approved names to the Board from time to time.
3. The ESU's purchasing card program may only be utilized for the purchase of goods and services for and on behalf of the ESU. No officer or employee of the ESU shall use a purchasing card for any unauthorized use.
4. An itemized receipt for purposes of tracking expenditures shall accompany all purchasing card purchases. In the event that a receipt does not accompany an authorized cardholder's purchase, the Administrator or designee shall temporarily or permanently suspend said cardholder's purchasing card privileges.
5. Upon the termination or suspension of employment of an individual using a purchasing card, the Administrator or designee shall immediately close such individual's purchasing card account and said employee shall immediately return the purchasing card.

Legal Reference:	Neb. Rev. Stat § 13-610
Date of Adoption:	August 9, 2016

F. Involvement of Staff

Employees directly responsible for the use of particular supplies, materials, equipment or services shall on request provide the Administrator or designee input with regard to needs and specifications, through a requisition process or as otherwise established by the Administrator. Such input shall be considered in making purchasing decisions. Teachers are not, however, to receive sales calls during the instructional day without authorization from the Administrator or designee.

Any employee who orders any supplies or equipment outside of that which has been included in the annual budget or without written authorization of the Administrator or designee shall be personally liable for payment of the order.

Legal Reference:	
Date of Adoption:	November 11, 2008

G. Construction Projects

The ESU shall bid every project for the construction, remodeling, or repair of any building or for site improvements when the contemplated expenditures for the project is in excess of \$100,000.00, or such sum as adjusted pursuant to §73-106. The bidding procedures shall comply with the requirements of state law and shall include the following:

1. Notice to Bidders. The Administrator or designee shall prepare a notice to bidders containing a general description of the scope of the project being bid; the location of the project; the means of obtaining project documents, including plans and specifications; the date and hour bids will close; and the date, hour and place bids are to be returned, received and opened, and a provision that such bids will be immediately and simultaneously opened in the presence of the bidders or representatives of the bidders.
2. Regular Manner of Advertisement for Bids. The notice to bidders shall be published one time in a newspaper of general circulation in the ESU. The notice shall be published at least seven (7) days prior to the date designated for the opening of such bids. The Board or Administrator may, in their sole discretion, elect to utilize further advertisement for bids as it may determine appropriate to secure a sufficient number of qualified bidders for the scope of the project.
3. Bid Opening. When the hour is reached for such bids to close, bids will be immediately and simultaneously opened in the presence of the bidders or representatives of the bidders.
4. Contract Award. The contract shall be awarded to the lowest responsible bidder as and to the extent required by law. When not so required, the award shall be made on the basis of consideration of the contract award criteria set forth in Board Policy for purchases of equipment, materials and supplies.
5. Performance and Payment Bonds. Whenever any contract is entered into for the erecting, furnishing, or repairing of any building or other public structure or improvement, the contractor shall be required, before commencing such work, to furnish a performance, labor and material payment bond. The bond requirement shall not apply, however, to any project bid or proposed which has a total cost of \$10,000 or less unless the Board or Administrator includes a bond requirement in the specifications for the project. The bond shall be in an amount not less than the contract price. The bond shall be conditioned on the faithful performance of the contract and the payment by the contracting party of all laborers and mechanics for labor that is performed and of all material and equipment rental that is actually used or rented in connection with the improvement project and the performance of the contract. Such bond shall contain such provisions as are required by statutes, and be in a form prescribed and required by the ESU.
6. Retention of an Architect or Engineer. The ESU shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or those under the direct supervision of an architect or professional engineer; provided that such requirement shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed One Hundred Thousand Dollars (\$100,000), as adjusted from time to time by § 81-3445 or other applicable law.

7. Additional Procedures. Each bid for which a labor and material bond is required shall be accompanied by a bid bond or certified check in the amount of five percent (5%) of such bid unless the Board or Administration waives such requirement. The Board or Administration may provide for additional procedures for the procurement, opening and acceptance of bids as deemed appropriate for a particular project.

Legal Reference:	§ 52-118 (construction performance and payment bonds) § 73-101 to § 73-106 (bidding construction projects) § 81-3445 (architect or engineer)
Date of Adoption:	August 14, 2018

H. Equipment, Materials and Supplies

1. Purchases up to \$10,000 Open Market. The Administrator or designee shall be authorized to purchase any item specifically budgeted up to \$10,000 in the open market. Official action by the Board shall be requested by the Administrator where it is required by law or in those instances where it appears to be in the best interests of the ESU. The purchase of items in excess of \$10,000 shall require Board approval.

Open market orders and contracts for the purchase of equipment, materials and supplies shall be awarded based on the following criteria:

- a. Quality of product.
- b. Suitability of product.
- c. Equality of price (or fairness of price).
- d. Conformance to specifications.
- e. Convenience of delivery.
- f. General reputation of business firms.
- g. Services to be provided to the ESU by supplier.
- h. Established relationship between supplier and the ESU.
- i. Ability to provide the goods or services under question.
- j. Ability to provide replacement parts for the goods to be purchased.
- k. Warranties offered on products.
- l. Adherence to State Law and Federal Regulations.
- m. Any other stipulations set forth in Board policy or by Board action with regard to purchasing decisions.

Local purchases will be preferred whenever the foregoing factors are considered to be substantially the same.

2. Purchases from \$10,000 up to \$40,000—Solicit Proposals. The Administrator or designee shall request the submission of bids, quotes or proposals for purchases, which have a cost from \$10,000 up to \$40,000. The Administrator or designee shall receive and evaluate all proposals and make a recommendation to the Board for

acceptance. The Board reserves the right to reject any and all proposals, to waive any informality in any proposal, and to accept the proposal that it deems best serves the interests of the ESU; which may or may not be the lowest cost proposal.

3. Purchases of \$40,000 and above—Sealed Bids. The Administrator or designee shall advertise for sealed bids for purchases which have a cost of greater than \$40,000.
- i. Bid instructions and specifications. The Administrator or designee shall prepare bid instructions that are clear and complete and conducive to competitive bidding. The bid instructions shall set forth all considerations necessary to bid and be consistent with any guidelines established by the Board.
 - ii. Advertisement. The notice to bidders shall be published appropriately in a manner that will allow for competition. Vendors and suppliers shall be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed or made available to all vendors or suppliers who have indicated an interest in bidding.
 - iii. Sealed bids. Bids must be submitted in sealed envelopes, addressed to the Board, and plainly marked with the name of the bid and the time of the bid opening.
 - iv. Withdrawal of Bids and Late Bids. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered.
 - v. Bid Opening. Bids shall be opened at the time specified and all bidders and other persons shall be invited to be present. After the bids have been opened and tabulated, they shall be available for those interested to copy or study. They shall not, however, be removed from the ESU's offices.
 - vi. Right to Reject. The Board reserves the right to reject any or all bids and to accept the bid which appears to be in the best interest of the ESU. Each bid notice should carry the notification that the ESU reserves the right to accept or reject any or all bids.
 - vii. Right to Waive Bid Formalities. The Board reserves the right to waive any informality in, or reject any or all bids, or any part of any bid, as consistent with law.

Legal Reference:	
Date of Adoption:	August 14, 2018

F. Book Contracts

Contracts for the purchase of textbook units shall require the publisher or manufacturer to provide to the ESU, at no cost, (a) computer files or other electronic versions of each textbook title purchased and (b) the right to transcribe, reproduce, modify, and distribute each textbook title purchased in Braille, large print if the publisher or manufacturer does not offer a large-print edition,

or other specialized accessible media exclusively for use by students in the same school district or educational service unit who are blind or visually impaired.

Such contracts shall also provide that: (a) within 30 days after receiving a request, the publisher or manufacturer shall provide computer files or other electronic versions of each textbook title purchased to the ESU; (b) the computer files or other electronic version shall maintain the structural integrity of the standard instructional materials, be compatible with commonly used Braille translation and speech synthesis software, and include corrections and revisions as may be necessary; (c) if the technology is not available to convert a math, science, or other nonliterary textbook into the format prescribed, the publisher or manufacturer shall not be required to provide computer files or other electronic versions of the textbook; and (d) upon the willful failure of the publisher or manufacturer to comply with the requirements of the contract, the publisher or manufacturer shall reimburse the ESU for the cost of creating such computer files or electronic versions.

Legal Reference:	§ 79-734.01
Date of Adoption:	August 14, 2018

G. Services

Contractual services which by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of professional skill, where the ability or fitness of the individual plays an important part, are not subject to the competitive bidding process.

Every contract for services to be provided to the ESU shall require that the contractor use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska. Such requirement shall be deemed to be included and a part of the terms of every contract for services with the School District, including but not limited to oral contracts.

Contractual services which are determined to be suitable for competitive bidding, quotations, or proposals, will be awarded using the same procedures and criteria as established for the purchase of equipment, materials and supplies.

Legal Reference:	Neb. Rev. Stat. § 4-114
Date of Adoption:	August 14, 2018

H. Lease-Purchase

The Administrator or designee may enter into lease-purchase agreements on behalf of the ESU when the total commitment is below \$20,000. Lease-purchase agreements in excess of such amount require Board approval.

Legal Reference:	
Date of Adoption:	August 14, 2018

I. Rebates to Employees or Board Members

No employee or Board member shall receive a rebate, commission, expense-paid trip, or anything of value from individuals or companies from which the ESU makes purchases without administrative approval. In cases that directly involve the Administrator, the Board shall be notified for approval.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 6 Conflicts of Interest

A. Use of Public Resources by Board Members and Employees

Restrictions on Use

No Board member or employee of ESU 1 shall use or authorize the use of his or her public office or any confidential information received through the holding of the public office to obtain financial gain, other than compensation provided by law, for himself or herself, a member of his or her immediate family, or a business with which the individual is associated.

No Board member or employee shall use or authorize the use of ESU personnel, resources, property, or funds under his or her official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items, other than compensation provided by law, for personal financial gain.

No Board member or employee shall use or authorize the use of ESU resources for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. For purposes of this restriction, “ESU resources” means personnel, property, resources, or funds under the official care and control of the Board member or employee.

Authorized Uses

The uses described below are not authorized by employees, and violate this policy, where an employee’s use: (1) interferes with the conduct of ESU business; (2) interferes with the performance of the employee’s duties and responsibilities; (3) is contrary to another Board policy or a rule or directive set forth in an employee handbook or other employee communication device; (4) is contrary to a supervisor’s directive; or (5) the use is for the employee’s personal financial gain or potential for personal financial gain.

Incidental or De Minimis Use: Use of ESU resources by a Board member or employee which is incidental or de minimis does not constitute a violation of this policy.

Personal Use as Part of Compensation: Use of ESU resources for personal purposes is authorized by this policy if:

1. the use of the resource for personal purposes is part of the employee's compensation provided in an employment contract or is consistent with this policy; and
2. the personal use of the resource as compensation is reported in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid by the affected employee.

Employees who engage in such personal use shall, upon request of the Board or the administration, provide evidence to establish that the compensation has been reported and taxes paid as required by the Tax Code.

Communication Devices: A Board member or employee may use a telecommunication system, a cellular telephone, an electronic handheld device, or a computer under the control of the ESU for email, text messaging, a local call, or a long-distance call, to a child at home, a teacher, a doctor, a day care center, a baby-sitter, a family member, or any other person to inform any such person of an unexpected schedule change or for other essential personal business. Any such communication shall be kept to a minimum and shall not interfere with the conduct of ESU business or the performance of an employee's duties.

A Board member or employee shall be responsible for payment or reimbursement of charges (e.g. long distance charges), if any, that directly results from any such communication. The Board member or employee shall promptly report any such communication that results in an expense to ESU #1 to the Administrator or the Administrator's designee. The Administrator or the Administrator's designee shall establish procedures for reimbursement of charges incurred as a result of such communications.

Use of the District's Internet system for such communications shall not be permitted to the extent such use violates the terms of the E-Rate program, which restricts use of the Internet system to "educational purposes."

Election Issues: A Board member or the Administrator, in the normal course of his or her duties, may use ESU resources to research and prepare materials to assist the Board in determining the effect of a ballot question on the ESU.

Mass mailings, mass duplication, or other mass communications at ESU expense for the purpose of qualifying, supporting, or opposing a ballot question is not permitted. Mass communications does not include placing public records demonstrating the consequences of the passage or defeat of a ballot question affecting the ESU on its existing websites.

A Board member or employee may campaign for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate when no ESU resources are used. An employee shall not engage in campaign activity for or against the qualification, passage, or defeat of a ballot question or the nomination or election of a candidate while on duty time.

A Board member or authorized employee may make ESU facilities available for campaign purposes if the identity of the candidate or the support for or opposition to the ballot question is

not a factor in making the facilities available or a factor in determining the cost or conditions of use.

The ESU Board may discuss and vote upon a resolution supporting or opposing a ballot question.

A Board member may respond to specific inquiries by the press or the public as to his or her opinion regarding a ballot question or provide information in response to a request for information.

A Board member or employee may identify himself or herself by his or her official title when communicating about a ballot question. Employees who do so shall clearly communicate that their communication is their personal opinion and does not reflect the position or views of the Board or the ESU unless express authorization is given by the Board or the Administrator.

Legal Reference:	Neb. Rev. Stat. §§49-14,101.01 and 49-14,101.02
Date of Adoption:	August 14, 2018

B. Interest in Contracts

Any contract whether oral or written, formal or informal, and including open accounts, is voidable if a member of the Board is directly or indirectly interested in the contract and legal reporting, and disclosure and abstention requirements are not met. Board members with such an interest shall therefore:

1. Make a declaration on the record regarding the nature of the interest prior to official consideration of the contract.
2. Not participate in consideration or discussion of the contract.
3. Not vote on the granting of the contract. Provided, if the number of members of the Board declaring an interest in the contract would prevent the Board with all members present from securing a quorum in the issue, then all members may vote on the matter.
4. Not in any way participate in the inspection, operation, administration or performance under the contract on the part of the ESU.

Legal Reference:	§ 49-14,103.01
Date of Adoption:	August 14, 2018

C. Other Conflict of Interest

Members of the Board shall abstain from voting on matters on which they may have a conflict of interest. A conflict of interest for this purpose means a decision in the discharge of duties that may cause financial benefit or detriment to the Board member, a member of the Board member's immediate family (which means a child residing in the Board member's household, a Board member's spouse or an individual claimed by that Board member or the Board member's spouse as a dependent for federal income tax purposes), or a business with which the Board member is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public.

The Board member with such a conflict of interest shall take the following actions as soon as the Board member is aware of such potential conflict or should reasonably be aware of such potential conflict, whichever is sooner:

1. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict; and,
2. Deliver a copy of the statement to the Secretary of the Board, who shall enter the statement into the public records of the ESU.
3. Take such action as the Commission shall advise or prescribe to remove the Board member from influence over the action or decision in the matter.

A Board member shall nonetheless not be prevented from making or participating in the making of an ESU-related decision to the extent that the Board member's participation is legally required for the action or decision to be made. In such event, the Board member shall report the occurrence to the Commission. Nor shall a conflict of interest of a Board member prevent a Board member from serving on the Board or restrict the hiring or purchasing practices of the ESU.

To assist in compliance with the conflict of interest policies and laws, the Administrator or the Administrator's designee, shall provide each Board member with copies of state statutes of Nebraska pertaining to conflicts of interest at the organizational meeting in January of each year. In addition, any newly appointed or elected Board member shall be provided such statutes.

Further, when possible, the Administrator or the Administrator's designee shall provide each Board member with a list of financial matters on the agenda to come before the Board at the next regular meeting in sufficient detail to allow the Board member to identify potential conflicts of interest and report and receive advice from the Commission.

Legal Reference:	§ 49-1425; § 49-1499; § 49-14,101; § 49-14,102; § 49-14,103; § 49-103.01; § 49-14,103.02; § 49-14,103.03; § 49-14,103.04; § 49-14,103.05; § 49-14,103.06
Date of Adoption:	August 14, 2018

D. Reporting Procedures

Any Board member who has a direct or indirect interest in a formal contract entered into with the ESU, or an open account, shall provide the Administrator with the following:

1. Names of the contracting parties.
2. Nature of the interest of the Board member.
3. Date that the contract was approved by the Board.
4. Amount of the contract.
5. Basic terms of the contract.

The above information shall be provided to the Administrator no later than ten (10) days after the contract has been signed by both parties. Such information shall be kept on a ledger, and shall be retained in the ledger for five (5) years from the date of the last day in office of the Board member.

The ledger kept by the Administrator shall be available for public inspection during the normal working hours.

In the case of open accounts, the above information shall be filed within ten (10) days after the account is opened and thereafter the Board member shall file a revision to the statement within ten (10) days of each payment on the account specifying the date and amount of the payment.

Legal Reference:	§ 49-14,103.02
Date of Adoption:	August 14, 2018

Section 7 Management of Property

A. Community Use of ESU Facilities

ESU facilities are primarily intended for the ESU's mission and programs. ESU facilities are, however, made available for use by outside groups to further the interests of the ESU and the community. Use by non-ESU groups is allowed pursuant to an application process and is subject to the terms and conditions set forth in this policy.

1. Application for Use.

Outside groups that wish to use ESU facilities must submit a completed Application for Use form signed by a representative of the outside group who has authority to commit the outside group to the terms and conditions of the Application. The outside group, as Applicant, shall specify the nature of the intended use, the dates and times of the requested use, and the facilities for which use is requested.

The form shall be developed by the administration. The form shall include the statement that:

This application is subject to the terms of the Board's "Community Use of ESU Facilities" policy. The terms and conditions of that policy are incorporated into this application by this reference. Applicant accepts all such terms and conditions.

2. Acceptance of Application for Use.

Acceptance or rejection of applications shall be the responsibility of the Administrator or the Administrator's designee.

Applications shall not be rejected for any unlawful reason, including unlawful discrimination 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 in its programs and activities, or other protected status in its programs and activities, and including the applicant's legally protected exercise of constitutional or statutory rights.

The ESU's facilities are designated as nonpublic forums. Accordingly, applications shall not be accepted for:

- a. Uses that may conflict with or that disrupt the ESU's programs.
- b. Uses inconsistent with the mission of the ESU.
- c. Uses that present an unacceptable risk that the conditions of use set forth in this policy will not be adhered to; either due to the nature of the requested use or the character of the group or individuals within the group.
- d. Uses that present an unacceptable risk of damage or unacceptable wear and tear to facilities or equipment.

- e. Uses for outside commercial activities except with approval of the Board; and except for camps and other activities for high school students subject to and consistent with Bylaws of the Nebraska School Activities Association.
- f. Uses that involve gambling or games of chance.
- g. Uses that involve a group or activity which advocates or condones the violent overthrow of the Constitution or of the government.
- h. Uses that involve the meetings of secret clubs not open to members of the public.
- i. Non-community type uses such as wedding receptions, slumber parties, personal use and similar activities.

Applications for use of facilities may be denied based on unsuitability of the date or time of the requested use. Facilities will generally not be available for community use at times when ESU staff are not available to monitor the Applicant's use, such as on legal holidays; before 7:00 a.m.; after 10:00 p.m. and Sunday mornings prior to Noon.

Leases of ESU facilities require approval of the Board. As such, Applications that request long-term use of facilities in the nature of a lease will be denied.

Applications may be denied based on the determination of the Administrator or the Administrator's designee that the Applicant does not have the financial ability or financial responsibility to pay fees or expenses or to reimburse the ESU for any damages that may be sustained to facilities or equipment or any liability that may be created by the use.

When an Application conflicts with another Application, the Applications will be accepted according to the following priority order:

- a. Events or activities that are designed to serve member schools or which are related to any function of the ESU, including approved ESU-community associations and ESU-affiliated non-profit groups.
- b. Tax-supported agencies such as educational entities or units of city, county or state government.
- c. Nonprofit community agencies such as private educational agencies.
- d. Groups where the majority of the members reside within the ESU.

For use conflicts within each group, priority will be given to the first to submit their Application; provided that the Administrator or the Administrator's designee may approve an Application that is not first-filed if the other Applicant's use could be feasibly changed to a non-conflicting time or area.

Applications that are accepted may not be assigned or transferred to another outside group.

Applications that are accepted are subject to cancellation by the Administrator or the Administrator's designee. Cancellation will occur in the event the administration reasonably determines:

- a. Any of the reasons for non-acceptance of an application exist.

- b. The Applicant fails to meet any term or condition required prior to the use. This includes but is not limited to failure of the Applicant to pay required fees or deposits or failure to show evidence that any required insurance is in place.
- c. Circumstances make the use unsuitable. This includes but is not limited to:
 - i. The condition of the facilities being unsafe. For example, the presence of snow, ice, fallen limbs or other potential hazards that the ESU would not otherwise clear prior to the activity or event. The Applicant may request that the ESU clear the hazards such that it may proceed with its activity or event. If the ESU agrees to do so, the Applicant shall be responsible for all costs incurred by the ESU in clearing the hazard.
 - ii. ESU staff being unavailable to monitor the use or to provide set-up or clean-up services where the ESU has accepted responsibility for such.
 - iii. The need to use the facilities for an ESU activity or purpose.

Generally, if the ESU office is closed on the date of the Applicant's intended use due to inclement weather or hazardous conditions, the Applicant's use will be cancelled.

The Applicant shall remain responsible for fees or expenses, and any deposit that has been received by the ESU shall be forfeited and be kept by the ESU, if cancellation occurs because of the fault of the Applicant. Otherwise, the ESU will return any deposit that has been received by the ESU. The ESU will in no event be responsible for any damages, expenses, or losses incurred by the Applicant or any person arising from the cancellation.

An Applicant may withdraw its Application at any time prior to acceptance. An accepted application may be withdrawn by the Applicant, subject to approval of the Administrator or the Administrator's designee. Approval is subject to the conditions that the Applicant has given reasonable advance notice (ordinarily, at least 48 hours) and that the Applicant reimburse the ESU for any expense the ESU has incurred.

3. Conditions of Use.

The conditions for use are as follows:

- a. Compliance. Applicant agrees to:
 - i. Comply with all local, state and federal laws, including health and fire codes.
 - ii. Comply with Board policies concerning non-discrimination and the use of ESU facilities.
 - iii. Comply with reasonable administrative rules related to use of facilities and the requests of ESU officials related to the Applicant's use of the facility.
- b. Disclaim ESU Sponsorship. The ESU does not sponsor or endorse the Applicant or the activity or event conducted by the Applicant. To ensure that the public understands this fact, the Applicant agrees to not make any statements suggesting such sponsorship and to publish statements of non-ESU sponsorship in such form and manner as the administration may request.

- c. Supervision. Applicant agrees to provide appropriate supervision of the activity or event in all respects, including supervision reasonably necessary to ensure that no person participating in or attending the activity or event:
- i. Is presented with conditions that pose an unreasonable risk of personal injury or damage to personal property.
 - ii. Enters any area of the ESU facilities that the Applicant has not been given permission to use, or accesses any ESU records.
 - iii. Engages in the use of tobacco, alcohol, or illegal drugs, or is under the influence of alcohol or illegal drugs.
 - iv. Possesses a firearm or a weapon.
 - v. Engages in disorderly, lewd, or lascivious conduct.
 - vi. Engages in any criminal behavior.

Applicant shall remove any person from the activity or event who engages in any of the above listed conduct. Applicant agrees to report to the ESU administration by the close of the next business day the identity of any person who engaged in any of the above listed conduct and the details of the conduct. If the offending person is a student, the report shall be made immediately.

In the event the ESU administration determines that the nature of the activity or event warrants the presence of security services, Applicant agrees to provide such security services.

Applicant agrees to ensure that all persons attending its activity or event are off ESU grounds at the end of its time of permitted use, except for ESU staff or others who are authorized to remain for an ESU-related purpose.

- d. Condition of Premises. Applicant agrees to:
- i. Conduct a reasonable inspection of the premises prior to the activity or event to ensure that the premises are safe for the intended use. In the event of any unsafe condition, Applicant shall notify an administrator. In the event the unsafe condition is not corrected prior to the activity or event, the Applicant shall postpone or cancel the activity or event.
 - ii. Not use or allow any ESU equipment to be used without express approval of ESU administration.
 - iii. Not bring or allow others to bring food or beverages on to ESU grounds without express approval of ESU administration.
 - iv. Not bring or allow others to bring or use any flammable items (including candles or incense) or any volatile chemical or any explosive.
 - v. Not use any electrical equipment that has been brought onto the premises without express approval of ESU administration.
 - vi. Not allow the wearing of street shoes or shoes with black soles on gym floors or other protected surfaces.
 - vii. Not cause or allow others to cause damage to ESU facilities or equipment.

1. In the event damages are sustained, Applicant accepts responsibility for reimbursing the ESU for the cost of repair or replacement.
 2. Applicant agrees that the ESU administration's determination that damage was sustained in connection with the Applicant's use, and of the cost of repair or replacement, is controlling.
 3. Applicant shall immediately report to the ESU administration any damage to ESU facilities or equipment that occurs during the Applicant's use of ESU facilities that may present a risk of injury to students or any subsequent users. Any other damage shall be reported by the close of the next business day.
- viii. Return the facilities in as good a condition as it was prior to use. This includes, without limitation, cleaning, removal of trash, and returning tables and chairs and other ESU property to their proper location. The clean-up shall be promptly completed. In the event the ESU provides the clean-up service, Applicant agrees to reimburse the ESU for the cost of such clean-up.
- ix. Remove any property brought in by the Applicant and by any person attending the activity or event. The ESU is not responsible for any personal property that is left on the premises.

e. Financial Responsibility. Applicant agrees to:

- i. Procure, at its own expense, a Comprehensive General Liability insurance policy naming the ESU as an additional insured. This policy shall be written with a minimum of \$1,000,000 Combined Single Limit per occurrence. A Certificate of Insurance evidencing coverage must be submitted prior to the Applicant's use.
- ii. The insurance requirement is subject to waiver by the Administrator or the Administrator's designee where the intended use presents very little potential for injury or damage and the activity or event is designed to serve the ESU's staff or member schools or students of member schools.
- iii. Indemnify and hold the ESU, the Board, ESU employees and agents of the ESU harmless from any and all claims, demands, causes of action, or lawsuits for any death or personal injury or damage to property sustained during, caused by or arising out of the Applicant's use of ESU facilities.

4. Fees for Use.

The Administrator or Administrator's designee shall establish a daily use fee schedule that establishes rates for specific parts of the ESU facilities. The rates shall be reviewed on a periodic basis; with the review to occur no less than every two years.

The fee rates shall be in an amount sufficient to cover estimated staff time and direct costs associated with:

- a. Processing. Cost of processing the Application, postage, invoicing and coordination of the use.

- b. Access. Cost of providing access; such as unlocking doors before use and locking after use, turning lights on and off, and disarming/re-arming security systems.
- c. Custodial. Cost of providing custodial or maintenance services to prepare the facility for the use and for clean-up after the use.
- d. Kitchen. Cost of providing access to the kitchen facilities; as ordinarily any permitted use of the kitchen will require the presence of a member of the ESU responsible for the food service area.
- e. Special Equipment. Cost of making special equipment available such as sound and lighting set-up; as ordinarily any permitted use of special equipment will require the presence of a member of the ESU staff who is familiar with proper use of the equipment.
- f. Monitoring. Cost of administrative or other professional staff to monitor the Applicant's use to ensure compliance with the terms and conditions of the permitted use.
- g. Security. Cost of providing security services when determined to be needed for the activity or event.

The fee schedule shall be applied evenly to all Applicants, with two exceptions:

- a. A different fee may be assessed where the Administrator or Administrator's designee reasonably determines that the Applicant's use will require staff time or cause direct costs different than those used in establishing the fee schedule.
- b. A fee waiver or reduced fee rate shall be given for use where the activity or event is designed to serve the ESU's staff or member schools or students of member schools.

Legal Reference:	
Date of Adoption:	August 14, 2018

APPLICATION FOR USE OF ESU FACILITIES

Name of Organization Making Request: _____ Date: _____

Type of Organization and Type of Activity or Event

_____ Event or activity that is designed to serve the ESU's staff or member schools or students of member schools. *Describe:*

_____ Tax-supported agency such as educational entity or unit of city, county or state government. *Describe:*

_____ Nonprofit community agency such as a private educational agency. *Describe:* _____

_____ Group in which the majority of the members reside within the ESU. *Describe:* _____

_____ Other. *Describe:* _____

Facilities Requested. Building: _____ Areas: _____

Dates & Times Requested:

Dates (From – To)	Time (From – To)	Repeating	# Wks.
_____	_____	Yes No	_____
_____	_____	Yes No	_____
_____	_____	Yes No	_____

Details of Use (Attach an additional explanation if needed)

Describe the Type of Activity or Event: _____

No. of Anticipated Users and Spectators: _____ Concessions/Food Served: Yes No Describe: _____

Set Up or Tear Down Required by ESU: _____

Type of Cleaning Required During and Afterwards: _____

Special Equipment to be Used (ESU & Organization): _____

Fees (To Be Completed by Administrator or Designee)

Type	Amount
Processing	_____
Access	_____
Custodial	_____
Kitchen	_____
Special Equipment	_____
Monitoring	_____
Security	_____
Total	_____

Advance Deposit	\$ _____
Date Deposit Due	_____

Applicant shall procure, at its own expense, a Comprehensive General Liability insurance policy naming the ESU as an additional insured. This policy shall be written with a minimum of \$1,000,000 Combined Single Limit per occurrence. A Certificate of Insurance evidencing coverage must be submitted prior to the Applicant's use.

Insurance requirement waived: Yes No (for ESU official to complete)

Policy Compliance and Acceptance of Liability

This application is subject to the terms of the Board's "Community Use of ESU Facilities" policy. The terms and conditions of that policy are incorporated into this application by this reference. Applicant accepts all such terms and conditions.

We have read, understand and agree to abide by the policies, rules and conditions on the use of these facilities on this form and in Board Policy. We understand that we are accepting the use of the facility from the ESU with no assurances or guarantees relative to their condition. It shall be our responsibility to check the facility to see that it is safe for our intended use. We take full responsibility for the facilities while they are being used by our group and will make full restitution for any and all damages which may occur while our group is using the facility. We agree to indemnify and hold the ESU harmless for any and all accidents and injuries to ourselves or others while we are using the facility regardless of the negligence of the ESU or its personnel. We assume full responsibility and liability for any injuries.

Name, Position

Signature

Date

Name, Position

Signature

Date

B. Tobacco

The use of tobacco products is prohibited in all buildings and all vehicles owned or under the control of the ESU. Smoking is also prohibited in any outdoor areas where others may be affected by smoke, including areas near the entry of buildings.

For purposes of this policy, tobacco means any tobacco product (including but not limited to cigarettes, cigars, and chewing tobacco), vapor products (such as e-cigarettes), alternative nicotine products, tobacco product look-alikes, and products intended to replicate tobacco products either by appearance or effect. This does not preclude adults from wearing non-visible nicotine patches, or using nicotine gum without displaying the product container, as part of a smoking cessation program.

Legal Reference:	§§ 71-5716 to 71-5734
Date of Adoption:	August 14, 2018

C. Weapons

No person shall bring or possess a firearm or any other dangerous weapon on any facility or in any vehicle owned or under the control of the ESU. This prohibition includes persons with a permit to carry a concealed handgun.

Legal Reference:	§ 69-2441
Date of Adoption:	August 14, 2018

D. Trespassers

Restrictions on the use of ESU 1 buildings and property within the control of the ESU may be implemented by administrative action. The Board gives the Administrator and all administrative staff and their designees' full power and authority to implement and enforce restrictions on access to such property and to issue no trespassing commands and stay away/no trespassing letters. Such action shall be taken consistent with constitutional and other legal rights.

The Administrator and all administrative staff and their designees shall have full power and authority to direct any individual or group to leave any ESU building and any property within the control of the ESU and to stay away where such individual or group:

1. has failed to comply with identification or check-in procedures,
2. is determined by such administrators or designees to not have a legitimate purpose to be on the property, or
3. is determined by such administrators or designees to present a risk to the safety of building users (for example, if the person is a registered sex offender) or a risk of disruption to the operations or programs of the ESU.

A refusal to leave or stay away as directed will be considered trespassing and shall be reported by the administrators or their designees to proper law enforcement authorities.

Legal Reference:	§§ 28-520 to 28-522
Date of Adoption:	August 14, 2018

E. Distribution of Materials

Distribution of printed or other material on ESU property is prohibited if such distribution:

1. Interferes or reasonably can be forecast to interfere with the ESU's operations;
2. Involves offensive material (obscene, profane, abusive, advocates or promotes violence or action contrary to the mission of the ESU); or
3. Is primarily commercial or business advertisement or solicits funds.

Distribution of materials inside ESU buildings must have prior authorization from the Administrator or designee.

Legal Reference:	
Date of Adoption:	August 14, 2018

F. Bulletin Boards and Web Page

ESU bulletin boards and electronic media (web page) and other communication devices are maintained for the purposes of conveying information about ESU activities and programs and for educational purposes related to such activities and programs. The ESU's communication devices are designated as non-public forums, meaning that the devices are not open for public use.

Information posted or displayed on the ESU's communication devices may not include political advertising, communications promoting particular religious beliefs, controversial topics or positions not consistent with the mission of the ESU, or communications that promote activities not suitable for school-age children.

Any website links on the ESU web page that are permitted to be posted shall not be considered to be endorsed or sponsored by the ESU. The ESU makes no representations or warranties of any kind with regard any such links.

Legal Reference:	
Date of Adoption:	August 14, 2018

G. Internet Safety Policy

It is the policy of the ESU to comply with the Children's Internet Protection Act (CIPA) and Children's Online Privacy Protection Act (COPPA). With respect to the ESU's computer network, the ESU shall: (a) protect against user access to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications; (b) provide for the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; (c) protect against unauthorized access, including so-called "hacking," and other unlawful activities online; (d) protect against unauthorized online disclosure, use, or dissemination of personal identification information of minors; (e) obtain verifiable parental consent before allowing third parties to collect personal information online from students; and (f) implement measures designed to restrict minors' access to materials (visual or non-visual) that are harmful to minors.

1. Definitions. Key terms are as defined in CIPA. “Inappropriate material” for purposes of this policy includes material that is obscene, child pornography, or harmful to minors. The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that: (1) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; (2) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and (3) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.
2. Access to Inappropriate Material. To the extent practical, technology protection measures (or “Internet filters”) shall be used to block or filter Internet, or other forms of electronic communications, access to inappropriate information. Specifically, as required by the CIPA, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to staff supervision, technology protection measures may be disabled or, in the case of minors, minimized only for bona fide research or other lawful purposes.
3. Inappropriate Network Usage. To the extent practical, steps shall be taken to promote the safety and security of users of the ESU’s online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. Specifically, as required by CIPA, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called ‘hacking,’ and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.
4. Supervision and Monitoring. It shall be the responsibility of all members of the ESU staff to supervise and monitor usage of the online computer network and access to the Internet in accordance with this policy and CIPA. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Administrator and the Administrator’s designees.
5. Parental Consent. The ESU shall obtain verifiable parental consent prior to students providing or otherwise disclosing personal information online.
6. Adoption. This Internet Safety Policy was adopted by the Board at a public meeting, following normal public notice.

Legal Reference:	47 USC § 254 (Children’s Internet Protection Act)
Date of Adoption:	August 14, 2018

H. Computer Acceptable Use Policy

This computer acceptable use policy is supplemental to the ESU’s Internet Safety Policy.

1. Technology Subject to this Policy. This Computer Acceptable Use Policy applies to all technology resources of the ESU or made available by the ESU. Technology

resources include, without limitation, computers and related technology equipment, all forms of e-mail and electronic communications, and the internet.

2. Access and User Agreements. Use of the ESU technology resources is a privilege and not a right. The Administrator or designee shall develop appropriate user agreements and shall require employees, students (and their parents or guardians), and others to sign such user agreements as a condition of access to the technology resources, as the Administrator determines appropriate. Parents and guardians of students in programs operated by the ESU shall inform the Administrator or designee in writing if they do not want their child to have access.

The Administrator and designees are authorized and directed to establish and implement such other regulations, forms, procedures, guidelines, and standards to implement this Policy.

The technology resources are not a public forum. The ESU reserves the right to restrict any communications and to remove communications that have been posted.

3. Acceptable Uses. The technology resources are to be used for the limited purpose of advancing the ESU's mission. The technology resources are to be used, in general, for educational purposes, meaning activities that are integral, immediate, and proximate to the education of students as defined in the E-rate program regulations.

4. Unacceptable Uses.

The following are unacceptable uses of the technology resources:

- a. **Personal Gain:** Technology resources shall not be used, and no person shall authorize its use, for personal financial gain other than in accordance with prescribed constitutional, statutory, and regulatory procedures, other than compensation provided by law.
- b. **Personal Matters:** Technology resources shall not be used, and no person shall authorize its use, for personal matters unless the User has entered into a lease agreement or other similar agreement with the ESU that makes such use permissible under law.

Occasional use that the Administrator or designee determines to ultimately facilitate the mission of the ESU is not prohibited by this provision. Examples of occasional use that may be determined to ultimately facilitate the mission of the ESU: sending an e-mail to a minor child or spouse; sending an e-mail related to a community group in which an employee is a member where the membership in the community group facilitates the ESU's mission.

This occasional use exception does not permit use by employees contrary to the expectations of their position. For example, employees may not play

games or surf the net for purposes not directly related to their job during duty time; nor may students do so during instructional time.

The occasional use exception also does not permit use of the technology resources for private business, such as searching for or ordering items on the internet for personal use; or sending an e-mail related to one's own private consulting business.

- c. Campaigning: Technology resources shall not be used, and no person shall authorize its use, for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question.
- d. Technology-Related Limitations: Technology resources shall not be used in any manner which impairs its effective operations or the rights of other technology users. Without limitation,
 - 1. Users shall not use another person's name, log-on, password, or files for any reason, or allow another to use their password (except for authorized staff members).
 - 2. Users shall not erase, remake, or make unusable another person's computer, information, files, programs or disks.
 - 3. Users shall not access resources not specifically granted to the user or engage in electronic trespassing.
 - 4. Users shall not engage in "hacking" to gain unauthorized access to the operating system software or unauthorized access to the system of other users.
 - 5. Users shall not copy, change, or transfer any software without permission from the network administrators.
 - 6. Users shall not write, produce, generate, copy, propagate, or attempt to introduce any computer code designed to self-replicate, damage, or otherwise hinder the performance of any computer's memory, file system, or software. Such software is often called a bug, virus, worm, Trojan horse, or similar name.
 - 7. Users shall not engage in any form of vandalism of the technology resources.
 - 8. Users shall follow the generally accepted rules of network etiquette. The Administrator or designees may further define such rules.
- e. Other Policies and Laws: Technology resources shall not be used for any purpose contrary to any ESU policy, any school rules to which a student user is subject, or any applicable law. Without limitation, this means that technology resources may not be used:
 - 1. to access any material contrary to the Internet Safety Policy; or to create or generate any such material.
 - 2. to engage in unlawful harassment or discrimination, such as sending e-mails that contain sexual jokes or images.

3. to engage in violations of employee ethical standards and employee standards of performance, such as sending e-mails that are threatening or offensive or which contain abusive language; use of end messages on e-mails that may imply that the ESU is supportive of a particular religion or religious belief system, a political candidate or issue, or a controversial issue; or sending e-mails that divulge protected confidential student information to unauthorized persons.
 4. to engage in or promote violations of student conduct rules.
 5. to engage in illegal activity, such as gambling.
 6. in a manner contrary to copyright laws.
 7. in a manner contrary to software licenses.
5. **Disclaimer.** The technology resources are supplied on an “as is, as available” basis. The ESU does not imply or expressly warrant that any information accessed will be valuable or fit for a particular purpose or that the system will operate error free. The ESU is not responsible for the integrity of information accessed, or software downloaded from the Internet.
6. **Filter.** A technology protection measure is in place that blocks and/or filters access to prevent access to Internet sites that are not in accordance with policies and regulations. In addition to blocks and/or filters, the ESU may also use other technology protection measures or procedures as deemed appropriate.

Notwithstanding technology protection measures, some inappropriate material may be accessible by the Internet, including material that is illegal, defamatory, inaccurate, or potentially offensive to some people. Users accept the risk of access to such material and responsibility for promptly exiting any such material.

The technology protection measure that blocks and/or filters Internet access may be disabled only by an authorized staff member for bona fide research or educational purposes: (a) who has successfully completed ESU training on proper disabling circumstances and procedures, (b) with permission of the immediate supervisor of the staff member requesting said disabling, or (c) with the permission of the Administrator. An authorized staff member may override the technology protection measure that blocks and/or filters Internet access for a minor to access a site for bona fide research or other lawful purposes provided the minor is monitored directly by an authorized staff member.

7. **Monitoring.** Use of the technology resources, including but not limited to internet sites visited and e-mail transmitted or received, is subject to monitoring by the administration and network administrators at any time to maintain the system and insure that users are using the system responsibly, without notice to the users. Users have no privacy rights or expectations of privacy with regard to use of the ESU's computers or Internet system. All technology equipment shall be used under the supervision of the Administrator and the Administrator's designees.

8. Sanctions. Violation of the policies and procedures concerning the use of the ESU technology resources may result in suspension or cancellation of the privilege to use the technology resources and disciplinary action, up to and including expulsion of students and termination of employees. Use that is unethical may be reported to the Commissioner of Education. Use that is unlawful may be reported to the law enforcement authorities. Users shall be responsible for damages caused and injuries sustained by improper or non-permitted use.

Legal Reference:	47 USC § 254(h)(1)(b); 47 CFR 54.500(b) and 68 FR 36932 (2003) (E-rate restrictions) § 49-14,101.01 (Political Accountability and Disclosure Act) Children's Online Privacy Protection Act, 15 U.S.C. § 6501
Date of Adoption:	August 14, 2018

I. Recording of Others

To ensure the privacy and confidentiality of student information, no person is authorized to record or transmit any sound or image of any person (including themselves) without the prior consent or authorization of either (1) the person or persons being recorded or whose image or sound is being transmitted or (2) the Administrator or Administrator's designee. This prohibition applies to all persons, including staff, students and community members, regardless of the content or context of the image or sound; however, this provision shall not apply to ESU-sponsored athletic or activity events where the focus of the recording or transmission is on the student performances or activity. Nothing in this provision shall prohibit the recording of an Individualized Education Program meeting if the recording is necessary to ensure that the parent understands the IEP or the IEP process or to implement other parental rights guaranteed by the Individuals with Disabilities Education Act.

ESU #1
Addition to Employee Code of Conduct
Appendix "I"

ACCEPTABLE USE OF COMPUTERS AND NETWORKS

ADMINISTRATORS, FACULTY AND STAFF AGREEMENT

In order to make sure that all members of ESU #1's community understand and agree to these rules of conduct for use of the e-mail and Internet systems of the agency, ESU #1 asks that you, as an administrator, faculty member, or staff member user, sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by the ESU #1 and I understand and will abide by those agency guidelines and conditions for the use of the facilities of ESU #1 and access to the Internet. I further understand that any violation of the agency guidelines is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges will be revoked. Agency disciplinary action and/or appropriate legal action will be taken.

I agree not to hold ESU #1, any of its employees, or any institution providing network access to ESU #1 responsible for the performance of the system or the content of any material accessed through it.

Employee's Name _____

Employee's Signature _____ Date: _____

This form will be retained on file by authorized
faculty designee for duration of applicable
computer/network/Internet use.

ESU #1
Addition to Student Code of Conduct
Appendix "2"

ACCEPTABLE USE OF COMPUTERS AND NETWORKS

STUDENT'S AGREEMENT

In order to make sure that all members of ESU #1's community understand and agree to these rules of conduct ESU #1 asks that you, as a student user, sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by the ESU #1 and I understand and will abide by those agency guidelines and conditions for the use of the facilities of ESU #1 and access to the Internet. I further understand that any violation of the agency guidelines is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges will be revoked. Agency disciplinary action and/or appropriate legal action will be taken.

I agree not to hold ESU #1, any of its employees, or any institution providing network access to ESU #1 responsible for the performance of the system or the content of any material accessed through it.

Student's Name _____

Student's Signature _____ Date: _____

This form will be retained on file by authorized
faculty designee for duration of applicable
computer/network/Internet use.

ESU #1
Addition to Student Code of Conduct
Appendix "3"

ACCEPTABLE USE OF COMPUTERS AND NETWORKS

PARENT'S AGREEMENT

In order to make sure that all members of ESU #1's community understand and agree to these rules of conduct ESU #1 asks that you, as a parent/guardian sign the following statement:

I have received a copy of, and have read, the Internet Safety and Acceptable Use Policy adopted by the ESU #1. As parent/guardian of the student named below, I grant permission for my son or daughter to access networked computer services such as electronic mail (e-mail) and the Internet. I understand that this free access is designed for educational purposes. I also understand that individuals may be held liable for violations of those Terms and Conditions. However, I also recognize that it is impossible to restrict access to all controversial materials and I will not hold ESU #1 responsible for materials acquired or sent via the network.

I agree not to hold ESU #1, any of its employees, or any institution providing network access to ESU #1 responsible for the performance of the system or the content of any material accessed through it.

Student's Name _____

Parent's Signature _____ Date: _____

This form will be retained on file by authorized
faculty designee for duration of applicable
computer/network/Internet use.

J. Fire Drills

Fire drills shall be conducted at such times and manner as is required by the State Fire Marshal. The frequency of the fire drills shall be as follows:

1. at a sufficient frequency to familiarize occupants with the drill procedure as a matter of routine;
2. every month in each ESU #1 building in which the facility is in session;
3. subject to the exception that a monthly drill may be deferred in months of severe weather, provided that the required number of annual drills is achieved and not less than four are conducted before the drills are deferred; and
4. one additional drill shall be conducted within the first 30 days of an ESU #1 school year.

The manner of conducting fire drills shall be as follows:

1. emphasis shall be on conducting an orderly evacuation, rather than speed;
2. under varying conditions and at expected and unexpected times;
3. participants shall relocate to a predetermined location and remain until recalled or dismissed; and
4. all emergency and relocation drill alarms shall be sounded

Date of Adoption:	August 11, 2015
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K. Crisis Plans

Crisis Plans for emergency responses and directions for tornado, evacuation, lockdown, lockout, shelter in place and fire drill activities have been developed. To be in compliance with the fire code, there are to be nine fire evacuation exercises each ESU #1 school year. Two tornado drills are to be exercised and two lockdown drills practiced each ESU #1 school year.

Since many parents may not be at home, all children and faculty will be normally retained at the ESU #1 building in case of extreme emergency. The ESU #1 notification system will be activated to inform parents and guardians regarding where children may be picked up at ESU #1 facility or at the evacuation site.

Legal Reference:	Neb. Rev. Stat. §79-706
Date of Adoption:	August 11, 2012

Section 8 Disposal of Property

The Administrator or designee is authorized and directed to dispose of books, furniture, equipment, real estate and other property which is no longer of use to the ESU. Items which are of little or no value will be discarded or recycled, as appropriate. Items which are discarded remain the property of the ESU until no longer within its control. As such, employees are not to pull discarded items

from the trash for personal use without express permission of the Administrator or designee, and proper payment where determined appropriate.

Items to be disposed of which have more than minimal value shall be sold by private sale, auction, trade-in, or by taking bids and selling to the highest or most responsible bidder. The Board shall approve the sale of any items or related grouping of items which have a value in excess of \$5,000.

The following procedures shall be followed for an auction or when taking bids:

1. The intention to sell shall be publicized, via newsletter, an ESU bulletin board or webpage posting, an NSBA, NCSA or similar association webpage or publication, a newspaper advertisement, or other means suitable to the value and nature of the property.
2. Real estate will be sold to the highest bidder, except that a minimum acceptable price may be established prior to bidding.
3. Items shall in general be sold to the highest offer or highest bidder. However, where the item or related grouping of items which has a value less than \$5,000, preference may be given to, and a lower offer accepted from, buyers within the following order of priority: an ESU member school, another ESU, another political subdivision within the ESU, a charitable organization active within the ESU boundaries, and another political subdivision.

Items which are offered for sale in an approved manner which are not sold after a reasonable period of time may be considered to have no value and may be disposed of as determined by the Administrator or designee and reported to the Board.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 9 Records Management

A. Records Management and Disposition

1. General Standard. Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.
2. Records Officer. The Administrator is hereby designated as the records officer of the ESU for purposes of this policy. Any questions about the type or category of a record or the required retention period for it should be addressed to the records officer.
3. Electronic Messages. Electronic messages are communications using an electronic system for the conduct of ESU ____ business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document

exchange (electronic fax), and electronic data interchange (EDI). In this policy, the terms electronic messages and e-mail are used, depending on the context, to mean the same thing. ESU ___'s electronic system in which records are collected, organized, and categorized to facilitate preservation, retrieval, use, and disposition is as follows:

- a. *End-User Management.* End-user means anyone who creates or receives electronic messages on the ESU's electronic system. Electronic messages are to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing and disposing of records that are part of his or her desktop computer.
- b. *Categories for Retention.* Electronic messages fall within three categories: (1) transitory messages; (2) records with a less than permanent retention period; and (3) records with a permanent retention period. End-users are to organize, store, retain and dispose of electronic messages according to these three categories. This means determining which electronic messages require long-term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.
 - i. *Transitory messages.* Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts; unwanted and unneeded "junk" mail; "personal" mail for employees not related to ESU business; unsolicited sectarian, religious, partisan, political or commercial messages, or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention requirement for transitory messages. Employees sending or receiving such communications may delete them immediately without obtaining approval.
 - ii. *Less than permanent retention records.* These records are governed by the retention period for equivalent hard copy records as specified in the approved records retention and disposition schedules. These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Questions relating to the retention or destruction of these records should be referred to the records officer.
 - iii. *Permanent/archival retention records.* These are records scheduled for transfer to the Nebraska State Historical Society (NSHS). Decisions relating to such records should be made by the records officer in consultation with NSHS, and the State Records

Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency and format of the transfer should be determined cooperatively by the records officer, the NSHS, and the State Records Administrator.

- c. *Electronic Storage Limitations.* ESU 1's computer systems have storage limitations. E-mails are deleted by the computer system within five (5) days to avoid operational problems. End-users are instructed that electronic messages that are required to be maintained past that time period should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. The retention period for the particular record is the best indicator of which storage medium or format to choose.
- d. *Proper Use of Electronic Messages.*
 - i. *Non-Discrimination.* Electronic messaging is not permitted to be used to promote discrimination 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 in its programs and activities.
 - ii. *Permissible Use.* Electronic messaging is to be used only for purposes that are consistent with the mission of ESU 1. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent or occasional use which does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a non-profit organization except when and to the extent such use serves a purpose consistent with the mission of ESU 1 or facilitates ESU 1 business.
 - iii. *Conduct.* Employees shall not read electronic messages received by another employee when there is no work-related purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.
 - iv. *Other Regulations.* Electronic messaging is subject to all requirements of ESU 1's computer use policies and may be monitored and accessed at any time without prior notice. ESU 1 has

complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right and is not a public forum. Electronic messaging is made available subject to all board policy and regulations, these regulations, administrative guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

4. Electronic Records. All books, papers, documents, reports, and records kept by the ESU may be retained as electronic records. Minutes of the meetings of the Board may be kept as an electronic record.
5. Litigation Holds. When litigation against ESU 1 or its employees is filed or threatened, ESU 1 will take all reasonable action to preserve all documents and records that pertain to the issue. Such action will in particular be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

As soon as ESU 1 is made aware of pending or threatened litigation, a litigation hold directive will be issued by the records officer or designee. The directive will be given to all persons suspected of having records that may pertain to the litigation issue.

The litigation hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation hold has been lifted. E-mail and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the records officer until the hold is released.

Employees who receive notice of a litigation hold are to preserve all records that pertain to the litigation issue. This includes preserving electronic messages that would otherwise be deleted by the computer system; such messages are to be converted by the recipients of the litigation hold to hard copy (printed) or electronic format which can be retrieved and interpreted (downloaded) for the duration of the litigation hold.

No employee who has been notified of a litigation hold may alter or delete an electronic or other record that falls within the scope of the hold. Violation of the litigation hold may subject the employee to disciplinary action, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

6. Settlement Agreements

A public written or electronic record of all settled claims shall be maintained.

The record for all such claims settled in the amount of fifty thousand dollars or more (or one percent of the total annual budget of the School District, whichever is less) shall include a written executed settlement agreement. The settlement

agreement shall contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the School District or on its behalf. Any such settlement agreement shall be included as an agenda item on the next regularly scheduled public meeting of the ESU#1 Board for informational purposes or for approval if required.

Any such settled claim or settlement agreement shall be a public record. Nonetheless, specific portions of the record may be withheld from the public to the extent permitted or provided by statute.

The foregoing does not apply to claims made in connection with insured or self-insured health insurance contracts.

Legal Reference:	§§ 84-712 to 84-712.09; §§ 84-1201 to 84-1227 Laws 2010, LB 742 State Records Administrator Guidelines: Schedule 10: Records of Local School Districts (Feb. 1989) Schedule 24: Local Agencies General Records (March 2005) Electronic Imaging Guidelines (March 2003)
Date of Adoption:	August 14, 2018

B. Student Records

1. Legal Compliance. Records related to students served by the ESU shall be maintained in compliance with state and federal law.
2. Relationship with Schools Served. Each school district shall be notified as to the nature and types of student data items which are being collected and maintained in ESU files for their students who are being served by the ESU. Written permission to release confidential (non-directory) information from records related to students served by the ESU will be obtained from the appropriate school district before release to persons other than ESU officials or the parent or eligible student, except where the release is required by law.
3. Confidentiality. Student files and other education records shall not be released or divulged except in compliance with state and federal law.

ESU and school officials may have access to only those education records in which they have a legitimate educational interest, unless the parent has given written and dated consent for the access. An ESU employee who violates this restriction shall be subject to disciplinary action up to and including termination.

An ESU or school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility and effectively provide the function or service for which they are responsible.

An official who is authorized to have access to education records is a person employed by the ESU, or by the school district in which the student is enrolled, as an administrator, supervisor, instructor or support staff member (including health

or medical staff and law enforcement unit personnel); a person serving on the ESU Board or the student's school board; a person or company with whom the ESU or the school district has contracted to perform a special task (such as an attorney, auditor, medical consultant or therapist); and a parent or student serving on an official committee, such as a disciplinary or grievance committee or assisting another authorized official in performing his or her tasks.

To the extent permitted by law, contractors, consultants and volunteers may be permitted to have access to education records where they are performing a function or service that would otherwise be done by an ESU employee or an employee of the school district in which the student is enrolled. Their access is limited to education records in which they have a legitimate educational interest; which means records needed to effectively provide the function or service for which they are responsible.

A parent or guardian of a student or former student, and a student or former student who is eighteen (18) years of age or older, shall be given the opportunity upon request to inspect and review the education records of the student or former student. Non-custodial parents will be provided full and equal access to the education records of his or her child unless there is a court order to the contrary.

4. Separate Disciplinary Files. Student files or records shall be so maintained so as to separate disciplinary matters from academic or other service matters. All disciplinary material in a student's file shall be removed and, upon the ending of ESU services to the student, released to the school district in which the student is enrolled for destruction in accordance with law.
5. Request for Records Amendment. Parents and eligible students (a student who has reached 18 years of age or is attending an institution of postsecondary education) have the right to challenge any information contained in the records that they believe is inaccurate, misleading or violates the privacy rights of the student. Such a challenge may be made by making a written request to the Administrator or designee to amend the records. If the record in question is a record generated by the school district in which the student is enrolled, the challenge shall be forwarded to such school district for action. If the record is an ESU education record, the Administrator or designee shall determine whether to amend the education record as requested. If a decision is made not to amend the education records in accordance with the request, the Administrator or designee shall so inform the parents of the student. The parent shall be advised of the right to a hearing. If a hearing is requested, the Administrator or designee shall conduct a hearing (or delegate the role to another official who does not have a direct interest in the outcome of the hearing) and provide the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised in conformance with applicable law.
6. Disposition of Records. Personally identifiable student data generated by or received by the ESU for those student referred from contracting school districts will be considered to be the property of the school district in which the student is or was

enrolled. Five years after special education data is no longer needed to provide educational services, the ESU shall return to the appropriate school district all records that have been received or generated by the ESU for disposal in accordance with law.

Legal Reference:	§§ 42-364(4) & 42-381 §§ 79-2,104 & 79-2,105 § 79-539 §§ 84-712 to 84-712.09; §§ 84-1201 to 84-1227 20 U.S.C. 1232g (FERPA) NDE Rule 51, section 9.01 State Records Administrator Guidelines: Schedule 10: Records of Local School Districts (Feb. 1989) Schedule 24: Local Agencies General Records (March 2005) Electronic Imaging Guidelines (March 2003)
Date of Adoption:	August 14, 2018

Section 10 Comments and Complaints

A. Communications to the Board

The ESU Board recognizes the necessity for open communication with member school districts, students, parents, employees and patrons but is also aware that a procedure for processing concerns and complaints is imperative to efficient operations of the ESU. It is the intent of the Board that concerns and complaints be resolved at the lowest possible level.

- 1. Complaints Made to Individual Board Members. Members of the Board have no authority or power to act on behalf of the Board or the ESU except when acting as a member of the entire Board at a duly called board meeting or when acting with express, specific authority granted by the Board or by law. The Board and the ESU shall not be bound in any way by the action or statement on the part of any individual Board member or committee, except when such statement or action is taken or made in conformance with express, specific authority granted by the Board or by law.

Should any member of the Board be approached with a concern or complaint, the member should:

- a. Listen attentively to the concerns but not take any inflexible position.
- b. Instruct the individual about the ESU’s process for resolving concerns and complaints and direct the individual to the appropriate complaint or grievance procedure or to the Administrator for information concerning such procedures. If the concern or complaint involves an employee, the individual should be informed to discuss the matter with the employee first.
- c. Inform the Administrator of the concern.

2. Complaints Made to the Board. Concerns or complaints may be made to the Board at a duly called Board meeting at such time as the agenda provides for public participation or comment.

In the event the complaint involves a personnel matter relating to an employee of the ESU, the individual raising the complaint shall be directed to first exhaust the appropriate complaint or grievance procedure. The Board shall not respond or take action on such a complaint until such complaint or grievance procedure has been exhausted, unless it is determined by the Board, under the circumstances, that an immediate response or action is required.

Individuals raising concerns or complaints involving non-personnel matters which may be the subject of a complaint or grievance procedure may also be directed to first use such complaint or grievance procedure.

Legal Reference:	
Date of Adoption:	August 14, 2018

B. Complaints or Concerns of Employees

Employees are to inform the ESU of any complaints or concerns about the operations of the ESU using the established chain of command (immediate supervisor, next higher level supervisor, etc.) on all matters that require administrative attention; that is, on all matters or issues that their job responsibilities require them to report to a supervisor.

It is important to the efficient and successful operation of the ESU and a duty of all ESU employees to share any such complaints or concerns in a responsible, professional manner such as to: (1) not disrupt the proper functioning of their office, department, or position, (2) not undermine the authority of their co-workers, supervisors, or superiors, (3) maintain close working relationships with their co-workers, supervisors, and superiors, and (4) ensure that all applicable laws and regulations are followed. All employee official communications must be accurate, demonstrate sound judgment, and promote the ESU's mission. Employees must ensure that all applicable laws and regulations are followed by the ESU and its employees. In the event an employee becomes aware of any such non-compliance, the employee is to report such to the employee's immediate supervisor (or the next higher level, if the supervisor is responsible for the problem) and maintain the confidentiality of the report so that the problem can be appropriately corrected in the best interests of the ESU.

Employees are to use the appropriate complaint or grievance mechanism for matters involving discrimination or harassment or other established mechanism specific to the nature of the complaint or concern.

The ESU will not tolerate unlawful retaliation against an employee for engaging in legally protected activity. A protected activity includes an employee's act of opposing an unlawful practice prohibited by employment discrimination or other laws that protect the conduct in question. Any act of unlawful retaliation by a supervisor or other employee may result in serious disciplinary action up to and including termination. Any employee may file a complaint with the

Administrator or appropriate Coordinator if the employee feels that they have experienced unlawful retaliation in any form.

Legal Reference:	
Date of Adoption:	August 14, 2018

C. Comments and Complaints of Parents and Patrons

Parents and patrons may file comments/complaints with the Administrator. Forms are available in the office of each building. These forms are intended to help resolve issues, arbitrate disputes, facilitate understanding, recognize achievements, and commend success.

Forms that have been properly filed with the Administrator which directly involve a staff member shall be forwarded to the staff member's immediate supervisor for analysis, discussion, and resolution. The forms shall be retained in a separate confidential file in the office of the staff member's immediate supervisor for a period of three years. At the end of the three year period they may be discarded. Comment forms shall not be placed in the staff member's personnel files unless deemed appropriate by the Administrator or immediate supervisor.

It is the policy of the ESU to encourage communications from parents concerning when a parent believes it to be appropriate for the student to be excused from testing, classroom instruction, surveys and other educational experiences that the parent may find objectionable. The Administrator or designee shall make a provision on the complaint form hereinabove described for receiving information from a parent concerning what specific testing, classroom instruction, or other educational experience the parent finds objectionable, the basis for the parent's objection and a proposed solution for dealing with the objection that would be satisfactory to the parent. The notifications required by law to be given to parents on matters affecting privacy are to be given by the school district in which the student is enrolled. Complaints concerning such matters shall be resolved consistent with the applicable policies of the school district in which the student is enrolled.

Legal Reference:	§ 79-533 (parental involvement) 20 U.S.C. § 1232h (surveys)
Date of Adoption:	August 14, 2018

D. Complaints Involving Instructional Materials

Instructional materials are to be selected by the ESU administration and approved by the ESU Board in a manner that best meets the educational and instructional objectives of the ESU and the needs of those served by the ESU. Occasional objections to materials may be voiced despite the care taken in selection and qualification of the personnel selecting materials.

The following procedures apply to complaints involving instructional materials:

1. Complaints must be presented in writing to the Administrator. The complaint must specify: the name of the author, title, the publisher, and the objections by page and items; or in case of materials other than printed material, written information specifying the precise nature of the objection shall be given. The statement must be signed and identified in such a way that a proper reply will be possible. The

Administrator or designee may develop a specific complaint form for this purpose which shall be used if in existence.

2. The Administrator will acknowledge the receipt of the complaint and answer any questions regarding procedure.
3. The Administrator will then notify the department coordinator and the employee(s) involved. The Administrator will determine whether the complaint should be considered an individual request or if an ESU-wide review committee shall be activated to reevaluate the material.
4. The use of challenged materials shall not be restricted until final disposition has been made by the appropriate review committee, however, individuals may be excused from using challenged materials.
5. In considering the challenged materials, the review committee shall consider the educational philosophy of the ESU, the professional opinions of teachers or employees of the same subject and of other competent authorities, review of materials by reputable bodies, the complainant's stated objections in using or use of the materials.
6. The ESU review committee shall make a determination on the complaint within a reasonable time period considering the nature of the challenged materials, the current or pending use, scheduling conflicts of committee members, and the complexity of the objections made. The findings of the ESU review committee shall be a matter of written record and transmitted to the Administrator who will determine how interested parties shall be notified.
7. In the event the complainant is not satisfied with the findings of the ESU review committee, the complainant may request that the complaint be reviewed by the ESU Board. The Board will then determine whether to consider the complaint beyond the action of the ESU review committee; if the Board chooses to do so, the Board will proceed to consider the complaint. A decision by the Board (either to not proceed further on the complaint, or to respond as a Board to the complaint) shall conclude the appeal process available within the ESU system.
8. Once resolved, the same or substantially similar complaints involving the same or similar materials need not be reviewed using the foregoing complaint process and instead may be resolved by the Administrator or designee.

Legal Reference:	
Date of Adoption:	August 14, 2018

PERSONNEL

Section 1 **Employment of Personnel**

A. Recruitment and Selection

The administration is to recruit and recommend for employment the best qualified personnel to implement and fulfill the mission, goals and policies of the ESU. All applicants so selected and recommended must satisfy the standards set by the Board and any applicable legal requirements.

All personnel shall be recommended for hiring by the Administrator with the final approval by the Board prior to hiring. The final approval by the Board should generally follow closely the recommendation of the Administrator, but such approval of recommendation is not mandatory on the Board.

Legal Reference:	
Date of Adoption:	August 14, 2018

B. Equal Opportunity Employment

ESU 1 is an equal opportunity employer. It is the policy of ESU 1 to employ the best qualified applicant for each position without regard to sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, and to not fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status.

There shall be no discrimination by school officials against any employee because of membership or activity in an employee organization or because of protected free speech activities.

Legal Reference:	Title VI--34 CFR §100 et seq. Title VII--42 U.S.C. §2000e, et seq. Title IX--20 U.S.C §1681; 34 CFR 106.1 et seq. ADEA--29 U.S.C. §621 et seq. ADA-42 U.S.C. §12101 et seq.; 28 CFR §35.101 et seq. Rehabilitation Act of 1973, Section 504--29 U.S.C. §791, et seq.; 34 CFR §104, et seq. Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §§48-1101 to 48-1126; Neb. Rev. Stat §20-168
Date of Adoption:	August 14, 2018

C. Release from Contract

Certificated employees who wish to be released from their contract shall submit a written request for release to the ESU Board. The written request shall include a resignation.

The action on a release from contract received after May 1, each year shall be discretionary with the Board. The earlier the request for release is submitted, the greater will be the likelihood of the release being granted. Requests for release received by the Administrator after June 1, will ordinarily not be granted. Releases may be made subject to the conditions, including liquidated damages, payment of costs of securing a replacement, and the condition that a suitable replacement be secured.

There will be no penalty for release from the contract, though the certificated employee and the Board may negotiate and agree upon the terms of the release.

Where a certificated employee leaves employment without receiving an approved release, the Administrator is authorized to file a complaint with the Nebraska Professional Practices Commission. The Board also reserves the right to seek damages against any certificated employee as a result of breach of contract.

Legal Reference:	Neb. Stat. §79-819; §79-820; §79-821; §79-817; et seq., NDE Rule 27
Date of Adoption:	January 12, 2016

Section 2 Staff Handbooks

The administration is responsible for preparing and distributing staff handbooks and job descriptions. Staff handbooks and job descriptions approved by the Board shall have the effect of Board-approved policy and, if approved by the Board later in time to any conflicting Board policy, shall control over conflicting Board policy.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 3 Conflicts of Interest

A. Employment of Board Members

No board member of ESU 1 shall be employed by ESU 1.

Legal Reference:	§ 79-1219
Date of Adoption:	August 14, 2018

B. Employment of Immediate Family Members

A member of the Board or an employee with supervisory responsibilities may employ or recommend or supervise the employment of an immediate family member only if:

1. He or she does not abuse his or her official position. Abuse of an official position includes, but is not limited to, employing an immediate family member:
 - (a) Who is not qualified for and able to perform the duties of the position;
 - (b) For an unreasonably high salary; or

- (c) Who is not required to perform the duties of the position.
2. He or she makes a full disclosure on the record to the Board and a written disclosure to the Administrator and/or Secretary of the Board; and
3. The Board approves the employment or supervisory position.

No immediate family member of a Board member or of an employee with supervisory responsibilities shall be employed by the ESU:

1. Without first having made a reasonable solicitation and consideration of applications for such employment;
2. Who is not qualified for and able to perform the duties of the position;
3. For an unreasonably high salary; and
4. Who is not required to perform the duties of the position.

Neither the Board nor an employee with supervisory responsibilities shall terminate the employment of an employee so as to make funds or a position available for the purpose of hiring an immediate family member.

This policy shall not apply to an immediate family member of a member of the Board or an employee with supervisory responsibilities who was previously employed in a position with the ESU prior to the election or appointment of the Board member or of the supervisory employee. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes supervisory responsibilities, such Board member or employee shall make a full disclosure of any immediate family member employed in a position subject to this policy.

Legal Reference:	§ 49-1499.04; § 49-1499.05
Date of Adoption:	August 14, 2018

Section 4 Fitness for Duty

Applicants must be physically and mentally capable of performing the essential functions of the position for which application is made, with or without reasonable accommodations. Some positions have physical requirements which must be demonstrated by satisfactorily completing a post-offer physical exam or post-offer questionnaire to establish the ability to perform the essential functions of the position. This will only be required after a conditional offer of employment has been made.

Employees must be physically and mentally capable of performing the essential functions of their position, with or without reasonable accommodations. Employees shall be required, upon request of the Administrator or designee, to respond or submit to medical inquiries or examinations which are related and necessary to performance of essential functions of their position where there is evidence of a job performance or safety problem and when required or otherwise permitted by law.

Employees are required to disclose any medical restrictions that limit their ability to perform the essential functions of the assigned position to their supervisor or the Administrator and are to request a meeting with the ADA Coordinator to discuss the provision of reasonable accommodations. Supervisors are required to notify the Administrator of any employees with

restrictions that limit their ability to perform the essential functions of their assignment. The ESU shall make reasonable accommodations to qualified individuals with a disability in accordance with law.

The ESU complies with all federal and state laws regarding the collection and maintenance of health and medical information.

Legal Reference:	ADA-42 U.S.C. §12101 et seq.; 28 CFR §35.101 et seq. Rehabilitation Act of 1973, Section 504--29 U.S.C. §791, et seq.; 34 CFR §104, et seq. Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §§48-1101 to 48-1126; Neb. Rev. Stat §20-168
Date of Adoption:	August 14, 2018

Section 5 Standards of Conduct

A. Drug-Free Work Place

It is the policy of ESU 1 to eliminate the influence of drugs, alcohol and other chemicals within the work environment and to educate students against the usage of drugs, alcohol and illegal substances. The ESU will implement regulations and practices which will insure compliance with laws relating to drugs and alcohol, including: the Drug-Free Workplace Act and the Omnibus Transportation Employee Testing Act of 1991, and all regulations and rules promulgated pursuant thereto.

The ESU has established a drug-free workplace. The drug-free workplace for this purpose includes ESU property, ESU-utilized vehicles, any place in which ESU employees perform duties, and any place in which ESU activities are held. The ESU recognizes that the use, possession, or being under the influence of illicit drugs or alcohol constitutes a hazard to the positive development of students and employees and a substantial interference with the ESU's mission and goals.

1. The unlawful manufacture, distribution, disposition, possession, or use of a controlled substance is prohibited in the work place. Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any ESU property or at any ESU sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace.
2. The possession or distribution of a look-alike drug or look-alike controlled substance is prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the ESU's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time.
3. As a condition of employment, employees will abide by the ESU's drug-free workplace policies and notify the Administrator or designee of any criminal drug

statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.

4. Disciplinary sanctions, up to and including termination of employment and referral for prosecution, will be imposed upon employees who violate the aforementioned standards of conduct. If employment is not terminated, sanctions may include the requirement that the employee complete an appropriate rehabilitation program.
5. Employees shall be advised through employee publications about drug and alcohol counseling and rehabilitation and reentry programs that are available.

The ESU will implement a drug and alcohol testing program in compliance with law for all employees whose position requires a commercial driver's license (CDL) or who are otherwise in "safety-sensitive" positions as defined by federal or state law. Refusal to submit to pre-employment testing, or testing positive, shall disqualify an applicant for any position requiring such testing from employment. Reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing shall also be conducted. Employees who test positive shall be immediately removed from safety-sensitive positions and be terminated from employment.

This policy supplements and is in addition to all other policies, regulations, practices, procedures and contractual provisions regarding or related to the improper or unlawful possession, use, or distribution of illicit drugs and alcohol.

Employees shall be furnished with a paper or digital copy of this policy.

Legal Reference:	41 U.S.C. §§ 701 to 707 (Drug-Free Workplace Act of 1988) 49 U.S.C. § 31306 and 49 CFR Part 382 (Omnibus Transportation Employee Testing Act of 1991)
Date of Adoption:	August 14, 2018

B. Notification of Arrest, etc.

Employees must notify the Administrator by the next business day after:

1. Arrest or Criminal Charges. The employee is arrested, ticketed, or issued a criminal charge where:
 - a. The maximum penalty for the crime equals or exceeds six months incarceration;
 - b. The crime relates to abuse, neglect or endangerment of a minor, a minor was allegedly a victim or a witness, or the crime involves alleged sexual misconduct;
 - c. Conviction would impact performance of employee's job responsibilities, including offenses that:
 - i. Would impact the responsibility to be a role model for students or relations with other employees of the ESU or schools served by the ESU;
 - ii. Would impact the employee's ability to operate a motor vehicle if the employee at times needs to travel during duty time or the employee at times drives students; or

- iii. Would impact the employee's Commercial Drivers License if the employee's job requires that the employee have a CDL.
 - d. The arrest or the alleged criminal activity occurred while the employee was on duty, on property of the ESU or a school, or in an ESU or school owned or utilized vehicle, or at a school-supervised activity or school-sponsored function. Employees must also promptly report to the Administrator whenever the employee has been sentenced to be incarcerated for any period of time, even if the offense is not otherwise reportable.
- 2. Certificate or License. The employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee's position. This includes proceedings of the Nebraska Department of Education related to an alleged violation of the NDE Standards of Conduct and Ethics, Chapter 27, and proceedings of the Health and Human Services related to an alleged violation of the professional standards of conduct for the employee's position.
- 3. Child Abuse. The employee becomes aware that a report of child abuse or neglect has been made against the employee under the Child Protection Act.

Further, employees must give full disclosure of any Child Protection Act investigation that resulted in an "inconclusive" determination that occurred at any time. Current employees must give such disclosure within ten days following adoption of this Policy. As a condition of employment, applicants for employment must give such disclosure prior to commencement of employment. Any hiring made without such disclosure shall be subject to being immediately revoked in the event the required disclosure was not given.

Employees must give full disclosure of the existence and nature of the above proceedings and must also promptly notify the Administrator of the disposition of the proceedings.

Legal documents relating to the proceedings shall be treated and maintained as part of the employee's confidential criminal background file.

Failure to notify as required under this policy may subject the employee to disciplinary action, up to and including termination.

Legal Reference:	
Date of Adoption:	August 14, 2018

C. Weapons

Employees shall not bring or possess a weapon in any facility or in any vehicle owned or under the control of ESU 1 or, while on duty, on any school property or at any ESU or school activity. This prohibition includes employees with a permit to carry a concealed handgun. Possession of a weapon includes, without limitation, a weapon in an employee's personal possession or control, including a weapon in an employee's motor vehicle, desk, locker, backpack or purse. Any

employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

An exception may be allowed for an employee to carry mace or other similar chemical agents in quantity and/or concentration typically designed for individual personal defensive purposes for self-defense where it is established that the employee is presented with a clear and substantial risk to personal safety. An exception may also be allowed where the employee requests to possess a weapon for instructional purposes.

Any exception must receive prior approval of the Administrator and be cleared with the school(s) at which the employee is assigned, where applicable. Any exception must be limited to a non-lethal weapon. Further, the weapon must be possessed and used only in the manner approved and must be maintained in such manner as the Administrator has directed so as to prevent it from being used by any non-permitted person or from causing anxiety or harm to others.

Legal Reference:	§ 69-2441
Date of Adoption:	

D. Civility

All employees shall behave with civility, fairness and respect in dealing with fellow employees, students, parents, patrons, visitors, and anyone else having business with the ESU. Uncivil behaviors are prohibited. Employees may be subject to disciplinary action up to and including termination for engaging in uncivil behaviors.

Uncivil behaviors are any behaviors that are physically or verbally threatening, either overtly or implicitly, as well as behaviors that are coercive, intimidating, violent or harassing. Such interactions are prohibited in all forms of communication, including telephone conversations, voice mail messages, face-to-face conversations, written communications, and email messages.

Any employee aware of another employee's uncivil behavior shall report the conduct to the employee's immediate supervisor or to the Administrator. There will be no retaliation against a person for making the report.

Legal Reference:	
Date of Adoption:	August 14, 2018

E. Professional Boundaries Between Employees and Students

All employees are expected to observe and maintain professional boundaries between themselves and students. A violation of professional boundaries will be regarded as a form of misconduct and may result in disciplinary action.

The following non-exclusive list of actions may be considered a violation of the professional boundaries that employees are expected to maintain with a student:

- Using e-mail, text messaging, instant messaging or social networking sites to discuss with a student a matter that does not pertain to school or ESU related activities. Electronic communications with students are to be sent simultaneously to multiple recipients, not to just one student, except where the communication is clearly school-related and inappropriate for persons other than the individual student to receive (for example, e-mailing a message about a student's grades).
- Engaging in social-networking friendships with a student on MySpace, Facebook, or other social networking site. Material that employees post on social networks that is publicly available to those in the school community must reflect the professional image applicable to the employee's position and not impair the employee's capacity to maintain the respect of students and parents or impair the employee's ability to serve as a role model for children.
- Engaging in sexual activity, a romantic relationship or dating a student or a former student within one year of the student graduating or otherwise leaving the District.
- Making any sexual advance – verbal, written, or physical – towards a student.
- Showing sexually inappropriate materials or objects to a student.
- Discussing sexual topics with a student that are not related to a specific curriculum.
- Telling sexual jokes to a student.
- Invading a student's physical privacy (e.g., walking in on the student in a restroom).
- Hugging or other physical contact with a student that is initiated by the employee when the student does not seek or want this attention.
- Being overly "touchy" with a specific student.
- Allowing a specific student to get away with misconduct that is not tolerated from other students, except as appropriate for students with an IEP or 504 Plan.
- Discussing with a student the employee's problems that would normally be discussed with adults (e.g., marital problems).
- Giving a student a ride in the employee's personal vehicle without express permission of the student's parent or school administrator unless another adult is in the vehicle.
- Taking a student on an outing without obtaining prior express permission of the student's parent or school administrator.
- Inviting a student to the employee's home without prior express permission of the student's parent and school administrator.
- Going to the student's home when the student's parent or a proper chaperone is not present.
- Giving gifts of a personal nature to a specific student.

Appropriate exceptions are permitted to the foregoing for legitimate health or educational purposes and for reasons of familial relationships between employees and their children.

Legal Reference:	
Date of Adoption:	August 14, 2018

F. Visitors to Employees

Employees are not to have visitors while on duty other than as appropriate for the performance of their duties except on a short-term basis and only with permission of the Administrator or their supervisor. Included in the definition of visitors are family members of the employee. Employees

are responsible for ensuring that their visitors follow posted procedures for being on ESU or school property. Employees are not to bring their children to work with them in lieu of taking them to childcare.

Legal Reference:	
Date of Adoption:	August 14, 2018

G. Other Employment

Employees shall not perform duties unrelated to their employment duties during their regularly assigned schedule. In addition, employees shall not engage in employment which conflicts with their duties for the ESU.

Employees are to notify the ESU of outside employment to the extent such is required for the ESU to comply with Nebraska School Employees Retirement System Act or other laws, or Board policy.

Legal Reference:	
Date of Adoption:	August 14, 2018

Section 6 Safety

ESU 1 is committed to providing and maintaining a safe and healthy work environment. The administration is to make the safety of employees an integral part of the management function. Each employee is to make safety an integral part of their duties by following established safety regulations and procedures, assisting in accident prevention activities by reporting any job-related injury to the administration immediately, reporting unsafe conditions immediately, and providing suggestions to eliminate accidents and injuries. Failure to follow safety rules may lead to disciplinary action up to and including termination.

Safety and health management is the ultimate responsibility of the Board. Functional authority for continued development and implementation of health and safety is hereby delegated to the Administrator or the Administrator's designee.

The Safety Committee shall maintain documentation of its compliance with this policy.

Legal Reference:	§ 48-443 to § 48-445
Date of Adoption:	August 14, 2018

Section 7 Employee Files and Privacy

A. Employee Files

The administration shall protect the confidentiality of personal information in records regarding personnel beyond salaries and routine directory information. Job application materials submitted by applicants, other than finalists, who have applied for employment, shall also be maintained as confidential records. Such confidential records information shall be released only to the extent required by law or as appropriate for the operations of the ESU.

The following information is designated as “directory information” and may be given to parents or guardians of students served by the ESU upon request:

1. Whether a certificated staff member has met State qualifications and licensing criteria for the grade levels and subject areas in which the certificated staff member provides instruction.
2. Whether the certificated staff member is teaching under an emergency or provisional teaching certificate.
3. The baccalaureate degree major of the certificated staff member, along with information about other graduate certification or degrees held by the certificated staff member, and the field of discipline of the certification or degree.
4. The qualifications of a paraeducator assigned to their child.

Information regarding an employee’s medical condition or history is to be maintained in a separate medical file and treated as confidential, including employment background checks related to physical or mental condition and records pertaining to FMLA leaves for health related reasons. Records maintained pursuant to the federal drug and alcohol testing laws, including drug and alcohol tests of employees and driver investigation history files for new or prospective drivers, are to be maintained in a separate file in a location with controlled access.

To the extent the ESU conducts any functions within the purview of HIPAA, which may include group health plans or student health services, it designates the ESU as a hybrid entity as to any such functions. The administration shall develop and implement all necessary practices and procedures to comply with laws governing protected health information (PHI) to the extent applicable and to maintain the privacy of PHI that the ESU receives, obtains, or transmits. The Administrator is designated as the HIPAA privacy officer for the ESU.

Legal Reference:	§ 84-712.05 (7) and (15) (Public Records Act) 34 CFR 200.61 (NCLB) 29 CFR § 1630.14 (ADA regulations) 29 CFR § 825.500 (FMLA regulations) 49 CFR 391.23 (Drug Testing regulations) Health Insurance Portability and Accountability Act (HIPAA)
Date of Adoption:	August 14, 2018

B. Social Security Numbers

Employee social security numbers shall be kept confidential to the extent required by law. Use of more than the last four digits of an employee’s social security number shall be made by the ESU only for:

1. Legal Mandates. Compliance with state or federal laws, rules, or regulations.

2. Internal Administration. Internal administrative purposes, including provision of employee social security numbers to third parties for such purposes as administration of personnel benefits and employment screening and staffing. However, the internal administrative uses shall not permit use of employee social security numbers:
 - a. As an identification number for occupational licensing.
 - b. As an identification number for drug-testing purposes except when required by state or federal law.
 - c. As an identification number for ESU meetings.
 - d. In files with unrestricted access within the ESU.
 - e. In files accessible by any temporary employee unless the temporary employee is bonded or insured under a blanket corporate surety bond or equivalent commercial insurance.
 - f. For posting any type of ESU information.
3. Voluntary Transactions. Commercial transactions freely and voluntarily entered into by the employee with the ESU for the purchase of goods or services.

The ESU will not use or require an employee to use more than the last four digits of an employee's social security number for:

1. Public Posting or Display. Any public posting or display available to the general public or to an employee's co-workers.
2. Internet Transmission. Transmission over the Internet unless the connection is secure or the information is encrypted.
3. Internet Access. To access an Internet web site unless a password, unique personal identification number, or other authentication device is also required to access the Internet web site.
4. Identifier. As an employee number for any type of employment-related activity.

Legal Reference:	§ 48-287; 5 USC § 552a (note) (Privacy Act of 1974)
Date of Adoption:	August 14, 2018

C. Shredding Consumer Reports (Background Checks)

The administration shall take reasonable measures to protect against unauthorized access to consumer information from consumer reports.¹ A consumer report includes criminal background checks performed on applicants or employees by a third party. It does not include criminal checks performed by ESU staff.

¹ "The term 'consumer report' means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for . . . employment purposes." Fair Credit Reporting Act, 15 U.S.C. § 1681a(3).

Reasonable measures to protect against unauthorized access to or use of consumer information in connection with its disposal include the following examples. These examples are illustrative only and are not exclusive or exhaustive methods for complying with this directive.

1. Shredding of papers containing consumer information so that the information cannot practicably be read or reconstructed. Burning or pulverizing such papers are also options where appropriate.
2. Destruction or erasure of electronic media containing consumer information so that the information cannot practicably be read or reconstructed.
3. After due diligence,² entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of material in a manner consistent with this directive.

This policy does not require that the consumer reports information be disposed of. Rather, it specifies the action to be taken whenever such disposal occurs. Questions regarding the disposal of consumer reports information should be directed to the Administrator or the Administrator's designee.

Legal Reference:	FTC Rule on Disposal of Consumer Report Information and Records, 16 CFR Part 682
Date of Adoption:	August 14, 2018

D. Prohibition on Aiding and Abetting Sexual Abuse

An employee, contractor, or agent of the ESU is prohibited from assisting another ESU employee, contractor or agent in obtaining a new job if the individual knows or has probable cause to believe, that such other employee, contractor, or agent engaged in sexual misconduct with a minor or student in violation of the law.

“Assisting” does not include the routine transmission of administrative and personnel files.

Exceptions to giving such assistance may only be made where the exception is authorized by the Every Student Succeeds Act (for example, where the matter has been investigated by law enforcement and the person has been exonerated and approved by the Administrator or designee.)

Legal Reference:	ESSA sec. 8038, § 8546
Date of Adoption:	August 14, 2018

E. Workplace Privacy Policy

1. The ESU will abide by the Nebraska Workplace Privacy Act and will not:

² The FTC rule states: “In this context, due diligence could include reviewing an independent audit of the disposal company's operations and/or its compliance with this rule, obtaining information about the disposal company from several references or other reliable sources, requiring that the disposal company be certified by a recognized trade association or similar third party, reviewing and evaluating the disposal company's information security policies or procedures, or taking other appropriate measures to determine the competency and integrity of the potential disposal company.”

- a. Require or request that an employee or applicant provide or disclose any user name or password or any other related account information in order to gain access to the employee's or applicant's personal Internet account by way of an electronic communication device;
- b. Require or request that an employee or applicant log into a personal Internet account by way of an electronic communication device in the presence of the ESU in a manner that enables the ESU to observe the contents of the employee's or applicant's personal Internet account or provides the ESU access to the employee's or applicant's personal Internet account;
- c. Require an employee or applicant to add anyone, including the ESU, to the list of contacts associated with the employee's or applicant's personal Internet account or require or otherwise coerce an employee or applicant to change the settings on the employee's or applicant's personal Internet account which affects the ability of others to view the content of such account;
- d. Take adverse action against, fail to hire, or otherwise penalize an employee or applicant for failure to provide or disclose any of the information or to take any of the actions prohibited by the Workplace Privacy Act.
- e. Require an employee or applicant to waive or limit any protection granted under the Workplace Privacy Act as a condition of continued employment or of applying for or receiving an offer of employment.

Notwithstanding anything to the contrary, all employees must abide by the ESU's technology policies, procedures and guidelines, including the ESU's Internet Use policy and/or practice. Pursuant to the Workplace Privacy Act, the ESU may also:

- a. Monitor, review, access, or block electronic data stored on an electronic communication device supplied by or paid for in whole or in part by the ESU or stored on the ESU's network, to the extent permissible under applicable laws;
- b. Access information about an employee or applicant that is in the public domain or is otherwise obtained in compliance with the Workplace Privacy Act;
- c. Conduct an investigation or require an employee to cooperate in an investigation if the ESU has specific information about potentially wrongful activity taking place on the employee's personal Internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct;
- d. Any other reason permitted by the Workplace Privacy Act.

Legal Reference:	48-3501 to 48-3511
Date of Adoption:	August 14, 2018

Section 8 Fair Labor Standards Act (Minimum Wage & Overtime)

Work week: The work week for overtime purposes shall be 12:00 a.m. Sunday until 11:59 p.m. Saturday. The Administrator may establish a different 7-day period workweek from time to time for specified employees or employee groups.

Overtime: Overtime will be paid to non-exempt employees as required by law; that is, when a non-exempt employee works more than 40 hours in a work week. Compensatory pay in-lieu of overtime pay may be implemented in accordance with law. A non-exempt employee shall not work overtime without the express approval of the employee's supervisor.

Deductions from Salary: The ESU's policy is to not permit improper deductions from the salary of exempt employees who are required to meet a "salaried basis" test in order to be exempt from overtime. (Note: Teaching professionals are not subject to the salaried basis test). An employee who feels an improper deduction affecting exemption status has occurred may submit a complaint to the Administrator or the Administrator's designee, who shall promptly investigate the complaint. Reimbursement shall be made and a good faith commitment to comply in the future will be given in the event it is determined that an improper deduction affecting overtime exemption has been made.

Wage and Deduction Information: Within ten working days after a written request is made by an employee, the Administrator or designee shall furnish the employee with an itemized statement listing the wages earned and the deductions made from the employee's wages for each pay period that earnings and deductions were made. The statement may be in print or electronic format.

The ESU's policy is to authorize unpaid disciplinary suspensions of a full day or more for infractions of workplace conduct rules and to apply such policy uniformly to all similarly situated employees, including exempt employees who are required to meet a "salaried basis" test in order to be exempt from overtime. Unpaid disciplinary suspensions of a partial day or of a full day or more may be implemented for infractions of safety rules of major significance. Deductions of pay of a partial day or of a full day or more may be made for FMLA leaves and in the first and last weeks of employment. In addition, based on principles of public accountancy, deductions from pay of a partial day or of a full day or more will be made for absences for illness, injury or personal reasons when accrued leave is not used or not available, and for absences due to any budget-required furlough.

Legal Reference:	Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; 29 CFR §§ 541.303; 541.602-03; 541.710; 553.20-.28; 771.105 Neb. Rev. Stat. § 48-1230
Date of Adoption:	August 14, 2018

Section 9 Attendance and Leaves of Absence—Generally

A. Attendance

The ESU depends on each employee to be reliable and punctual in reporting for work in order to provide its services and programs safely and efficiently. Regular, dependable, in-person attendance at work is an essential function of each employment position.

Employees are to be absent from scheduled work only to the extent reasonably unavoidable. Appointments are to be scheduled for non-work hours whenever possible.

Leaves are to be used for the purpose intended. Abuse of leave privileges will not be tolerated. Such abuse may result in disciplinary action, up to and including termination of employment.

Legal Reference:	
Date of Adoption:	August 14, 2018

B. Reporting Absences and Making Leave Requests

Employees are to utilize the appropriate notification and approval procedures for all absences. It is important to give as much advance notice of the need to take a leave as possible.

1. *Requesting Use of Leave Days.* An employee who wants to use available leave is to submit a Request for Leave form to the employee's supervisor. The request is to be submitted at least 5 days prior to the leave. The supervisor may require that more advance notice be given depending on the nature of the employee's duties or the need to schedule a substitute. Leave requests should be made as soon as practicable under the circumstances.
2. *Giving Notice of Unscheduled Absences.* An employee who is unable to request prior advance approval for an absence because of the nature of the circumstance requiring the absence (such as personal illness or unforeseen emergency) is to report the need to be absent as soon as the situation is known. Before the end of the day on the first day of the absence, and on each subsequent day of absence, the employee is to report whether the employee will be able to return to work on the next duty day.

Legal Reference:	
Date of Adoption:	August 14, 2018

C. Returning from Absences

1. *Justification for Absences Taken Without Prior Approval.* If an employee is absent without prior approval either: (1) the day immediately preceding or immediately following a regularly scheduled school break (such as winter break, spring break, and quarter or semester breaks) or (2) during the first two weeks or the last two weeks of school (student contact days), the employee will be required to give verification (for example, a doctor's note) to establish that the employee was unable to work for an excusable condition or excusable reason.
2. *Establishing Fitness for Duty.* Employees must present a written statement from their physician or health care provider to their supervisor when the employee is absent for any period of time because of injury requiring care from a physician or health care provider, or absent from work for 10 days or more due to a personal health condition. The statement is to clearly verify that the employee is mentally

and physically able to return to duty. This statement is to be presented in person, or by other methods agreed upon by both parties, to the employee's supervisor before the employee returns to duty in order that the readiness to perform work can be observed and/or discussed.

Employees are required to disclose any medical restrictions that limit their ability to perform the essential functions of their position to their supervisor and to request a meeting with the Americans with Disabilities Act (ADA) Coordinator to discuss the provision of reasonable accommodations. The ESU will not discriminate against any employee due to disability and will provide reasonable accommodations. Information provided about medical conditions or disabilities shall be treated as confidential, as required by state and federal statutes, and will be divulged only to the extent necessary to provide reasonable accommodations.

Legal Reference:	
Date of Adoption:	August 14, 2018

D. Paid Leaves

1. *Paid Leaves Available.* ESU 1 makes the following forms of paid leaves available: Sick Leave, Bereavement Leave, Personal Leave, Emergency Leave, Administrative Leave, Vacation Leave and Professional Leave. In addition, ESU 1 complies with laws that require leaves to be allowed without loss of pay, such as for military service and jury duty.
2. *Negotiated Agreement.* Paid leaves are provided for in the negotiated agreement with the designated association of certified employees. The negotiated agreement will control where there is any direct conflict with this policy.
3. *Nature of Paid Leave.* Paid leave is available to employees when the following specific conditions are met: (1) the employee is currently employed by the ESU; (2) the paid leave day is taken on a day the employee would otherwise be expected to be at work; and (3) the employee has met the conditions that are applicable to the type of paid leave that has been requested.
4. *Leave Year.* The leave year for paid leaves is ESU 1's fiscal year unless otherwise stated by individual contract.
5. *Leave Days.* Paid leave days are provided based on the same number of hours the employee is scheduled to work on the day the leave is taken, except for any day in which premium pay may be paid. For example, if an employee is scheduled to work 6 hours on a day that sick leave is used, the use of the sick leave on that day constitutes the use of 1 full sick day. Paid leave days may not be used in increments of less than one-half day unless otherwise specified or approved.
6. *Eligibility Based on Employment Status.* For purposes of eligibility for paid leave days, employees are identified as:

- i. *Full-Time Employees*—Employees scheduled to work in one position at least 1,387.5 hours per leave year. Eligibility for full-time status treatment based on combinations of positions is subject to prior written approval of the Administrator.
 - ii. *Part-Time Employees*—Employees who are contracted to work at least 9 months in the leave year and who are scheduled to work at least 20 hours per week. Except as otherwise specified, Part-Time Employees are provided paid leaves on a pro rata basis measured against a 1,387.50 hour work year (185 days x 7.5 hours).
 - iii. *Ineligible Employees*—Employees who are not Full-Time or Part Time Employees, as defined above, including any employees employed on a substitute or temporary basis. Ineligible Employees are not eligible for any paid leaves.
 - iv. *New Classified Employees*—Employees who have been employed with the ESU less than 4 months and who are employed in a position that does not require NDE or HHS certificate or license. New Classified Employees are not eligible for paid leaves. Upon reaching the 4 month employment anniversary, the employee becomes eligible for paid leaves for the remainder of the leave year, including the 4 month probationary period, on a pro rata basis.
7. *Unused Days.* There is no pay for unused paid leave either during or upon ending of employment except as may be provided in the negotiated agreement with the designated association of certified employees or in written employment contracts approved by the Board, and except as required by law. A condition of paid leave being available is that the employee not engage in misconduct warranting termination. Accordingly, in the event the Administrator or the Board determines that an employee has engaged in misconduct, there shall be no pay for unused leave days. In the event unused leave days are required to be paid, the employee will be paid at the employee's daily rate of pay at the time the unused paid leave days first became available.

Legal Reference:	§§ 48-1228 to 48-1232 (Wage Payment and Collection Act)
Date of Adoption:	August 14, 2018

E. Sick Leave

1. *Days Per Leave Year.* Employees have 14 days sick leave available per leave year.
2. *Availability.* Sick leave is a paid work day when the employee may be absent from duties. Sick days are only available when the employee is unable to perform assigned duties due to the illness or temporary disability of the employee or due to the employee needing to care for a member of the employee's immediate family who is ill or has a serious health condition. Immediate family for purposes of sick leave means the employee's spouse, and dependent child. Employees are to use sick leave when unable to work. Activities other than caring for their own health or that of an immediate family member reflect an abuse of sick leave. Employees may

utilize up to two days of Non-Dependent Sick Leave for family members outside of the immediate family member definition. Use of Non-Dependent Leave is subject to Administrative approval and is subtracted from the Sick Leave accumulation.

3. *Carry-over and Accumulation.* Unused sick leave may be carried over from one leave year to the next succeeding leave year to a maximum of 65 sick leave days. Once the maximum is accumulated, no further sick leave days will be available or granted for the ensuing leave year or years until the accumulated number of days is less than 65, and then only to the extent necessary to restore the total number of available sick leave days to the maximum of 65 days.

Legal Reference:	
Date of Adoption:	August 14, 2018

F. Bereavement Leave

1. *Immediate Family.* Paid family bereavement leave of 3 consecutive days is available in the event of the death of an immediate family member. The term “immediate family” for this purpose means the employee’s spouse, child, parent, grandparent, grandchild and sibling; and family members standing in the same relation to the employee’s spouse (in-laws). Family bereavement leave of 3 days is available for each such death, provided that the total paid family bereavement taken in a leave year not exceed 10 days.
2. *Non-Immediate Family.* Non-family bereavement leave of 1 day is available for the death of a person who is not an immediate family member, but with whom the employee was so close that the employee would be expected to attend the person’s funeral. Non-family bereavement leave requires advance approval of the employee’s supervisor. The combination of family and non-family bereavement leave may not exceed 10 days in the leave year.
3. *Use of Bereavement Leave.* Bereavement leave is to be used for purposes of addressing issues related to the death and to attend funeral services. The taking of a bereavement leave without attending funeral services would be an abuse of bereavement leave, except in the case of the death of the employee’s parent, child or spouse, where grief would be expected to impair the employee’s ability to function at work. Bereavement Leave will be deducted from an employee’s sick leave balance.
4. *Carry-over and Accumulation.* There is no carry-over or accumulation of unused bereavement leave. Sick, Personal or Emergency leave may, at the employer’s option, be granted beyond the provisions noted above.

Legal Reference:	
Date of Adoption:	August 14, 2018

G. Personal Leave

1. *Days Per Leave Year.* Employees have 2 days of personal leave available per leave year. Employees in their first year of employment have 1 day of personal leave each semester.
2. *Availability.* The availability of personal leave is to be determined at the discretion of the Administrator.
3. *Carry-over and Accumulation.* There is no carry-over or accumulation of unused personal leave.

Legal Reference:	
Date of Adoption:	August 14, 2018

H. Emergency Leave

1. *Days Per Leave Year.* Employees have 2 days of emergency leave available per leave year and may be paid or unpaid leave.
2. *Availability.* Emergency leave is available when all other forms of paid leave have been exhausted. Emergency leave is for the rare, unusual circumstance, where the taking of a leave is unavoidable and very clearly reasonable. An employee shall request only that portion of the day needed to alleviate the situation. The availability of emergency leave is to be determined in the discretion of the Administrator. The type of requests that might be determined to be eligible for emergency leave are:
 - a. Legal arrangements related to the immediate family of the employee.
 - b. Compliance with a court summons other than for an employee's criminal violations, civil lawsuits, or matters in which the employee is supporting a relative or friend.
 - c. Transactions of serious personal business.
 - d. Necessary extension of bereavement leave.
3. *Carry-over and Accumulation.* There is no carry-over or accumulation of unused emergency leave.

Legal Reference:	
Date of Adoption:	August 14, 2018

I. Professional Leave

1. *Days Per Leave Year.* Certificated and professional/licensed employees may be granted up to 3 days paid professional leave per leave year.
2. *Availability.* Professional leave is available for attendance at local, regional, state, or national functions provided attendance is judged by the Administrator or designee to be for professional development of the employee in an aspect of the employee's employment duties or of potential benefit to the ESU or schools served by the employee. Attendance at such functions is to be determined at the discretion of the Administrator. Expenses for attendance, including transportation, meals, registration fees, and other function-related expenses deemed necessary and

approved by the Administrator will be paid in accordance with the Coffee Act Policy.

3. *Carry-over and Accumulation.* There is no carry-over or accumulation of unused professional leave.

Legal Reference:	
Date of Adoption:	August 14, 2018

J. Administrative Leave

1. *Days Per Leave Year.* Administrative Leave is at the sole discretion of the Administrator and may be used when there is potential benefit to school clients, for the general welfare of the employee, or for the general welfare of the Unit.
2. *Availability.* Administrative Leave is available only after Professional Leave has been used or as determined by the Administrator.
3. *Carry-over and Accumulation.* There is no carry-over or accumulation of unused professional leave.

K. Vacation Leave

1. *Days Per Leave Year.* As determined by individual agreements for Administrative and Classified staff.
2. *Availability.* Vacation leave is available on an annual basis as determined by individual contracts.
3. *Carry-over and Accumulation.* There is no carry-over and accumulation of unused vacation leave.

L. Unpaid Leaves

Should an employee be absent from work in excess of the employee's available paid leaves, the absence will be an unpaid leave. The employee's salary and fringe benefits (including the cost of premiums for group health insurance) may be subject to reduction for the day or days of work missed.

Legal Reference:	
Date of Adoption:	August 14, 2018

M. Discretionary Leave of Absence

An employee may apply to the Board for a leave of absence from duties. The Board will consider such requests on a case-by-case basis. No leave of absence shall extend beyond one leave year. All discretionary leaves shall be without pay except as may be individually negotiated.

Legal Reference:	
Date of Adoption:	August 14, 2018

N. FMLA

Family and medical leaves shall be allowed under the terms and conditions of the Family and Medical Leave Act of 1993 (FMLA) as amended.

The “leave year” for purposes of the FMLA shall be a “rolling” twelve-month period, measured backward from the date of any FMLA usage.

Substitution of accrued paid leaves for otherwise unpaid FMLA leaves may be required at the discretion of the Administrator or the Board. The employee may also have paid leave run concurrently with unpaid FMLA leave entitlement, provided the employee meets applicable requirements of the leave policy.

Employees shall be required to submit medical certifications to support a request for FMLA leave because of a serious health condition, or a sick leave, when such leave is for a duration in excess of five successive days, and in such other cases as deemed appropriate by the Administrator or the Board based on the nature of the illness or other circumstances surrounding the leave. Second and third medical opinions may, in the Administrator or the Board’s discretion, be required. Employees shall be required to report periodically, at such times as requested by the Administrator or the Board, on their intent to return to work from FMLA leaves and other leaves. Employees shall be required to submit a fitness-for-duty certification from their health care provider as a condition of returning to work from a FMLA leave taken because of the employee’s serious health condition, or from a sick leave taken by reason of the employee’s illness, when such leave was of a duration in excess of five (5) successive days, and upon request of the Administrator or the Board when such is deemed appropriate by the Administrator or the Board based upon the nature of the illness or other circumstances surrounding the leave.

An “equivalent position” for FMLA restoration purposes shall, in the case of certificated employees, be any administrative, teaching, or instruction related position for which the employee is qualified by reason of endorsement, college preparation, or experience, or other indicia. In the case of coaching or other similar extracurricular duty assignments, “equivalent position” can be any extracurricular duty assignment. In the case of other employees or positions, “equivalent position” can be one with or at equivalent pay, benefits, and working conditions, involving similar or related duties, as determined by the Administrator or the Board.

By law, FMLA leave is available only to employees who meet certain conditions. One of the conditions is that the employee “is employed at a worksite where 50 or more employees are employed by the employer within 75 mile of that worksite.”

The ESU will allow employees who do not meet this condition due to the location of their worksite to take unpaid leaves on the same terms and conditions as other ESU employees are allowed to take FMLA leaves. Such unpaid leaves will be allowed as an ESU provided benefit and not as an FMLA protected leave.

Legal Reference:	29 USC Sections 2611 to 2618 and 29 CFR Part 82
Date of Adoption:	August 14, 2018

O. Military and Family Military Leave

Military leave and family military leave will be granted to the extent required by state and federal law.

Employees requesting military leave must notify the Administrator as soon as they receive notification of activation. Employees are to attach a copy of their orders to a leave request form when they prepare the request for military leave.

Employees requesting to take family military leave under the Nebraska statutes must notify the Administrator at least 14 days in advance of taking such a leave if the leave will be for 5 or more consecutive days, consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the ESU. For leaves of less than 5 days, the employee is to notify the Administrator of the leave request as soon as practicable.

Family military leave under the FMLA will be provided in accordance with that law and subject to the provisions of the Board policy pertaining to FMLA leave.

Legal Reference:	Neb. Rev. Stat. §§ 55-160 to 55-166 Neb. Rev. Stat. §§ 55-501 to 55-507 29 U.S.C. §§ 2611, et seq.; 29 CFR Part 825 (FMLA) 38 U.S.C. §§ 4301 to 4333; 20 CFR Part 1002 (USERRA)
Date of Adoption:	August 14, 2018

P. Adoption Leave

Adoption leave will be permitted to be taken by an adoptive parent for the same time and on the same terms as an employee is permitted to take a leave of absence upon the birth of the employee's child.

The adoptive parent leave of absence begins following the commencement of the parent-child relationship. The parent-child relationship commences, for purposes of adoption leave, when the child is placed with the employee for purposes of adoption. The employee shall be deemed to have waived any adoptive leave days not taken following the commencement of the parent-child relationship, except as the Administrator and the employee may otherwise agree. Advance notice of an anticipated adoption shall be provided by the employee to the Administrator as early as possible.

Legal Reference:	§ 48-234
Date of Adoption:	August 14, 2018

Q. Jury Duty Leave

An employee who is summoned for jury service must promptly notify the employee's immediate supervisor. The employee will be allowed time off for jury duty. There will be no loss of salary or deduction in leave time for time spent in jury services. The ESU may at its discretion reduce salary by an amount equal to any compensation, other than expenses, paid by the court for jury duty.

If an employee reports for jury duty in the morning and is then dismissed from jury duty for the remainder of the day, the employee is to report for work and resume duties for the balance of the day, except as may be otherwise arranged by the employee's immediate supervisor.

Legal Reference:	§ 25-1640
Date of Adoption:	August 14, 2018

R. Subpoena to Testify Leave

An employee must promptly notify the employee's immediate supervisor when the employee receives a lawfully issued subpoena to testify in court or to give a deposition that may require an absence from duty.

In the event the subpoena involves a job-related matter in which the employee is testifying on behalf of the ESU, the absence will be treated similar to a jury duty leave.

In the event the subpoena involves a personal matter, the employee will be required to use available leave days. A subpoena will be considered to involve a personal matter whenever the employee or a family member or friend of the employee is a party to the legal proceeding, unless the employee's involvement in the legal matter is solely due to actions taken in connection with the employee's work duties, the actions of the employee were not inappropriate, and the ESU is not an opposing party in the legal matter.

Legal Reference:	
Date of Adoption:	August 14, 2018

S. Voting Leave

Employees will be allowed paid time off to vote in an election if the employee: (a) is a registered voter; (b) does not have 2 consecutive hours during which the employee is not required to be present at work in the period between the time of the opening and closing of the polls; and (c) applies for voting leave prior to or on election day.

Voting leave will not be available to most employees because elections are typically scheduled for 8 a.m. to 8 p.m. Most employees are off duty on or before 6 p.m. If not off work by 6 p.m., the employee is usually not on duty before 10 a.m.

When voting leave is available, an employee will be entitled to be absent from work on election day for such period of time as will, when considering the employee's non-working time, total 2 consecutive hours between the time of the opening and closing of the polls. When voting leave is used, no deduction shall be made from the employee's salary or wages on account of such absence. The employee's supervisor may specify the hours during which the employee may be absent for voting leave.

Legal Reference:	§ 32-922
Date of Adoption:	August 14, 2018

Section 10 Professional Employees

A. Professional Employees Defined

Professional employees include “certificated employees,” which for purposes of the Board policies, means any teacher, nurse, or other employee in a position or assignment which requires a certificate issued by the Commissioner of Education.

Professional employees for purposes of the Board policies also include employees in a position or assignment which may or may not require a special service certificate issued by the Commissioner of Education or a professional license issued by the Nebraska Health and Human Services. Designation in the Board policies of an employee as a “professional employee” shall not extend continuing contract rights to any employee who is not defined by statute as “certificated employee.”

Legal Reference:	§ 79-1234(2)
Date of Adoption:	August 14, 2018

B. Qualifications and Assignment

All ESU staff who have professional or teaching responsibilities for students shall hold valid Nebraska teaching certificates pursuant to NDE Rule 21. Teaching assignments shall be made only to ESU teachers who hold valid Nebraska teaching certificates having appropriate endorsements, provided such endorsements are being offered by a Nebraska standard institution of higher education.

Special service certificate holders shall be limited to providing those services specified on their Nebraska Special Services Certificate.

All ESU staff who have responsibilities that require a professional license issued by the Nebraska Health and Human Services shall possess and maintain valid licensure as required by law as a condition of employment and continued employment.

Legal Reference:	NDE Rule 84, sections 5.02-.04
Date of Adoption:	August 14, 2018

C. Supervision, Assignment and Evaluation When Serving Schools

The policies governing the supervision, assignment and evaluation of ESU employees when they are serving on the instructional or service faculty of a school are as follows:

1. **Supervision.** Employees assigned to serve a school remain responsible for adhering to the policies of the ESU and to the directives of their ESU supervisor. Employees must further adhere to the policies of the school applicable to their assignment and duties and to the directives of the school’s Superintendent or designated administrator of the school; provided such are consistent with ESU policies and

directives and with the employee's assignment. The employee's supervisor is to coordinate and communicate with the employee and with the school's administration and make such personal visits to the employee at the school as needed to ensure that the employee is adhering to such responsibilities and receiving the necessary resources and proper treatment. The employee's supervisor is to establish a protocol to ensure that the employee is at the school at the times the employee is responsible to be at the school.

2. **Assignment.** In making assignments of employees to serve schools, consideration will be given to the wishes of the employee and the schools. However, the ESU reserves the right to assign and reassign in the best interests of the ESU as determined by the Administrator.
3. **Evaluation.** When evaluating the performance of an employee assigned to serve a school, the evaluator is to consider, and solicit as needed, information from the school administration related to the performance of the employee while performing duties at schools. Observations of performance of the employee at the school should be made as appropriate to complete the evaluation.

Legal Reference:	NDE Rule 84, section 3.05
Date of Adoption:	August 14, 2018

D. Professional Growth

The equivalent of at least two days of professional growth shall be provided to all ESU professional staff annually. The equivalent of two days means professional growth activities over a period of hours equaling the total number of hours in two regular days of employment

Legal Reference:	NDE Rule 84, section 3.04E
Date of Adoption:	August 14, 2018

E. Standards of Ethical and Professional Performance for Professional Employees

The State of Nebraska and the Board of ESU 1 recognize that teaching and its related services, including administrative and supervisory services, are a profession with all of the rights, responsibilities, and privileges accorded other recognized professions. The Board recognizes and endorses the Standards of Ethical and Professional Performance as established by the Nebraska Department of Education.

As a minimal performance expectation, all professional employees shall comply with the ethics standards set forth by the Nebraska Department of Education as such standards may be modified from time to time. Professional employees in a position or assignment which requires a professional license issued by the Nebraska Health and Human Services (HHS) shall, in addition, comply with the ethics standards established by HHS for their respective profession. For purposes of this Policy, "educator" shall include all professional employees of the ESU.

Preamble to Certificated Employees' Code of Ethics

The educator shall believe in the worth and dignity of human beings. Recognizing the supreme importance of the pursuit of truth, the devotion to excellence and the nurture of democratic citizenship, the educator shall regard as essential to these goals the protection of the freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator shall accept the responsibility to practice the profession to these ethical standards.

The educator shall recognize the magnitude of the responsibility he or she has accepted in choosing a career in education, and engages, individually and collectively with other educators, to judge his or her colleagues, and to be judged by them, in accordance with the provisions of this code of ethics.

The standards listed in this section are held to be generally accepted minimal standards for all educators with respect to ethical and professional conduct.

Principle I - Commitment as a Professional Educator:

Fundamental to the pursuit of high educational standards is the maintenance of a profession possessed of individuals with high skills, intellect, integrity, wisdom, and compassion. The educator shall exhibit good moral character, maintain high standards of performance and promote equality of opportunity.

In fulfillment of the educator's contractual and professional responsibilities, the educator:

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of students, colleagues, parents, patrons, or ESU board members.
2. Shall not discriminate 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 in its programs and activities.
3. Shall not use coercive means, or promise or provide special treatment to students, colleagues, patrons, or ESU board members in order to influence professional decisions.
4. Shall not make any fraudulent statement or fail to disclose a material fact for which the educator is responsible.
5. Shall not exploit professional relationships with students, colleagues, parents, patrons, or ESU board members for personal gain or private advantage.
6. Shall not sexually harass students, parents or patrons, employees, or ESU board members.
7. Shall not have had revoked for cause in Nebraska or another state a teaching certificate, administrative certificate, or any certificate enabling a person to engage in any of the activities for which an educator's certificate is issued in Nebraska.
8. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of professional duties.
9. Shall promptly report to the Administrator any known violation of these standards.
10. Shall seek no reprisal against any individual who has reported a violation of these standards.

Principle II - Commitment to the Student:

Mindful that a profession exists for the purpose of serving the best interests of the client, the educator shall practice the profession with genuine interest, concern, and consideration for the student. The educator shall work to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the student, the educator:

1. Shall permit the student to pursue reasonable independent scholastic effort, and shall permit the student access to varying points of view.
2. Shall not deliberately suppress or distort subject matter for which the educator is responsible.
3. Shall make reasonable effort to protect the student from conditions which interfere with the learning process or are harmful to health or safety.
4. Shall conduct professional educational activities in accordance with sound educational practices that are in the best interest of the student.
5. Shall keep in confidence personally identifiable information that has been obtained in the course of professional service, unless disclosure serves professional purposes, or is required by law.
6. Shall not tutor for remuneration students assigned to his or her classes unless approved by the ESU Board.
7. Shall not discipline students using corporal punishment.
8. Shall not engage in physical or sexual abuse of students, including engaging in inappropriate sexual behaviors with students.

Principle III - Commitment to the Public:

The magnitude of the responsibility inherent in the education process requires dedication to the principles of our democratic heritage. The educator bears particular responsibility for instilling an understanding of the confidence in the rule of law, respect for individual freedom, and a responsibility to promote respect by the public for the integrity of the profession.

In fulfillment of the obligation to the public, the educator:

1. Shall not misrepresent an institution with which the educator is affiliated, and shall take added precautions to distinguish between the educator's personal and institutional views.
2. Shall not use institutional privileges for private gain or to promote political candidates, political issues, or partisan political activities.
3. Shall neither offer nor accept gifts or favors that will impair professional judgment.
4. Shall support the principle of due process and protect the political, citizenship, and natural rights of all individuals.
5. Shall not commit any act of moral turpitude, nor commit any felony under the laws of the United States or any state or territory.
6. Shall, with reasonable diligence, attend to the duties of his or her professional position.

Principle IV - Commitment to the Profession:

In belief that the quality of the services to the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to

achieve conditions which attract persons worthy of the trust to careers in education. The educator shall believe that sound professional relationships with colleagues are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to the profession, the educator:

1. Shall provide upon the request of an aggrieved party, a written statement of specific reasons for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.
2. Shall not misrepresent his or her professional qualifications, nor those of colleagues.
3. Shall practice the profession only with proper certification, and shall actively oppose the practice of the profession by persons known to be unqualified.

Principle V - Commitment to Professional Employment Practices:

The educator shall regard the employment agreement as a pledge to be executed both in spirit and in fact. The educator shall believe that sound personnel relationships with governing boards are built upon personal integrity, dignity, and mutual respect.

In fulfillment of the obligation to professional employment practices, the educator:

1. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
2. Shall not knowingly withhold information regarding a position from an applicant or employer, or misrepresent an assignment or conditions of employment.
3. Shall give prompt notice to the employer of any change in availability of service.
4. Shall conduct professional business through designated procedures, when available, that have been approved by the ESU Board.
5. Shall not assign to unqualified personnel tasks for which an educator is responsible.
6. Shall permit no commercial or personal exploitation of his or her professional position.
7. Shall use time on duty and leave time for the purpose for which intended.

Competent Professional Performance

Educators must possess the abilities and skills necessary to accomplish the designated task. Therefore, each educator shall:

1. Keep records for which he or she is responsible in accordance with law and policies of the school system;
2. Supervise others in accordance with law and policies of the ESU;
3. Recognize the role and function of community agencies and groups as they relate to the ESU and to his or her position, including but not limited to health and social services, employment services, community teaching resources, cultural opportunities, educational advisory committees, and parent organizations.

Each teacher and special services provider shall:

1. Utilize available instructional materials and equipment necessary to accomplish the designated task;
2. Adhere to and enforce written and dated administrative policy of the ESU which has been communicated to the teacher or special services provider;

3. Use channels of communication when interacting with administrators, community agencies, and groups, in accordance with policy.

Each administrator shall:

1. Use available instructional personnel, materials and equipment necessary to accomplish the designated task;
2. Adhere to and enforce school law, state board regulation, and written and dated board policy which has been communicated to the administrator;
3. Use channels of communication when interacting with teachers, community agencies and groups in accordance with policy.

Individual Needs and Individual Potential: The educator shall utilize or promote the utilization of diagnostic techniques to analyze the needs and the potential of individuals. These may include but need not necessarily be limited to:

1. Personal observation;
2. Analysis of individual performance and achievement;
3. Specific performance testing.

Instructional Procedures: Each educator shall seek accomplishment of the designated task through selection and utilization of appropriate instructional procedures. Therefore, each educator shall:

1. Create an atmosphere which fosters interest and enthusiasm for learning and teaching;
2. Use procedures appropriate to accomplish the designated task;
3. Encourage expressions of ideas, opinions and feelings.

Each teacher shall:

1. Create interest through the use of materials and techniques appropriate to the varying abilities and background of students;
2. Consider individual student interests and abilities when planning and implementing instruction.

Each administrator shall:

1. Support the creation of interest by providing the materials, equipment and encouragement necessary for the teacher to accomplish the designated task;
2. Make reasonable assignment of tasks and duties in light of individual abilities and specialties and available personnel resources.

Communication Skills: In communicating with students and other educators, each educator, within the limits prescribed by his or her assignment and role, shall:

1. Utilize information and materials that are relevant to the designated task;
2. Use language and terminology which are relevant to the designated task;
3. Use language which reflects an understanding of the ability of the individual or group;
4. Assure that the designated task is understood;
5. Use feedback techniques which are relevant to the designated task;
6. Consider the entire context of the statements of others when making judgments about what others have said;

7. Encourage each individual to state his ideas clearly.

Management techniques: The educator shall:

1. Resolve discipline problems in accordance with law, board policy, and administrative regulations and policies;
2. Maintain consistency in the application of policy and practice;
3. Use management techniques which are appropriate to the particular setting such as group work, seat work, lecture, discussion, individual projects and others;
4. Develop and maintain positive standards of conduct.

Competence in Specialization: Each educator shall:

1. Possess knowledge, within his or her area of specialization, consistent with his or her record of professional preparation;
2. Be aware of current developments in his or her field;
3. Possess knowledge of resources which may be utilized in improving instruction in his or her area of specialization.

Evaluation of Learning and Goal Achievement: An educator shall accept responsibility commensurate with delegated authority to evaluate learning and goals achievement. Each educator shall:

1. Utilize several types of evaluation techniques;
2. Provide frequent and prompt feedback concerning the success of learning and goal achievement efforts;
3. Analyze and interpret effectively the results of evaluation for judging instruction, the achievement of stated goals, or the need for further diagnosis;
4. Utilize the results of evaluation for planning, counseling and program modification;
5. Explain methods and procedures of evaluation to those concerned.

Human and Interpersonal Relationships: Educators shall possess effective human and interpersonal relations skills and therefore:

1. Shall allow others who hold and express differing opinions or ideas to freely express such ideas;
2. Shall not knowingly misinterpret the statement of others;
3. Shall not show disrespect for or lack of acceptance of others;
4. Shall provide leadership and direction for others by appropriate example;
5. Shall offer constructive criticism when necessary;
6. Shall comply with reasonable requests and orders given by and with proper authority;
7. Shall not assign unreasonable tasks;
8. Shall demonstrate self-confidence and self-sufficiency in exercising authority.

Personal Requirements: Each educator within the scope of delegated authority shall:

1. Be able to engage in physical activity appropriate to the designated task except for temporary disability;
2. Be able to communicate so effectively as to accomplish the designated task;
3. Appropriately control his or her emotions;
4. Possess and demonstrate sufficient intellectual ability to perform designated tasks.

Continuance in Professional Service: Continuance in professional service requires the maintenance of a valid teaching, administrative, or special services certificate in accordance with the laws of the State of Nebraska.

Contractual Obligations: Educators shall adhere fully to the terms of a contract or appointment.

Legal Reference:	NDE Rule 27
Date of Adoption:	August 14, 2018

F. Private Tutoring or Services

A professional employee may not provide private tutoring or professional services in exchange for compensation from a source other than the ESU or an ESU member school without advance approval of the Administrator:

1. to a child that the employee teaches or provides professional services in the course and scope of the employee's duties to the ESU; or
2. in an ESU facility or in an ESU member school facility; or
3. during the employee's duty hours.

Professional employees who accept engagements to provide private tutoring or professional services are to make clear that the services are not being provided on behalf of the ESU to the extent the recipient of the services may in any way otherwise be caused to believe the services are provided through the ESU.

Legal Reference:	NDE Rule 27, sections 27.402E, 27.403F and 27.404B
Date of Adoption:	August 14, 2018

G. Evaluations

The Board delegates to the Administrator the responsibility of developing, organizing and implementing a system-wide program for evaluating professional employees. The Administrator shall develop effective evaluation procedures and instruments. The evaluation process is to be conducted in such a manner as to be consistent with and advance the mission and goals of ESU.

This evaluation policy is intended to set forth expectations for the administration and not to give rights to employees. As such, a failure to complete observations or evaluations of the designated duration and frequency shall not give the professional employee rights with regard to continued employment. Such failures, however, are to be considered in evaluating the responsible evaluator's performance.

1. Communication of Evaluation Process. Annual written communication of the evaluation process to those being evaluated shall be made by distributing a copy of the evaluation instrument to the professional staff at the beginning of each evaluation year.

2. Duration and frequency of observations and written evaluations. The duration and frequency of observations and written evaluations are to be as follows:
- a. Probationary Professional Employees.
 - i. Probationary professional employee for purposes of this evaluation policy means a professional employee who has served under a contract with the ESU for less than three successive years.
 - ii. Formal observations of probationary teachers are to be based upon actual classroom observations for an entire instructional period. For probationary professional employees other than teachers, the formal observations shall consist of in-person observations comparable to that for teachers.
 - iii. Probationary employees are to be formally observed and evaluated at least once each semester.
 - iv. The responsible evaluator is expected to complete the second semester evaluations of probationary professional employees prior to April 15 of each year.
 - b. Permanent Employees.
 - i. Permanent professional employee for purposes of this evaluation policy means a professional employee who has served under a contract with the ESU for at least three successive years.
 - ii. Formal observations and evaluations of permanent teachers are to be based upon actual classroom observations for an entire instructional period. For permanent professional employees other than teachers, the formal observations shall consist of in-person observations comparable to that for teachers.
 - iii. Permanent professional employees are to be formally observed and evaluated at least once each school year. Where it is appropriate based on the permanent employee's employment with the ESU, overall experience, and prior evaluations, the responsible evaluator may establish an evaluation cycle of up to every three years, rather than an annual evaluation cycle.
 - c. Employees' Responsibility. Professional employees are expected to inform the responsible evaluator of instructional periods or professional activities that would be conducive to an evaluation and to make themselves readily available to be evaluated. In the event the responsible evaluator has not initiated the evaluation process nearing the time within which an evaluation is to be completed, the employee has the responsibility to notify the responsible evaluator such that the evaluation can be completed when due.
 - d. Informal Observations and Evaluations. Informal observations and evaluations may be conducted as the administration determines to be appropriate.
 - e. Additional Observations and Evaluations. The duration and frequency of observations and written evaluations is specified as a minimum expectation for the evaluators. Observations and evaluations of greater frequency or number

than required may be conducted and made at the request of the employee or in the discretion of the evaluator.

3. Evaluation Criteria. Professional employees performing instructional duties shall be evaluated based upon the following evaluation criteria:

- Instructional Performance including Delivery of Service
 - Planning and Preparation
- Classroom Organization and Management including Environment and Planning and Preparation
- Professional Responsibilities and Personal and Professional Conduct

For professional employees in non-instructional capacities, the Administrator shall establish such other evaluation criteria as the Administrator determines appropriate given the duties of the employee; provided that personal and professional conduct be included.

In preparing summative evaluations, evaluators are to consider not only the formal observations conducted, but also informal observations and other relevant information concerning the performance of the employee in each of the evaluation criteria. Further, evaluators are to consider the input of administrators and other professional staff of the schools served by the employee, as applicable.

4. Communication of Deficiencies. The evaluation process is to include written communication and documentation to the evaluated employee specifying deficiencies, specific means for the correction of the noted deficiency, and an adequate timeline for implementing the concrete suggestions for improvement.

As professionals, professional employees may be assigned responsibility to provide suggestions for improvement plans or job growth strategies and shall have the duty of complying with such requests. Further, in the event improvement plans or other similar performance measures are implemented, professional employees shall have the duty to comply with such plans.

Professional employees are expected to be cooperative, professional, and to exhibit a willingness to improve performance and to accept the constructive criticisms and suggestions of the evaluator.

5. Responses to Evaluations. Professional employees will be given seven calendar days from receipt of an evaluation in which to give a written response to the evaluation.

6. Plan for Training Evaluators. All evaluators shall possess a valid Nebraska Administrator's Certificate and be trained to use the evaluation system. Training sessions in the use of the evaluation system will be provided by the Administrator or designee to all evaluators prior to their participation in evaluations. Refresher training is to be conducted as the Administrator determines to be needed.

Legal Reference:	NDE Rule 10 (as guidance only; not directly applicable to the ESU)
Date of Adoption:	August 14, 2018

H. Grievance Procedure

The purpose of this grievance procedure is to secure, at the lowest possible level, equitable solutions to problems that may from time to time arise concerning the terms and conditions of employment that are set forth in the negotiated agreement with the recognized bargaining unit(s) within the ESU (the “Association”).

Step One (Informal to Supervisor)

- a. If the Association or an employee has a grievance, the Association representative is to first discuss the matter with the administrator at the most-direct level or, in the case of an employee-grievant, the employee’s immediate supervisor.
- b. Step One is to be taken within 20 business days of the occurrence of the circumstance or action that creates the basis for the grievance.
- c. An employee-grievant may have a local representative present.
- d. The administrator or immediate supervisor to whom the grievance is presented is to give an oral or written response within 5 business days.

Step Two (Written to Supervisor)

- a. If the Association or the employee-grievant feels that the grievance is not satisfactorily resolved at Step One, the Association or the employee-grievant is to prepare a written grievance statement and give the statement to the administrator or immediate supervisor to whom the oral grievance was submitted.
- b. Step Two is to be taken within 5 business days of the immediate supervisor’s response, or the passage of the response deadline in the event of a failure to respond at Step One.
- c. The administrator or immediate supervisor is to give a written response within 5 business days.

Step Three (Written to Administrator)

- a. If the grievance is not resolved at Step Two to the satisfaction of the Association or the employee-grievant, the Association or the teacher-grievant is to give the written grievance statement to the Administrator and request a response to the grievance from the Administrator.
- b. Step Three is to be taken within 5 business days of the Step Two response, or the passage of the response deadline in the event of a failure to respond at Step Two.
- c. The Administrator may request that the Association or the employee-grievant give additional information in support of the grievance.
- d. The Administrator is to give a written response within the 5 business days of receipt of any information requested by the Administrator.

Step Four (To Board)

- a. If the grievance is not resolved at Step Three to the satisfaction of the Association or the employee-grievant, the Association or the employee-grievant is to give the Administrator or the Board President a written grievance statement and request a response from the Board.
- b. Step Four is to be taken within 5 business days of the Administrator's response, or the passage of the response deadline in the event of a failure to respond, at Step Three.
- c. The Association or the employee-grievant and the administrators may provide Board members with written information concerning the grievance dispute in advance of the meeting at which the Board or a committee of the Board will consider the grievance.
- d. The Board or a committee of the Board is to give a decision on the grievance. If the grievance is submitted to the Board at least 2 weeks prior to the next regularly scheduled Board meeting, the decision is to be given at (or if a committee is used, on or before the date of) that Board meeting. If the grievance is submitted to the Board within 2 weeks of the next regularly scheduled Board meeting, the decision on the grievance is to be given at (or if a committee is used, on or before the date of) the next following regularly scheduled Board meeting. The Board may give its decision at a special meeting so long as the decision is given within the foregoing time frames.
- e. The decision at Step Four shall be final.

Conditions of Grievance Procedures

- a. Time limits herein are provided in business days, which excludes time periods when the business office of the ESU are closed for regular operations.
- b. Time limits may be extended by agreement of the grievant and the ESU administrator responsible at each particular grievance Step.
- c. Failure of a grievant to comply with the time limits shall constitute a waiver of right to proceed to the next step.
- d. Failure of an administrator to comply with the time limits at any level shall permit the grievant to proceed to the next step.
- e. Administrators and employees shall not retaliate against the Association or a employee-grievant for good-faith use of the grievance procedure.

Legal Reference:	
Date of Adoption:	August 14, 2018

I. Reduction in Force

Reductions-in-force of certificated staff may occur due to decreasing enrollments in schools served, limited financial support, changes in financial support, budget restrictions, changes in programs, changes in services provided, changing needs for services by school districts, changes in full time equivalencies, or other changes in circumstances. If a change in circumstances occurs necessitating a reduction in force, the Administrator or designee shall recommend to the Board

those certificated employees to be reduced, and the Board shall take action thereon, in accordance with applicable laws.

Reductions in force may include termination of an employee's contract, amendment of an employee's contract to reduce the employee's full time equivalency from full-time to part-time or from part-time to a lesser part-time, amendment of an employee's contract to eliminate positions or assignments and compensation related to such positions or assignments, and any other change that is a termination, non-renewal, or amendment of an employee's contract under the continuing contract laws.

The criterion for determining the employee or employees to be reduced in force are as follows (not listed in order of importance):

1. Areas of certification and endorsement. It shall be the responsibility of all certificated employees to file with the Administrator a copy of their teaching certificate or administrative and supervisory certificate or other license, including endorsements, upon initial employment with the ESU. On or before March 15th of each year thereafter, for so long as the employee is employed in the ESU or has rights of recall, the employee shall file with the Administrator evidence of any changes in the employee's certification, endorsements, or licensure which have occurred since March 15th of the previous year or which are pending.
2. Special qualifications that may require specific training and/or experience.
3. Existing school assignment.
4. Staffing requests from schools.
5. Location of schools and assignments.
6. Programs to be offered.
7. State and federal regulations which may mandate certain employment practices.
8. Contributions beyond the standard duties of the certificated employee's position, including contributions to activity programs of the schools.
9. Qualifications based on past performance and competence as determined by the Administrator or the evaluator of the affected employees through employee evaluation procedures. The criteria for employee evaluations (including frequency of the evaluation, evaluation forms, number and length of classroom observations, if applicable) used for purposes of this policy consists of the ESU 1 Board policies and administrative rules, regulations, forms and practices related to the periodic evaluation of certificated employees in effect as of the time the evaluation was completed. Such evaluation policies, etc., are incorporated herein as though set forth in full.
10. The organizational and educational impact created by multiple part time certificated employees.
11. Any other criteria which are rationally related to the instruction and services provided by, and the administration of, the ESU.

No permanent employee may be reduced through a reduction-in-force while a probationary employee is retained to perform a service in a position that the permanent employee is qualified by certification and endorsement to perform or where certification is not applicable, by reason of college credits in the teaching area.

Due to the often intimate, confidential, and unique personal working relationship necessary between the administration and the Board, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the ESU.

If, after consideration of the above, it is the opinion of the Administrator that no significant difference exists between certificated employees being considered for reduction-in-force, then the employee with the longest uninterrupted service to the ESU shall be retained. Uninterrupted service time shall accrue the same for all certificated employees regardless of their full time equivalency. Uninterrupted service time for employees employed less than a full school year shall accrue according to the number of contract days worked. Uninterrupted service time shall not accrue for certificated employees on leave of absence for more than forty days.

A certificated employee whose contract is terminated because of reduction-in-force shall be considered to have been dismissed with honor. The employee shall, upon request, be provided a letter to that effect. The employee shall have preferred rights to re-employment for a period of twenty-four months commencing at the end of the contract year. The employee shall be recalled on the basis of length of uninterrupted service to the ESU to any position for which the employee is qualified by endorsement or college preparation to teach. The employee shall, upon reappointment, retain any benefits which had accrued to the employee prior to the reduction, but such leave of absence shall not be considered as a year of employment by the ESU. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to subsequent recall.

Any certificated employee whose employment contract is reduced as a result of reduction-in-force shall, during the period of recall, report current address information to the Administrator and inform the Administrator of any changes of address thereafter. If a vacancy occurs for which the employee has rights of recall, the offer of such employment may be sent by the Administrator to the employee's last reported address. If no acceptance of such offer is received from the employee within fourteen days of mailing and the Administrator has no personal knowledge of the whereabouts of the employee (other than said last known address), the employee shall be deemed to have waived rights to recall to that employment position.

Legal Reference:	§§ 79-846 to 79-848 §§ 79-1234 to 79-1239
Date of Adoption:	August 14, 2018

Section 11 Classified Employees

A. Classified and Non-Certificated Employees Defined

Classified employee, for purposes of the Board policies, means any employee or assignment which is not within the definition of "professional employee" as set forth in the Board policies.

“Non-certificated employee,” for purposes of the Board policies, means any employee who is not a teacher, nurse, or otherwise in a position or assignment which requires a certificate issued by the Commissioner of Education.

Legal Reference:	§ 79-1234(2)
Date of Adoption:	August 14, 2018

B. “At Will” Status

All employees and assignments that do not require a certificate issued by the Commissioner of Education shall be on an “at will” basis. Non-certificated employees shall have no property right in continued employment and need not be given a hearing or any other procedural or substantive due process prior to termination of employment.

Nothing in board policy, administrative regulations or practices, employee handbooks, or in any evaluation instrument or in the evaluation process for non-certificated employees shall be or is intended to create or be a contract or part of a contract with a non-certificated employee which shall in any way be construed to be contrary to the “at will” employment of non-certificated employees. No administrator or other employee of the ESU has any authority to enter into any agreement of employment with a non-certificated employee for any specific period of time or to make any agreement contrary to an at-will employment relationship without specific Board approval.

Legal Reference:	
Date of Adoption:	August 14, 2018

C. Hiring, Assignment and Dismissal

The Board delegates to the Administrator the authority to hire, assign, reassign, suspend and dismiss classified and non-certificated employees. Such authority shall be exercised in compliance with the policies of the Board. The Board reserves the authority to modify or reverse any such action taken by the Administrator.

Dismissal of classified and non-certificated employees shall be on an at-will basis, as such employees are subject to termination at any time without cause, without prior disciplinary action or progressive discipline, and irrespective of the lack of any evaluation or the irregularity in any evaluation process.

Legal Reference:	
Date of Adoption:	August 14, 2018

D. Standards of Ethical and Professional Performance for Classified Staff. In fulfillment of a classified employee’s minimum responsibilities, each classified employee:

1. Shall not interfere with the exercise of political and citizenship rights and responsibilities of other employees, students, parents, patrons, or ESU board members.

2. Shall not discriminate 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 in its programs and activities.
3. Shall not use coercive means, or promise or provide special treatment to other employees, students, parents, patrons, or ESU board members in order to influence professional decisions.
4. Shall not make any fraudulent statement or fail to disclose a material fact for which the employee is responsible.
5. Shall not exploit relationships for personal gain or private advantage.
6. Shall not harass in any manner students, parents or ESU patrons, employees, or board members.
7. Shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in the performance of duties.
8. Shall keep in confidence personally identifiable student or employee information that has been obtained in the course of service to the ESU, unless disclosure serves professional purposes or is required by law.
9. Shall not discipline students using corporal punishment.
10. Shall not misrepresent the ESU, and shall take added precautions to distinguish between the employee's personal and institutional views.
11. Shall abide by policies and regulations of the Board and the rules and standards established by the administration and the employee's supervisor.
12. Shall seek no reprisal against any individual who reports a violation of these standards.

Legal Reference:	NDE Rule 27 (as a guide)
Date of Adoption:	August 14, 2018

E. Evaluations

The Board delegates to the Administrator the responsibility to develop, organize and implement a program to evaluate classified employees. The evaluation process is to be conducted in such a manner as to be consistent with and to advance the mission and goals of ESU.

A failure to properly complete evaluations shall not give a classified employee rights with regard to continued employment. Such failure, however, is to be considered in evaluating the responsible evaluator's performance.

Legal Reference:	
Date of Adoption:	August 14, 2018

EQUITY and LEGAL COMPLIANCE

Section 1 Non-Discrimination

A. Policy of Non-Discrimination

ESU 1 does not discriminate 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 in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Students: Stuart Clark, Director of Special Education, 211 Tenth St, Wakefield, NE 68784 (402)287-2061 sclark@esu1.org.

Employees and Others: Lisa Salmon, Human Resources Director, 211 Tenth St, Wakefield, NE 68784 (402)287-2061 lsalmon@esu1.org.

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator. For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office of Civil Rights in the U.S. Department of Education (OCR), please contact the OCR at One Petticoat Lane, 1010 Walnut Street, 3rd Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or ocr.kansascity@ed.gov.

ESU 1 is committed to offering employment and educational opportunity to its employees and students in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by ESU employees, including co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to a person's sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, that is sufficiently serious to deny, interfere with, or limit a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

- a. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
- b. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another

location, or elsewhere.

Discriminatory harassment because of a person's sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, may include, but is not limited to:

- a. Name-calling,
- b. Teasing or taunting,
- c. Insults, slurs, or derogatory names or remarks,
- d. Demeaning jokes,
- e. Inappropriate gestures,
- f. Graffiti or inappropriate written or electronic material,
- g. Visual displays, such as cartoons, posters, or electronic images,
- h. Threats or intimidating or hostile conduct,
- i. Physical acts of aggression, assault, or violence, or
- j. Criminal offenses

The following examples are additional or more specific examples of conduct that may constitute sexual harassment:

- a. Unwelcome sexual advances or propositions,
- b. Requests or pressure for sexual favors,
- c. Comments about an individual's body, sexual activity, or sexual attractiveness,
- d. Physical contact or touching of a sexual nature, including touching intimate body parts and inappropriate patting, pinching, rubbing, or brushing against another's body,
- e. Physical sexual acts of aggression, assault, or violence, including criminal offenses (such as rape, sexual assault or battery, and sexually motivated stalking), against a person's will or where a person is incapable of giving consent due to the victim's age, intellectual disability, or use of drugs or alcohol,
- f. Requiring sexual favors or contact in exchange for aids, benefits, or services, such as grades, awards, privileges, promotions, etc., or
- g. Gender-based harassment; acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex-stereotyping, but not involving conduct of a sexual nature.

If the ESU knows or reasonably should know about possible harassment, including violence, the ESU will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred (see section entitled "Grievance Procedures," below), and take appropriate interim measures, if necessary. If the ESU determines that unlawful harassment occurred, the ESU will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off school property creates a hostile environment at school, the ESU will follow this policy and grievance procedure, within the scope of its authority.

All ESU employees are expected to take prompt and appropriate actions to report and

prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination (designated compliance coordinator).

2. Anti-retaliation:

The ESU prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in the ESU's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

The ESU will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying students, employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, the ESU will take prompt and strong responsive action, including possible discipline, including expulsion or termination, if applicable.

3. Grievance (or Complaint) Procedures:

Employees or students should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or teacher or to the compliance coordinator designated to handle complaints of discrimination (designated coordinator). If the employee or student is uncomfortable in presenting the problem to the supervisor or teacher, or if the supervisor or teacher is the problem, the employee or student may report the alleged discrimination, harassment or retaliation ("discrimination") to the designated coordinator, or in the case of students, to another staff person (such as a counselor or principal).

Other individuals may report alleged discrimination to the designated coordinator. If the designated coordinator is the person alleged to have committed the discriminatory act, then the complaint should be submitted to the Administrator for assignment. A discrimination complaint form is attached to this grievance procedure and is available in the office of each ESU building, and from the designated coordinators.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

i. Level 1 (Investigation and Findings):

Once the ESU receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, the ESU will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, the ESU will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged

harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of the ESU's investigation. The ESU will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

The ESU will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. The ESU will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure. If the allegation(s) involve possible criminal conduct, the ESU will notify the complainant of his or her right to file a criminal complaint, and ESU employees will not dissuade the complainant from filing a criminal complaint either during or after the ESU's investigation.

The ESU will aim to complete its investigation within ten (10) working days after receiving a complaint or report, unless extenuating circumstances exist. Extenuating circumstances may include the unavailability of witnesses due to illness or incapacitation, or additional time needed because of the complexity of the investigation, the need for outside experts to evaluate the evidence (such as forensic evidence), or multiple complainants or victims. If extenuating circumstances exist, the extended timeframe to complete the investigation will not exceed ten (10) additional working days without the consent of the complainant, unless the alleged victim agrees to a longer timeline. Periodic status updates will be given to the parties, when appropriate.

The ESU's investigation will include, but is not limited to:

- a. Providing the parties with the opportunity to present witnesses and provide evidence.
- b. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- c. For allegations involving harassment, some of the factors the ESU will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.
- d. A review of the evidence using a "preponderance of the evidence" standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The designated compliance coordinator (or designated investigator) will complete an investigative report, which will include:

- a. A summary of the facts,
- b. Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and

- c. If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate discrimination, harassment or other inappropriate conduct.

If someone other than the designated compliance coordinator conducted the investigation, the compliance coordinator will review, approve, and sign the investigative report. The ESU will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made. The ESU will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

The ESU will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within one (1) working day after the investigation is completed. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 11232g; 34 C.F.R. Part 99, permits the ESU to disclose relevant information to a student who was discriminated against or harassed.

ii. Level 2 (Appeal to the Administrator):

If a party is not satisfied with the findings or remedies (or both) set forth in the decision, he or she may file an appeal in writing with the Administrator within five (5) working days after receiving the decision. The Administrator will review the appeal and the investigative documentation and decision, conduct additional investigation, if necessary, and issue a written determination about the appeal within ten (10) working days after receiving the appeal. The party who filed the appeal will be sent the Administrator's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. [If the Administrator is the subject of the complaint, the party will file the appeal directly with the Board.]

iii. Level 3 (Appeal to the Board):

If the party is not satisfied with the Administrator's determination, he or she may file an appeal in writing with the Board within five (5) working days after receiving the Administrator's determination. The Board will review the appeal, the Administrator's determination, the investigative documentation and decision, and allow the party to address the Board at the next scheduled Board meeting to present his or her appeal. The party will be allowed to address the Board at the Board's next regularly scheduled Board meeting (unless the Board receives the appeal within one week of the next regularly scheduled Board meeting) or at a time and date agreed to by the Board, designated compliance officer and the party. The Board will issue a written determination about the appeal within thirty (30) days after the party addresses the Board. The party who filed the appeal will be sent the Board's determination at the time it is issued, and a copy will be sent to the designated compliance coordinator. The Board's determination, and any actions taken, will be final on behalf of the ESU.

4. Confidentiality:

The identity of the complainant will be kept confidential to the extent permitted by state and federal law. The ESU will notify the complainant of the anti-retaliation provisions of

applicable laws and that the ESU will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, the ESU will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent the ESU from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, the ESU will inform the complainant that its ability to respond may be limited. Even if the ESU cannot take disciplinary action against the alleged harasser, the ESU will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

5. Training:

The ESU will ensure that relevant ESU employees, including but not limited to officials, administrators, teachers, substitute teachers, counselors, nurses and other health personnel, coaches, assistant coaches, paraprofessionals, aides, bus drivers, and school law enforcement officers, are adequately trained so they understand and know how to identify acts of discrimination, harassment, and retaliation, and how to report it to appropriate ESU officials or employees.

6. Designated Compliance Coordinators:

Designated compliance coordinators will be responsible for:

- a. Coordinating efforts to comply with anti-discrimination, anti-harassment, and anti-retaliation laws and regulations.
- b. Coordinating and implementing training for students and employees pertaining to anti-discrimination, anti-harassment and anti-retaliation laws and regulations, including the training areas listed above.
- c. Investigating complaints of discrimination (unless the coordinator designates other trained individuals to investigate).
- d. Monitoring substantiated complaints or reports of discrimination, as needed (and with the assistance of other ESU employees, if necessary), to ensure discrimination or harassment does not recur, and that retaliation conduct does not occur or recur.
- e. Overseeing discrimination complaints, including identifying and addressing any patterns or systemic problems, and reporting such patterns or systemic problems to the Administrator and the Board.
- f. Communicating regularly with the ESU's law enforcement unit investigating cases and providing current information to them pertaining to anti-discrimination, anti-harassment, and anti-retaliation standards and compliance requirements.
- g. Reviewing all evidence in harassment or violence cases brought before the ESU's disciplinary committee or administrator to determine whether the complainants are entitled to a remedy under anti-discrimination laws and regulations that was not available in the disciplinary process.
- h. Ensuring that investigations address whether other students or employees may have been subjected to discrimination, including harassment and retaliation.

- i. Determining whether ESU employees with knowledge of allegations of discrimination, including harassment and retaliation, failed to carry out their duties in reporting the allegations to the designated compliance coordinator and responding to the allegations.
- j. Recommending changes to this policy and grievance procedure.
- k. Performing other duties as assigned.

The designated compliance coordinators will not have other job responsibilities that may create a conflict of interest with their coordinator responsibilities.

7. Preventive Measures:

The ESU will publish and widely distribute on an ongoing basis a notice of nondiscrimination (notice) in electronic and printed formats, including prominently displaying the notice on the ESU's website and posting the notice at each building in the ESU. The ESU also will designate an employee to coordinate compliance with anti-discrimination laws (see Designated Compliance Coordinator section, above, for further information on compliance coordinator), and widely publish and disseminate this grievance procedure, including prominently posting it on the ESU's website, at each building in the ESU, reprinting it in ESU publications, such as handbooks, and sending it electronically to members of the school community. The ESU will provide training to employees and students at the beginning of each academic year in the areas (B.6.a-g) identified in the Training section, above.

The ESU also may distribute specific harassment and violence materials (such as sexual violence), including a summary of the ESU's anti-discrimination, anti-harassment, and anti-retaliation policy and grievance procedure, and a list of victim resources, during events such as school assemblies and back to school nights, if recent incidents or allegations warrant additional education to the school community.

Legal Reference:	Title VI, 42 U.S.C. § 2000d, Title VII, 42 U.S.C. § 2000e, Title IX; 20 U.S.C. § 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §48-1101 et seq. Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. §621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. §48-1001 et seq.; Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 et seq. Section 504 of the Rehabilitation Act of 1973 (Section 504) Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k) Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. § 4301 et seq. Neb. Rev. Stat. § 79-2,115, et seq
Date of Adoption:	June 11, 2019

Section 2 Section 504 Compliance

A. Purpose (34 CFR 104.3)

The purpose of this policy is to effectuate Section 504 of the Rehabilitation Act of 1973, which is designed to eliminate discrimination on the basis of handicap in any program or activity receiving Federal financial assistance. Compliance with this policy will also effectuate compliance with the Americans with Disabilities Act (ADA).

B. Definitions (34 CFR 104.3)

“Handicapped persons” means any person who (1) has a physical or mental impairment which substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment.

“Major life activities” means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Qualified handicapped person means:

With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.

With respect to educational services, a handicapped person (a) of an age during which non-handicapped persons are provided such services, (b) of any age during which it is mandatory under state law to provide such services to handicapped persons, or (c) to whom a free appropriate public education is required to be provided.

With respect to other services, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

C. Discrimination Prohibited (34 CFR 104.4)

No qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the ESU.

D. Voluntary Action and Self-Evaluation (34 CFR 104.6)

Voluntary action. The ESU may take steps, in addition to any action that is required by this policy, to overcome the effects of conditions that result in limited participation in the ESU's program or activity by qualified handicapped persons.

Self-evaluation. The ESU shall: (a) evaluate, with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons, its current policies and practices and the effects thereof that do not or may not meet the requirements of this policy; (b) modify, after consultation with interested persons, including handicapped persons or organizations representing handicapped persons, any policies and practices that do not meet the requirements of this policy; and (c) take, after consultation with interested persons, including handicapped persons

or organizations representing handicapped persons, appropriate remedial steps to eliminate the effects of any discrimination that resulted from adherence to these policies and practices.

The ESU shall, for at least three years following completion of the evaluation, maintain on file, make available for public inspection, and provide to the Assistant Secretary upon request: (i) a list of the interested persons consulted, (ii) a description of areas examined and any problems identified, and (iii) a description of any modifications made and of any remedial steps taken.

E. 504 Coordinator (34 CFR 104.7)

The ESU has designated the Administrator as its Section 504 Coordinator. The ESU has designated the Director of Special Education as its Section 504 Coordinator for students. As required by law, these persons shall coordinate the ESU's efforts to comply with Federal Law.

F. 504 and ADA Complaint Procedures (34 CFR 104.7)

The following grievance procedure shall be used to provide for the prompt and equitable resolution of complaints alleging any action prohibited by this policy and for the resolution of complaints of alleged violations of Section 504 or the ADA:

1. Complaints shall be filed with the ADA and Section 504 Coordinator. Complaints shall be made in writing, unless the Complainant's disability prevents such, in which event the Complaint can be made verbally.
2. Complaints shall set forth: (a) the name of the Complainant, (b) the address and telephone number or other such information sufficient to enable the Coordinator to contact the Complainant, (c) a brief description of the alleged violation, and (d) the relief requested by the Complainant.
3. Complaints shall be investigated by the Coordinator or the Coordinator's designee. Investigations shall be thorough, but informal, and the Complainant shall be given a full opportunity to submit evidence relevant to the complaint.
4. The Coordinator shall make a decision on the Complaint within thirty (30) days of the filing of the Complaint, unless such time period is extended by agreement of the Complainant. The decision shall be made in writing, shall set forth the Coordinator's proposed resolution of the Complaint, and shall be forwarded to the Complainant.
5. The Complainant shall have ten (10) days from the date the Coordinator's decision is sent to the Complainant to accept or reject the Coordinator's proposed resolution, and shall be deemed to have accepted the proposed resolution unless the Complainant rejects the proposed resolution within such time period.

In the event the Complainant rejects the proposed resolution, the Complainant shall be given the opportunity to file a request for reconsideration within ten (10) days from the date the Coordinator's decision is sent to the Complainant. The request for reconsideration shall be filed with the Coordinator. The Coordinator shall consider any additional information provided in the request for reconsideration and make a decision on the request for reconsideration within 10 (ten) days after the request for reconsideration was filed.

G. Notice (34 CFR 104.8)

The ESU shall take appropriate steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of handicap in violation of State or Federal law, including Section 504. The notification shall state, where appropriate, that the ESU does not discriminate in admission or access to, or treatment or employment in, its programs and activities.

The notification shall also include an identification of the responsible employee designated above. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in the ESU's publication, and distribution of memoranda or other written communications.

If the ESU publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement that the ESU does not discriminate on the basis of handicap in violation of State or Federal law, including Section 504.

H. Employment Practices Discrimination Practices Prohibited (34 CFR 104.8)

1. General.

No qualified handicapped person shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity to which this policy applies.

The ESU shall take positive steps to employ and advance in employment qualified handicapped persons in programs that receive assistance under the special education laws.

The ESU shall make all decisions concerning employment under any program or activity to which this policy applies in a manner which ensures that discrimination on the basis of handicap does not occur and may not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of handicap.

The ESU will not participate in a contractual or other relationship that has the effect of subjecting qualified handicapped applicants or employees to discrimination prohibited by this policy.

2. Specific Activities.

The provisions of this policy apply to: (1) recruitment, advertising, and the processing of applications for employment; (2) hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring; (3) rates of pay or any other form of compensation and changes in compensation; (4) job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists; (5) leaves of absence, sick leave, or any other leave; (6) fringe benefits available by virtue of employment, whether or not administered by the ESU; (7) selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue

training; (8) employer sponsored activities, including social or recreational programs; and (9) any other term, condition, or privilege of employment.

3. Collective Bargaining Agreement Superseded.

The ESU's obligation to comply with this policy is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

4. Reasonable Accommodation (34 CFR 104.12)

The ESU shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the ESU can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

Reasonable accommodation may include: (a) making facilities used by employees readily accessible to and usable by handicapped persons, and (b) job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

In determining whether an accommodation would impose an undue hardship on the operation of the ESU's program, factors to be considered include: (a) the overall size of the ESU's program with respect to number of employees, number and type of facilities, and size of budget; (b) the type of the ESU's operation, including the composition and structure of the ESU's workforce; and (c) the nature and cost of the accommodation needed. The ESU may not deny any employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the physical or mental limitations of the employee or applicant.

5. Employment Criteria (34 CFR 104.13)

The ESU will not make use of any employment test or other selection criterion that screens out or tends to screen out handicapped persons or any class of handicapped persons unless: (a) the test score or other selection criterion, as used by the ESU, is shown to be job-related for the position in question, and (b) alternative job-related tests or criteria that do not screen out or tend to screen out as many handicapped persons are not available.

The ESU shall select and administer tests concerning employment so as best to ensure that, when administered to an applicant or employee who has a handicap that impairs sensory, manual, or speaking skills, the test results accurately reflect the applicant's or employee's job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant's or employee's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

6. Pre-employment Inquiries (34 CFR 104.14)

Except as provided below, the ESU will not conduct a pre-employment medical examination or make pre-employment inquiries of an applicant as to whether the applicant

is a handicapped person or as to the nature or severity of a handicap. The ESU may, however, make pre-employment inquiry into an applicant's ability to perform job-related functions.

When the ESU is taking remedial action to correct the effects of past discrimination or voluntary action to overcome the effects of conditions that resulted in limited participation in its federally assisted program or activity, or when the ESU is taking affirmative action, the ESU may invite applicants for employment to indicate whether and to what extent they are handicapped. To take such action, the ESU must: (a) state clearly on any written questionnaire used for this purpose, or make clear orally if no written questionnaire is used, that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative action efforts; and (b) state clearly that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this policy.

Nothing in this section shall prohibit the ESU from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, provided that: (a) all entering employees are subjected to such an examination regardless of handicap, and (b) the results of such an examination are used only in accordance with the requirements of this policy.

Information obtained in accordance with this section as to the medical condition or history of the applicant shall be collected and maintained on separate forms that shall be accorded confidentiality as medical records, except that: (a) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations; (b) first aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and (c) government officials investigating compliance with the Act shall be provided relevant information upon request.

I. Program Accessibility

1. Discrimination Prohibited (34 CFR 104.21)

No qualified handicapped person shall, because the ESU's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this policy applies.

2. Existing Facilities (34 CFR 104.22)

Program accessibility. The ESU shall operate each program or activity to which this policy applies so that the program or activity, when viewed in its entirety, is readily accessible to handicapped persons. The ESU is not required to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons.

Methods. The ESU is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with program accessibility. In choosing among available methods for meeting the requirement of program accessibility, the ESU shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

Transition plan. In the event structural changes to facilities are necessary to meet the requirement of program accessibility, the ESU shall develop a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum: (a) identify physical obstacles in the ESU's facilities that limit the accessibility of its program or activity to handicapped persons; (b) describe in detail the methods that will be used to make the facilities accessible; (c) specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than one year, identify the steps that will be taken during each year of the transition period; and (d) indicate the person responsible for implementation of the plan.

Notice. The ESU shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

3. New Construction (34 CFR 104.23)

Each facility or part of a facility constructed by, on behalf of, or for the use of the ESU shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by handicapped persons.

Each facility or part of a facility which is altered by, on behalf of, or for the use of the ESU after the effective date of this policy in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

J. Program Accessibility to Students (34 CFR 104.32 to .38)

As to the extent the services to a qualified handicapped student are the responsibility of the ESU, the services are to:

1. be in conformance with the 504 Plan developed by the 504 team for the student by the school in which the student is enrolled, and
2. afford handicapped students an equal opportunity for participation in programs and services without discrimination on the basis of handicap.

Legal Reference:	Rehabilitation Act of 1973, Section 504--29 U.S.C. §791, et seq.; 34 CFR §104, et seq. ADA-42 U.S.C. §12101 et seq.; 28 CFR §35.101 et seq. Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §§48-1101 to 48-1126
Date of Adoption:	June 11, 2019

Section 3 Special Education

The ESU will abide by all state and federal laws and regulations relating to special education.

1. Free Appropriate Public Education: The Board affirms its position that students with disabilities are entitled to a free appropriate public education in conformance with Nebraska Department of Education Rule 51. As and to the extent the services to a special education student are the responsibility of the ESU, the services are to:
 - a. be in conformance with the student's Individualized Education Plan (IEP) or Individual Family Service Plan (IFSP),
 - b. meet the standards that apply to education provided by the school in which the student is enrolled, and
 - c. provide the student with all of the rights of a child with a disability who is served by the school in which the student is enrolled.
2. Student Records - Rights and Privacy: Student records are to be maintained in conformance with the requirements of the Family Educational Rights and Privacy Act (FERPA) and NDE Rule 51. The Administrator or designee shall establish procedures to protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages.
3. Procedural Safeguards: The special education programs and services operated by the ESU or provided to schools by contract shall comply with the procedural safeguards specified in NDE Rule 51.
4. Plans and Budgets: Special education plans and budgets for schools served will be available for public viewing.
5. Personnel: All personnel assigned to provide special education and related services to children with disabilities are to be appropriately and adequately prepared to provide special education. The Director of Special Education will develop a comprehensive system of personnel development which shall include:
 - a. In-service training;
 - b. Procedures to assure that all personnel are properly endorsed and adequately trained; and
 - c. Acquiring and disseminating best educational practices and materials developed for the provision of the services.

Legal Reference:	20 U.S.C. 1400 et seq. 34 CFR Part 300 (Individuals with
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	Disabilities Education Act and regulations); §§ 79-1110 to 79-1178 92 NAC 51 (NDE Rule 51) 20 U.S.C. 1232g (FERPA)
Date of Adoption:	June 11, 2019

Section 4 Homeless Students

A. General Policy Statement

The ESU shall ensure that homeless children and youths shall have equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youths.

B. Definitions

“School of Origin” shall mean the school that a child or youth attended when permanently housed or the school in which the child or youth was last enrolled, including preschool. School of origin shall also include any designated receiving school for the next grade level for all feeder schools when a student completes the final grade level served by the school of origin.

“Homeless children and youths” shall mean any individuals who lack a fixed, regular, and adequate nighttime residence; and includes:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
4. Migratory children who qualify as homeless because they are living in circumstances described in (1-3).

“Unaccompanied youth” shall mean a homeless child or youth not in the physical custody of a parent or guardian.

C. School Stability

1. School Selection: The ESU shall presume that keeping a homeless child or youth enrolled in the child’s or youth’s school of origin is in the child’s or youth’s best interest, except when doing so is contrary to the request of the child’s or youth’s parent or guardian or, in the case of an unaccompanied youth, the youth.

To overcome the presumption that a child or youth should remain in his/her school of origin, the ESU shall consider student-centered factors including: the impact of mobility on achievement, education, health, and safety of homeless children and youth, giving priority to the request of the child's or youth's parent or guardian or, in the case of an unaccompanied youth, the youth.

2. **Enrollment:** Once the school is selected in accordance with the child's or youth's best interest, that child or youth shall be immediately enrolled even if the child or youth is unable to produce records normally required for enrollment including, but not limited to, previous academic records, immunization or other health records, proof of residency or has missed any application or enrollment deadlines during any period of homelessness.
3. **Transportation:** If the child or youth continues to attend his or her school of origin, transportation shall be provided promptly even if there is a dispute pending regarding which school is in the child's or youth's best interest to attend. Transportation will continue to be provided to and from the school of origin for the remainder of any academic year during which the child or youth becomes permanently housed.

D. Records

Any record ordinarily kept by the ESU, including immunization or medical records, academic records, birth certificates, guardianship records, and evaluations for special services or programs, regarding each homeless child or youth shall be maintained:

1. Such that all records are available, in a timely fashion, when a child or youth enrolls in a new school or school district;
2. Any information about a homeless child's or youth's living situation shall be treated as a confidential student education record, and shall not be deemed to be directory information; and
3. In a manner consistent with the Federal Education Rights and Privacy Act.

E. Services

The Local Education Agency Liaison shall identify an appropriate staff person to be the Local Educational Liaison (LEL) for all homeless children and youth attending programs in the ESU. The LEL responsibilities shall include, but are not limited to:

1. Ensure homeless children and youth are identified through outreach and coordination activities including coordination with the Nebraska Department of Education Homeless Education Liaison, community, and school personnel responsible for education and related services to homeless children and youths;
2. Receive appropriate time and training in order to carry out the duties required by

law and this policy;

3. Ensure homeless families and homeless children and youths are referred to health care, dental, mental health, substance abuse, housing and any other appropriate services;
4. Ensure that homeless children and youths:
 - a. Are enrolled in school which includes attending classes and participating fully in school activities;
 - b. Have a full and equal opportunity to meet the same challenging State academic standards as other children and youths;
 - c. Receive individualized counseling from counselors to prepare and improve their readiness for college, including college selection, application, financial aid, and on-campus supports.
 - d. Unaccompanied youths are informed of their status as independent students under the Higher Education Act of 1965 and may obtain assistance from the LEL to receive verification of such status for purposes of the Free Application for Federal Student Aid.
5. Ensure that public notice of the educational rights and available transportation services of the homeless children and youths is disseminated in locations frequented by parents or guardians of such youths and unaccompanied homeless youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form that is easily understandable.
6. Ensure the dispute resolution process identified below is carried out in accordance with the law and district policy.

F. Dispute Resolution

1. The dispute procedure must be available for disputes over eligibility, as well as school selection or enrollment.
2. In the event of a dispute regarding where a child or youth should enroll, the child or youth shall be immediately enrolled in the ESU program in which enrollment is sought pending final resolution of the dispute, including all available appeals. The ESU shall immediately provide the child's parent or guardian or, in the case of an unaccompanied youth, the youth a written explanation of the decision made regarding the school selection including the right to appeal such decision. Said writing shall be provided in a manner and form understandable to such parent, guardian, or unaccompanied youth and also include the LEL contact information. The LEL shall carry out the dispute resolution process within 30 calendar days from the date of said writing pursuant to 92 Nebraska Administrative Code 19-005.02.

3. Appeals: Any parent, guardian or other person having legal or actual charge of a homeless child or youth that is dissatisfied with the decision of the ESU after the dispute resolution process may file an appeal with the Commissioner within thirty calendar days of receipt of the decision by following the process in 92 Nebraska Administrative Code 19-005.03 and 19-005.03C.

Legal Reference:	Neb. Rev. Stat. § 79-215, Nebraska Department of Education Rule 19, McKinney-Vento Homeless Assistance Act, 42 USC §§ 11431, et seq., Every Student Succeeds Act
Date of Adoption:	June 11, 2019

Section 5 Student Welfare

A. Child Abuse and Neglect

Any employee of ESU 1 who has reasonable cause to believe a child has been subjected to abuse or neglect or is being subjected to conditions which would result in abuse or neglect, including sexual abuse, shall promptly inform their immediate supervisor, the appropriate administrator of the school in which the student is enrolled, and the appropriate law enforcement agency or the Department of Health and Human Services Child Protective Services. For children below age five, the report shall also be made to the Director of Special Education.

The immediate supervisor or the Director of Special Education, as applicable, shall confirm that a report of suspected abuse or neglect has been made to local law enforcement or the Child Protection Services (CPS).

Confidentiality of the person making the report shall be maintained to the extent practicable. The Administrator or designee is to establish and implement procedures to ensure such confidentiality.

The Administrator or designee shall provide employees information and in-services as appropriate to ensure that employees fully understand their responsibility under the law and the ESU's procedures.

Legal Reference:	§ 28-711
Date of Adoption:	June 11, 2019

B. Corporal Punishment

Use of corporal punishment is prohibited by ESU 1. Corporal punishment for purposes of this policy means the infliction of bodily pain as a penalty for disapproved behavior. This does not include physical contact that is intended to preserve order in schools or to protect persons or property from harm. Any physical force used with students shall be limited to that which is reasonable in relation to the need for self-defense, the defense of others, the defense of one's property or the defense of another's property.

Any employee who has been involved in an incident involving the use of physical force with a student shall make an oral report of such circumstances to the Administrator or designee as soon

as is practicable and within twenty-four hours. The Administrator or designee shall prepare a memorandum of such report and, as deemed appropriate, investigate and report the incident to the appropriate administrator of the school in which the student is enrolled. A child abuse or neglect report shall be made in the event such is warranted.

The Administrator or designee shall provide employees information and in-services as appropriate to ensure that employees fully understand their responsibility to not use corporal punishment and the ESU's procedures.

Legal Reference:	§ 79-295 NDE Rule 27.002.09 and 27.004.03G
Date of Adoption:	

C. Use of Restraints and Seclusion

This policy sets forth the requirements, restrictions and procedures related to the use of physical restraints and seclusions.

1. Definitions

- A. Physical Restraint. Physical restraint means one or more persons using a physical hold to restrict a student's freedom of movement as a response to student behavior. A light touching of a student while conducting a physical escort or a touching to provide instructional assistance is not a physical restraint for purposes of this Guidance.
- B. Seclusion. Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving as a response to student behavior.

2. Physical Restraint

- A. When Physical Restraint May be Used. Physical restraint may be used in the following circumstances:
 - To prevent a student from completing an act that would result in injury to the student or others when there is a substantial risk that the student would commit the act. A verbal threat by a student does not present a substantial risk that a student would commit an aggressive act unless the student also demonstrates the ability and intent to carry out the threat.
 - To move a student to a seclusion room, or to remove a student to another location because the student is creating a substantial disruption to others, in circumstances where the student is unable to be moved or removed without the use of physical restraint; and
 - In circumstances where the student's IEP or a Behavioral Plan provides for the use of physical restraint.

- B. Conditions. Use of physical restraint shall take into consideration the safety and security of the student.

In determining whether a student who is being physically restrained should be removed from the area where such restraint was initiated, the staff shall consider the potential for injury to the student, the student's privacy interests, and the educational and emotional well-being of other students in the vicinity.

If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief periods, unless staff determines that such freedom appears likely to result in harm to the student or others.

- C. Timeline. Physical restraint is to be used only as long as necessary to resolve the reason for which it was initiated.

- Training. Physical restraint shall be applied only by individuals who have received systematic training.

3. Seclusion

- A. When Seclusion May be Used. Seclusion may be used in the following circumstances:

- When a student's behavior is so out of control that the student's behavior creates a risk of injury to the student or others;
- When a student's behavior is so out of control that the student is causing a substantial disruption to school activities and there is no other technique and no other place the student may be moved to prevent continued disruption;
- When a student's behavior is so out of control that the student is unable to engage in educational activities and there is no other technique that could reasonably be employed to allow the student's emotions to cool down and engage in appropriate behaviors and educational activities.

- B. Conditions. Use of seclusion shall take into consideration the safety and security of the student.

Enclosures used for seclusion, other than enclosures used on a temporary basis, will meet acceptable safety standards as determined by guidance from the Nebraska Department of Education or appropriate regulatory agency. The procedures for the use of seclusion will be developed through administrative regulations and training will be given to all staff members who are anticipated to be involved in the use of seclusion.

4. Documentation and Evaluation

- A. Documentation of Use of Physical Restraint or Seclusion. A written record of each use of seclusion or physical restraint shall be prepared and maintained in the student's temporary record. The student's case manager, if any, shall also maintain a copy of each such record.
- B. Notification of Administration. The Administrator or Administrator's designee shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
- C. Notification of Parent or Guardian. Within 24 hours after use of seclusion or physical restraint, the Administrator or Administrator's designee shall send written notice of the incident to the student's parents or guardians, unless the parent or guardian has provided the ESU a written waiver of this requirement for notification. The parent or guardian shall be informed of the date of the incident, a description of the intervention (physical restraint or seclusion) used, and who at the school may be contacted for further information.
- D. Evaluation. An evaluation shall be conducted whenever a physical restraint exceeds 15 minutes or results in physical injury, whenever a seclusion exceeds 30 minutes, or use of physical restraint or seclusion is repeated with an individual student during any three-hour period:
 - A certified staff person trained in the use of physical restraint, or knowledgeable about the use of seclusion, as applicable, shall evaluate the situation.
 - The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
 - b. The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the Administrator or Administrator's designee.

Legal Reference:	
Date of Adoption:	June 11, 2019

B. Removal of Students and Interviews of Students

It shall be the policy of the ESU to follow the policy of the school in which each individual student is enrolled with respect to the removal of students and interviews of students to the extent that such school policies are consistent with the effective operations of the ESU. In the absence of such a school policy, or when the school policy has not been provided to the ESU, the following procedures shall be used.

1. Removal of Students by Law Enforcement Officials

In dealing with law enforcement officials, ESU employees are not to obstruct government operations or unreasonably refuse or fail to aid a peace officer, but are also to attempt to prevent undue interference with ESU operations or educational programming.

A peace officer may in the line of duty require a student to accompany him for questioning or detention, either with or without an arrest warrant. A peace officer has the lawful authority to take immediate temporary custody of children under the age of 18 without a warrant or order of the court (1) when, in the presence of the officer, the juvenile has violated a state law or a municipal ordinance; (2) when a felony has been committed and the officer has reasonable grounds to believe the juvenile committed it; (3) when such juvenile is seriously endangered in his or her surroundings and immediate removal appears to be necessary for the juvenile's protection; or (4) when there are reasonable grounds to believe that the juvenile has run away from his or her parent, guardian, or custodian. A probation officer assigned to a student by a court also has the statutory authority to arrest a student in certain circumstances and that power is similar to the power granted to a peace officer by law.

If a peace officer or probation officer requests custody of a student who is at that time under the control and jurisdiction of the ESU:

- a. The student should be released after appropriate measures are taken and documented to ensure that the officer has the authority to take the student.
- b. Upon releasing the student, the school in which the student is enrolled has a statutory responsibility to inform the student's parent or guardian of the removal. To assist the school in meeting this responsibility, the ESU employee who has released the student shall contact an appropriate administrator of the school in which the student is enrolled. The school administrator shall be informed of any circumstances that warrant a delay in immediately contacting the parent or guardian, such as information which suggests that immediate notification could interfere with the peace officer's performance of duties or create a dangerous situation for the student or peace officer.

In some instances there may be orders for custody of a student served by the FBI, a federal marshal, a postal inspector, another federal officer, state official, or officers from outside the jurisdiction of the ESU. While these officers may have authority to arrest and remove students, local law enforcement should be contacted and requested to participate in or monitor the removal.

A student should not be released to a private detective or "special police officer" who is not an officer of a Nebraska political subdivision or an officer of some agency of the federal government without consent of the student's parent, guardian or custodian.

2. Interviews of Students by Law Enforcement Officials

Unless a student is placed under arrest, a peace officer or probation officer will not be permitted to remove a student from the control and jurisdiction of the ESU for questioning unless permission of the student's parent, guardian or custodian is obtained. Law enforcement officers should be urged to contact students outside the instructional day and off ESU premises whenever possible. Questioning or interview of students on ESU premises should only take place pursuant to the following guidelines:

- a. If an interview of a student is requested during school hours concerning an ongoing investigation of a crime not related to the ESU, questioning should not take place until the student's parent, guardian or custodian has been contacted, either by the ESU or by an appropriate administrator of the school in which the student is enrolled, and permission is given for such interview. The consent should be documented. The presence of an ESU employee during the interview is not necessary.
- b. If an investigator represents that an interview is necessary to collect information concerning an allegation of child abuse or neglect or an offense involving a family relation and it is clear that obtaining parental consent for the interview would be impossible or counter-productive, the interview may be conducted on ESU premises without such consent. In these situations, an employee of the ESU or the school in which the student is enrolled should be present during the interview to ensure that the interview relates only to those matters specified by the law enforcement official.
- c. If the investigation relates to an incident which took place on ESU or school premises or during instructional time, it is not necessary to obtain parental consent for an interview. In these situations, an employee of the ESU or the school in which the student is enrolled should be present during the interview to ensure that the interview relates only to the incident which took place on ESU or school premises or during instructional time or something which is directly related thereto.
- d. A probation officer assigned to a student by a court may be allowed the opportunity, on request, to interview a student on ESU premises free from the observation of other children or individuals. In such situations, it is neither necessary nor desirable that an ESU employee be present during the interview. It also is not necessary to obtain the consent of the parent, guardian, or custodian for the interview.

3. Disclosure of Student Records

ESU employees shall not, in the course of dealing with a peace officer or probation officer, disclose any confidential student records or information from such student records other than in response to a court order or subpoena or as otherwise authorized by state law and the Family Educational Rights and Privacy Act (FERPA).

4. Interviews of Students by Persons other than Law Enforcement Officials

Any person other than an employee or agent of the ESU or of the school in which the student is enrolled who comes to ESU premises to interview a student or remove a student prior to the end of the student's instructional day must obtain permission of the Administrator or designee.

Permission to remove is not to be granted unless authorized by the student's parent, guardian or custodian or a person authorized by the student's parent, guardian or custodian.

Permission to interview is not to be granted unless that person has a clearly valid and proper reason and such is not disruptive to ESU operations or the student's educational program. Ordinarily such contacts shall be restricted to the student's parent, guardian or custodian or a friend of the family when an emergency or other similar circumstance exists.

Legal Reference:	§ 43-248; § 43-418; § 79-294 § 79-2,104 (student records) 20 U.S.C. 1232g (FERPA)
Date of Adoption:	June 11, 2019

Section 6 Student Conduct

A. Student Conduct Rules

Students are to be held responsible for compliance with the student conduct rules of the school district in which they are enrolled. ESU employees shall report conduct violations to the responsible administrator of such school as appropriate for disciplinary action, subject to the student's IEP or 504 Plan.

The Administrator or designee is authorized to establish additional conduct rules for students while participating in ESU programs and such conduct rules, when approved by the Board, shall have the effect of Board-approved policy.

Legal Reference:	
Date of Adoption:	June 11, 2019

B. Anti-Bullying

One of the missions of the ESU is to provide a physically safe and emotionally secure environment for students and staff.

The administration and staff are to implement strategies and practices to reinforce and encourage positive behaviors by students. Positive behaviors include non-violence, cooperation, teamwork, understanding, and acceptance of others.

The administration and staff are to implement strategies and practices to identify and prevent inappropriate behaviors by all students, including anti-bullying education for all students. Inappropriate behaviors include bullying, intimidation, and harassment. Bullying means any ongoing pattern of physical, verbal, or electronic abuse in areas within the control or jurisdiction of the ESU.

Legal Reference:	§ 79-2,137 §§79-254 to 79-296 (Student Discipline Act) NDE February 2003 State Board Action; Reaffirmed December 2005
Date of Adoption:	June 11, 2019

C. Search and Seizure

The ESU exercises exclusive control over lockers, desks and other such property that is owned by the ESU and made available for use by students. Students should not expect privacy regarding items placed in or on such property because ESU property is subject to search at any time by ESU officials. Periodic, random searches of student lockers may be conducted in the discretion of the administration.

The following rules shall apply to the search and the seizure of items in a student's possession or control:

1. ESU officials may conduct a search if there is a reasonable basis to believe that the search will uncover evidence of a crime or rule violation.
2. Illegal items or other items reasonably determined to be a threat to the safety of others, a threat to educational purposes, or a prohibited nuisance item may be seized by ESU officials. Any firearm shall be confiscated and delivered to law enforcement as soon as practical.
3. Items which are used to disrupt or interfere with the educational process may be removed from student possession.
4. The appropriate administrator of the school in which the student is enrolled is to be notified when items are discovered that would warrant discipline of the student under the school's student code of conduct.

Legal Reference:	
Date of Adoption:	June 11, 2019

D. Video Surveillance

1. **Purpose.** The Board authorizes the use of video cameras and other passive electronic measures (such as motion detectors) for the purposes of ensuring the health, welfare and safety of staff, students and visitors safeguarding ESU #1

facilities and equipment, and maintaining student discipline and an appropriate educational and work environment.

2. Placement. Video cameras and similar devices are authorized to be used on ESU #1 facilities, ESU #1 vehicles and other places within the control of the ESU. The locations in which the devices will be placed and the times the devices will be in use are to be determined by the Administrator or the Administrator's designee consistent with the purposes set forth in this Policy. The devices shall not be placed or operational in locations in which individuals have a high expectation of privacy, such as restrooms and locker rooms.
3. Notice. Notice of the fact that video surveillance cameras are being utilized shall be given through appropriate mechanisms, such as by posting signs in the building entry and other locations and by including a notice in the student-parent and staff handbooks.
4. Viewing Monitors and Video Recordings. Monitors used to view video recordings are to be located and positioned such that only authorized personnel are able to see the images on the monitors. Only authorized personnel shall be allowed to view recorded video. Authorized personnel for these purposes are: ESU #1 administrators, ESU #1 staff members with a direct involvement with the recorded contents of the specific video recording and employees or agents responsible for the technical operations of the system (for technical purposes only).

ESU #1 administrators may allow law enforcement officers to view monitors and recorded video when such is consistent with ESU #1 security and discipline and consistent with law.

Students shall not be permitted to view the monitors. Students shall not be permitted to view recorded video except where the individual student is the focus of the recorded video.

5. Use of Video Recordings. Video records may be used as a basis for student or employee disciplinary action and for making reports to law enforcement.
6. Video Recordings as Education Records. Video recordings, which are considered to be "education records" within the scope of FERPA, shall be maintained in accordance with FERPA and other applicable laws. A video recording may be considered an education record when a specific student is the focus of the video recording.

For example, if the video recording shows a student violating an ESU #1 rule, the video recording is an education record of that student. It may be viewed on request by that student's parent (or the student if age 18 or older). The video recording may not be viewed by, nor will a copy be given to, others without the parent's written consent unless a FERPA exception exists.

In the event more than one student is a focal point of the video recording, it may be an education record of each such student. This would be the case, for example, if two students are recorded fighting. In that event, the ESU #1 would allow both set of parents an opportunity on request to view the video, but will not give a copy of the video to either set of parents, without the written consent of the other student's parent.

7. Maintaining Video Recordings. ESU #1 shall comply with all applicable state and federal laws related to record maintenance and retention of video recordings. Video recordings that contain personal information shall be securely stored and, when such recordings are no longer needed or required to be maintained, shall be properly disposed of or erased.
8. Maintaining the Integrity of the Video Surveillance System. The building administrator or designated staff shall be responsible for periodically checking the video surveillance system within their building to ensure it is operating properly. Students or staff who vandalize, damage, disable, or render inoperable surveillance cameras or equipment, or use the video surveillance system in a manner that is not consistent with the purposes set forth in this Policy, shall be subject to appropriate disciplinary action (up to and including expulsion, for a student, and termination, for a staff member) and referral to appropriate law enforcement authorities.

Legal Reference:	Family Educational Rights and Privacy Act, 20 U.S.C. § 1232 (g) (34 C.F.R Part 99 State Records Administrator Guidelines: Schedule 10: Records of Local School Districts (Feb. 1989) Schedule 24: Local Agencies General Records (March 2005) Electronic Imaging Guidelines (March 2003)
Date of Adoption:	August 11, 2015

E. Drug and Substance Use and Prevention

Drug-Free Schools

The ESU shall implement regulations and practices which will ensure compliance with the Drug-Free Schools and Communities Act and all regulations and rules promulgated pursuant thereto. The ESU's safe and drug-free schools program is established in accordance with principles of effectiveness as required by law to respond to such harmful effects.

Education and Prevention

The ESU promotes comprehensive, age appropriate, developmentally based drug and alcohol education and prevention programs, which will include in the curriculum the teaching of both proper and incorrect use of drugs and alcohol for all students in all grades of this ESU. Further, the ESU will have proper in-service orientation and training for all employed staff.

Standards of Conduct; Notice to Students and Parents

Students are to be provided a copy of the standards of conduct for student behavior in the ESU which prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol on ESU premises or as a part of any of the ESU's activities. It shall be the further policy of the ESU to keep a file showing receipt of standards of conduct and a statement of disciplinary sanctions that may be taken for violations of such standards of conduct. The receipt shall be signed by both student and parent or guardian and returned to the respective designee. It shall contain in prominent letters the following language:

"RECEIPT SHALL SERVE TO DEMONSTRATE THAT YOU AS PARENT OR GUARDIAN OF A STUDENT ATTENDING TOWER SCHOOL HAVE RECEIVED NOTICE OF THE STANDARDS OF CONDUCT OF THIS ESU EXPECTED OF STUDENTS CONCERNING THE ABSOLUTE PROHIBITION AGAINST THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL ON ESU PREMISES OR AS A PART OF ANY OF THE ESU'S ACTIVITIES AS DESCRIBED IN BOARD POLICY OR ADMINISTRATIVE REGULATION. THIS NOTICE IS BEING PROVIDED TO YOU PURSUANT TO P.L. 101-226 AND 34 C.F.R. PART 86, BOTH FEDERAL LEGAL REQUIREMENTS FOR THE ESU TO OBTAIN ANY FEDERAL FINANCIAL ASSISTANCE. YOUR SIGNATURE ON THIS RECEIPT ACKNOWLEDGES THAT YOU AND YOUR CHILD OR CHILDREN WHO ARE STUDENTS ATTENDING TOWER SCHOOL FULLY UNDERSTAND THE ESU'S POSITION ABSOLUTELY PROHIBITING THE UNLAWFUL POSSESSION, USE, OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL ON ESU PREMISES OR AS A PART OF THE ESU'S ACTIVITIES AS HEREIN ABOVE DESCRIBED AND THAT COMPLIANCE WITH THESE STANDARDS IS MANDATORY. ANY NON-COMPLIANCE WITH THESE STANDARDS CAN AND WILL RESULT IN PUNITIVE MEASURES BEING TAKEN AGAINST ANY STUDENT FAILING TO COMPLY WITH THESE STANDARDS."

Drug and Alcohol Education and Prevention Program of the ESU Pursuant to the Safe and Drug-Free Schools and Communities Laws and Regulations

Students are to be provided an age appropriate, developmentally based drug and alcohol education and prevention program. The program educates on the adverse effects of the use of illicit drugs and alcohol, with the primary objective being the prevention of illicit drug and alcohol use by students.

Drug and Alcohol Counseling, Rehabilitation and Re-entry Programs

Students are to be provided information concerning available drug and alcohol counseling, rehabilitation, and re-entry programs within sixty miles of the administrative offices of the ESU or, where no such services are found, within the State of Nebraska. Information concerning such resources shall be presented to all of the students of the ESU upon request by the counselor.

In the event of disciplinary proceedings against any student for any ESU policy pertaining to the prohibition against the unlawful possession, use, or distribution of illicit drugs and alcohol, appropriate ESU personnel shall confer with any such student and his or her parents or guardian concerning available drug and alcohol counseling, rehabilitation, and re-entry programs that appropriate ESU personnel shall consider to be of benefit to any such student and his or her parent

or parents or guardian.

Safe and Drug-Free Schools-- Parental Notice of Right to Withdraw

Parents will be notified that, if upon receipt of information regarding the content of safe and drug free school programs and activities other than classroom instruction a parent objects to the participation of their child in such programs and activities, the parent may notify the ESU of such objection in writing. Upon the receipt of such notice the student will be withdrawn from the program or activity to which parental objection has been made.

Standards of Student Conduct Pertaining to the Possession, Use, or Distribution of Illicit Drugs, Alcohol or Tobacco.

These standards are in addition to standards of student conduct elsewhere adopted by board policy or administrative regulation. The ESU's standards prohibit the possession, use, or distribution of illicit drugs, alcohol or tobacco on school premises, in school vehicles, or as a part of any of the ESU's activities on or off school premises. Conduct prohibited at places and activities as hereinabove described shall include, but not be limited to, the following:

1. Possession, use distribution or being under the influence of any controlled substance, including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant, or any depressant.
2. Possession of any prescription drug in an unlawful fashion.
3. Possession, use, distribution or being under the influence of alcohol.
4. Possession, use, distribution, or being under the influence of any abusable glue or aerosol paint or any other chemical substance for inhalation, including but not limited to lighter fluid, whiteout, and reproduction fluid, when such activity constitutes a substantial interference with school purposes.
5. Possession, use, or distribution of any look-alike drug or look-alike controlled substance when such activity constitutes a substantial interference with school purposes.
6. Possession, use or distribution of any tobacco product.

Disciplinary Sanctions

Violation of any of the above prohibited acts will result in disciplinary sanction being taken within the bounds of applicable law, up to and including short term suspension, long term suspension, expulsion, and referral to appropriate authorities for criminal prosecution. In particular, students should be aware that:

1. Violation of these standards may result in suspension or expulsion.
2. Prohibited substances will be confiscated and turned over to law enforcement authorities.
3. The student may be referred for counseling or treatment.
4. Parents or legal guardian will be notified.
5. Law enforcement will be notified.
6. If it appears there is imminent danger to the student, other students, school personnel, or students involved, emergency medical services will be contacted.

Intervention

The ESU Tower School does not have the authority or responsibility to make medical or health

determinations regarding chemical dependency. However, when observed behavior indicates that a problem exists which may affect the student's ability to learn or function in the educational climate or activity, the ESU then has the right and responsibility to refer the student for a formal chemical dependency diagnosis based on behavior observed by school staff. The ESU will issue a statement to all students and employed staff that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful. The ESU shall make available to students and employed staff information about any drug and alcohol counseling, and rehabilitation and re-entry programs, which are available to students.

Administration

The administration is authorized to adopt such administrative rules, regulations or practices necessary to properly implement this policy. Such regulations, rules or practices may vary the procedures set forth herein to the extent necessary to fit the circumstances of an individual situation. Such rules, regulations and practices may include administrative forms, such as checklists to be used by staff to record observed behavior and to determine the proper plan of action.

Date of Adoption:	August 9, 2016
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Section 7 Student Health

A. Prohibition on Mandatory Medication

A student shall not be required to obtain a prescription for a controlled substance as a condition for receiving ESU educational services, an evaluation or special education services.

Legal Reference:	20 U.S.C. 1400 et seq. 34 CFR Part 300 (Individuals with Disabilities Education Act and regulations) 92 NAC 51 (NDE Rule 51)
Date of Adoption:	June 11, 2019

B. Dispensing Medications

The administration of medication to students is to be limited to medications that must be taken while students are participating in ESU programs or otherwise under the control and jurisdiction of the ESU. Adjustment of dosage intervals should be considered before medication is administered by ESU employees.

All medications administered by ESU personnel shall be administered in accordance with the Medication Aide Act.

1. Authorizations for Prescription Medications. Prescription medications may be administered when the following are on file with the ESU:

- a. Physician's Authorization: A physician's signed, dated authorization including name of the medication, dosage, administration route, time to be given and reason student is receiving the medication.
 - b. Caretaker's Authorization: A caretaker's signed and dated authorization or permission to administer the medication during school. (Note: All references to "caretaker" in this policy shall mean a parent, foster parent, family member, or legal guardian who provides care for the student for whom medication is to be administered. The laws include a "friend" as a caretaker, but the school will not ordinarily recognize such an individual as a "caretaker" for the purposes of medication administration).
 - c. Original Packaging: The medication is in its original packaging and is labeled as dispensed by the prescriber or pharmacist. The label must name the student and identify the medication, strength, time interval and route to be administered. If needed, the physician may be contacted for clarification.
2. Authorizations for Non-Prescription Medications. Non-prescription medications may be administered provided that a caretaker's authorization is provided in the form established by the Administrator or designee and the medication is in its original packaging.
 3. Renewal of Authorizations. Medication authorizations must be renewed annually and updated immediately as changes occur.
 4. Documentation. Accurate medication administration records are to be kept and maintained. Documentation of each dose of medication administered shall be made reflecting the student's name, the name of the medication, date, time, dosage, route, the signature and title of the person administering the medication and any unusual observations, and any refusal by the recipient to take or receive the medication. Medication documentation shall be kept confidential in accordance with the policies and practices concerning student records, provided that medication administration records shall be available to the Department of Education and the Department of Health and Human Services Regulation and Licensure for inspection and copying according to the Family Education Rights and Privacy Act (FERPA) requirements. Such medication administration records shall be maintained for not less than two years.
 5. Storage. Medication shall be stored in a locked or otherwise secure area in accordance with the manufacturer's or dispensing pharmacist's instructions or temperature, light, humidity, or other storage instructions. Only authorized personnel who are designated by the administration shall have access to the medications. The school nurse shall establish procedures for monitoring the storage and handling of medication, the medication's expiration date, and the disposal of medication.
 6. Receipt and Disposal of Medications. Medication shall be delivered to ESU

personnel and picked up by the parent. When medication is received, the amount received should be documented. Medication which is either past the expiration date or not claimed by the parent a reasonable time following the student's departure from the ESU program shall be destroyed. Procedures for destroying medication shall include witness and documentation.

7. Administration of Medication by ESU Personnel.

- a. Administration of Medication: Administration of medication includes, but is not limited to:
 - i. Providing medications for another person according to the "five rights" (getting the right drug to the right recipient in the right dosage by the right route at the right time);
 - ii. Recording medication provision; and
 - iii. Observing, monitoring, reporting, and otherwise taking appropriate actions regarding desired affects, side effects, interactions, and contraindications associated with the medication.
- b. Authorized ESU Personnel: Administration of medication shall only be done by the following:
 - i. Health Care Professionals (School Nurses). This means an individual who holds a current license from the Department of Health and Human Services Regulation and Licensure for whom administration of medication is included in the scope of practice. For purposes of this Policy, such individuals are referred to as "school nurses."
 - ii. Medication Competent Staff. This means a staff member of the ESU who, by arrangement with the school in which the student is enrolled is an employee of the school for purposes of the medication administration laws and who has been determined to be competent to administer medication in accordance with the competency assessment standards established by law. A medication competent staff member is to be subject to direction and monitoring, which involves responsibility for observing and taking appropriate action regarding any desired effects, side effects, interactions, and contraindications associated with the medication. Direction and monitoring is to be done by a recipient with capability and capacity to make an informed decision about medications, a caretaker, or the school nurse. Medication competent staff members are to promptly report any medication errors or concerns to the school nurse.
- c. Routes of Medication Administered by ESU Personnel:
 - i. Routine Medication via Oral, Inhalation, Topical, and Instillation Routes: School nurses and medication competent staff may provide routine medications (meaning the frequency of administration, amount, strength, and method are specifically fixed) by the following routes:
 - a. Oral, which includes any medication given by mouth including

- sublingual (placing under the tongue) and buccal (placing between the cheek and gum) routes and oral sprays;
 - b. Inhalation, which includes inhalers, and nebulizers. Oxygen may be given by inhalation;
 - c. Topical application of sprays, creams, ointments, and lotions and transdermal patches; and
 - d. Instillation by drops, ointments, and sprays into the eyes, ears, and nose.
- ii. Administration of Medication via Additional Routes, PRN Medication, and Observing and Reporting: School nurses and medication competent staff may provide medication by additional routes (“additional routes”), provide PRN medication (PRN medication means an administration scheme in which a medication is not routine, is taken as needed, and requires assessment for need and effectiveness), or participate in observing and reporting for monitoring medications only under the following conditions:
 - a. In the case of a medication competent staff member, a determination has been made by the school nurse or by the student’s physician or duly licensed health care professional that these activities can be done safely for the specified recipient by the medication competent staff member and the determination is placed in writing.
 - b. Directions for additional routes must be for recipient specific procedures and must be in writing.
 - c. Directions for PRN medication must be in writing and include parameters for provision of PRN medication.
 - d. Directions for observing and reporting for monitoring medication must be in writing and include the parameters for the observation and reporting.
 - e. ESU personnel administering the medication shall comply with the written directions.
- iii. Injections: School nurses will ordinarily be responsible for medications that must be provided or administered by injection. A medication competent staff member will not ordinarily administer medications by injection without specific training on injection administration. Students may be authorized to self-administer medication as hereafter provided.
- d. Refusal to Administer Medication: The ESU may refuse to give a medication if after a reasonable and prudent research by an ESU or school health care professional a decision has been made that the dosage prescribed exceeds that which is recommended in the Physician's Desk Reference, Mosby’s Nursing Drug Reference, the most recent edition of the Nursing Drug Handbook, or other pharmaceutical manuals handbook; or when a drug or substance is not currently approved by the FDA. When ESU personnel refuse to carry out a request to administer medication, the Administrator or designee is to be notified and efforts are to be made to work out a suitable solution (such as changing the time of administration, the dosage, or the medication) with the parent or guardian and the physician.

Legal Reference:	§§ 71-6718 to 71-6742; NDE Rule 59
Date of Adoption:	June 11, 2019

C. Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions

It is the policy of ESU 1 to follow the Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Emergency Protocol) and related policies of the school in which the ESU provides services in the school ESU's facilities.

Each employee who is or will be providing services to students in an accredited school, an approved school, or to children in an approved early childhood program, is to be provided with the following:

1. Information about the existence of the Emergency Response to Life-Threatening Asthma or Systemic Allergic Reactions (Emergency Protocol) established by the Nebraska Department of Education and adopted by each school ESU.
2. Access to a copy of the Emergency Protocol form and either a copy of the school's signed Emergency Protocol or directions to obtain such from the school administrator.
3. Information about the availability of a school nurse and, if one is not available, who at the school site where services are being provided is a designated trained non-medical staff member for purposes of implementing the Emergency Protocol.
4. Information about the whereabouts within the school building where the employee is providing services of the equipment and medication necessary to implement the Emergency Protocol in the case of any student or school staff emergency, including the location of an IM EpiPen-Jr. or adult EpiPen, or the school official who is to be contacted to obtain such information.
5. Appropriate direction and instruction so that an employee who may be involved in an Emergency Protocol response provides appropriate and accurate information to the appropriate school official, in order that the school may maintain records of administration of medication by school staff as required.
6. Inform and provide the employee of any written request from a parent or guardian of a minor student served by the employee, directing that such minor student not receive emergency treatment under the protocol.

Legal Reference:	NDE Rule 59.006
Date of Adoption:	June 11, 2019

D. Student Self-Management of Asthma, Anaphylaxis, and Diabetes

Students with asthma, anaphylaxis or diabetes will be permitted to self-manage such medical conditions while participating in programs operated by the ESU when the student has a self-

management plan established with the school in which they are enrolled that is prepared and signed in accordance with legal requirements.

Legal Reference:	§§ 79-224 and 79-225
Date of Adoption:	June 11, 2019

E. Emergency Medical Aid

When a student is receiving services in a program under the control or supervision of the ESU, ESU employees are to utilize the skills within their capacity to respond to health emergencies. Employees are to render medical aid to students in need of emergency medical services or, as appropriate, arrange for the transportation of the student to the nearest facility where professional medical assistance is available.

Every effort should be made by ESU 1 employees to contact the student’s parent or guardian, if time allows for such contact under emergency circumstances; but the primary interest is the health of the student. In the event that emergency circumstances do not allow the employee to contact a parent or guardian prior to the rendering of medical assistance, then the employee should contact the parent or guardian at the earliest practical time under the circumstances.

Legal Reference:	
Date of Adoption:	June 11, 2019

F. Wellness Policy

A mission of the ESU is to provide curriculum, instruction, and experiences in a health-promoting school environment to instill habits of lifelong learning and health when providing services to students in its own school programs, to be generally consistent with that in place in the schools from which students served by the ESU are enrolled. Therefore, the Board adopts the following Wellness Policy applicable to any school program in which the services are provided by the ESU in a school-setting other than within a school district served by the ESU.

1. Goals to Promote Student Wellness

The ESU has established the following student wellness goals that are designed to promote student wellness in a manner that the ESU determines to be appropriate:

- a. Nutrition Education. To implement a curriculum that meets or exceeds the health and nutrition education objectives established by the Nebraska Department of Education.
- b. Physical Activity. To implement a curriculum that meets or exceeds the health and physical education objectives established by the Nebraska Department of Education.
- c. Other School Activities. To offer other suitable opportunities for students to engage in health-promoting activities.

The Administrator or designee shall establish such further goals as are determined appropriate to meet the stated mission.

2. Nutrition Guidelines

Nutrition guidelines have been selected by the ESU for all foods available to students during the school day with the objective of promoting student health and reducing childhood obesity. The guidelines are as follows: (1) any school breakfast and lunch programs offered by the ESU will meet or exceed the requirements of federal and state law and regulatory authorities and (2) no foods in competition with the school lunch or breakfast program shall be sold or otherwise made available to students anywhere on ESU premises during the period of one-half hour prior to the serving period for breakfast and lunch and lasting until one-half hour after the serving of breakfast and lunch. The Administrator or designee shall establish such further nutrition guidelines as are determined appropriate to meet the stated mission.

3. Assurance for Reimbursable School Meals

The ESU gives the assurance that the guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to the ESU.

4. Plan for Measuring Implementation and Designation of Responsible Persons

The Administrator or the Administrator's designee is charged with operational responsibility for ensuring that the ESU meets the Wellness Policy. The Administrator or designee shall measure implementation of the Wellness Policy by conducting periodic reviews or receiving periodic reports.

5. Development of Policy

The ESU assures that development of the Wellness Policy involved parents, students, representatives of the Administrator's nutrition services department, the ESU Board, administrators, and the public.

Legal Reference:	The Child Nutrition and WIC Reauthorization Act of 2004, 42 USC 1751; National School Lunch Program, 42 U.S.C §§1751-1760, 1770; 7 CFR § 210
Date of Adoption:	January 19, 2009

G. Concussions

1. Training.

The Administrator or designee shall make available training approved by the chief medical officer of the State on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all teachers and/or designees of Tower School.

2. Education.

The Administrator or designee shall require that concussion and brain injury information be provided on an annual basis to students and the students' parents or guardians. The information provided to students and the students' parents or guardians shall include, but

need not be limited to:

- a. the signs and symptoms of a concussion;
- b. the risks posed by sustaining a concussion; and
- c. the actions a student should take in response to sustaining a concussion, including the notification of his or her teachers.

3. Response to Concussions.

- a. Removal. A student who participates on a school athletic team shall be removed from any playground or physical activities when he or she is reasonably suspected of having sustained a concussion or brain injury after observation by a teacher or a licensed health care professional who is professionally affiliated with or contracted by the school.
- b. Return-to-Play. A student who has been removed from a playground or physical activities as a result of being reasonably suspected of having sustained a concussion or brain injury shall not be permitted to participate in any school supervised activities involving physical exertion, until the student: (i) has been evaluated by a licensed health care professional, (ii) has received written and signed clearance to resume participation in athletic activities from the licensed health care professional, and (iii) has submitted the written and signed clearance to resume participation in athletic activities to the school accompanied by written permission to resume participation from the student's parent or guardian.

The teacher or administration may require that the student's return to full activities be on a stepwise progression back to full participation, or otherwise establish conditions for return to participation that are more restrictive than those defined by the licensed health care professional if the teacher or an administrator reasonably deems such to be appropriate.

The signature of an individual who represents that he or she is a licensed health care professional on a written clearance to resume participation that is provided to the school shall be deemed to be conclusive and reliable evidence that the individual who signed the clearance is a licensed health care professional. The school is not required to determine or verify the individual's qualifications.

- c. Parent Notification. If a student is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an activity per the preceding paragraph, the parent or guardian of the student shall be notified by the Superintendent or designee of the date and approximate time of the injury suffered by the student, the signs and symptoms of a concussion or brain injury that were observed, and any actions taken to treat the student.
- d. Return to Learn. The Administrator or designee shall develop a return to learn protocol for students who have sustained a concussion. The return to learn protocol shall recognize that students who have sustained a concussion and returned to school may need informal or formal accommodations, modifications

of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

4. Students and Parents.

It is recognized that teachers cannot be aware of every incident in which a student has symptoms of a possible concussion or brain injury. As such, students and their parents have a responsibility to honestly report symptoms of a possible concussion or brain injury to the student's teachers on a timely basis.

Concussions: Return to Learn Protocol

Students who sustain a concussion and return to school may need informal or formal accommodations, modifications of curriculum, and monitoring by medical or academic staff until the student is fully recovered.

The school administration of ESU #1 adopts the NDE Guidance entitled "Bridging the Gap from Concussion to the Classroom,"¹ and accompanying Appendix,² as its return to learn protocol, with the recognition that each student who has sustained a concussion will require an individualized response.

Legal Reference:	§ 79-9102 to 71-9106
Date of Adoption:	June 10, 2014

Section 8 Communicable and Infectious Diseases

A. Procedures for Control of Communicable Diseases.

The ESU shall cooperate with county and state health departments in developing procedures for the control of communicable disease in ESU programs and activities. Procedures shall conform to the regulations for communicable disease control set up by the state health department. The Administrator or designee shall establish an exposure control plan in accordance with OSHA's "Occupational Exposure to Blood-Borne Pathogens" Standard.

B. Students

1. Contagious and Infectious Diseases. Contagious and infectious diseases subject to this part include those diseases regulated by the Nebraska Department of Health and Human Services regulations pertaining to school health and communicable disease control (173 NAC 3). A student showing any signs or symptoms of a contagious or infectious disease will be excluded from attending ESU schools or programs in accordance with the Contagious and Infectious Disease Chart attached to those regulations and not be allowed to return until the minimum isolation period has elapsed, and all signs or symptoms of illness have disappeared in accordance with the Chart. Students with contagious or infectious diseases or conditions other than those listed in the Chart will be subject to exclusion until the student's physician gives a written statement that the disease or condition is not in a

communicable stage or there is minimal risk of transmission to others in a school or ESU program setting.

2. Bloodborne Pathogen Communicable Diseases. Communicable diseases subject to this part include diseases spread via bloodborne pathogens, including Human immunodeficiency virus (HIV) (including AIDS) and Hepatitis B (only carriers are of concern). A student with such a disease shall not be excluded or be subject to different treatment concerning services or participation in activities in the absence of an individualized determination that exclusion or modifications are appropriate because the student's condition poses an imminent threat to the health or the safety of others in the ESU school or program community. Such a determination shall be made by following established policies and procedures for students with chronic health problems or students with disabilities. Decision makers are to consult with the student's physician and parent or guardian; respect the student's and family's privacy rights; and reassess the placement if there is a change in the student's need for accommodations or services.

In making such a determination, the following factors will be evaluated: (1) the nature of the disease; (2) the age of the student; (3) the behavior of the student; (4) the neurological development of the student; (5) the physical condition of the student; (6) the expected type of interaction which the student will have with other individuals in the proposed placement setting; (7) the degree to which other individuals may be exposed to infectious organisms; (8) the hygienic practices of the student; (9) the risk of transmission of the disease from the student to those individuals with whom the student will interact; and (10) any other pertinent factor reasonably related to the decision.

3. Reporting. Employees who become aware that a student has been diagnosed with or is suspected of having a reportable disease shall immediately inform the Administrator or designee, who shall notify the appropriate administrator of the school in which the student is enrolled and make a report to the Board of Health where required by law.

C. Employees

1. Contagious and Infectious Diseases. When an employee has a contagious or infectious disease which is in a communicable stage or presents more than a minimal risk of transmission to others, the employee should not report to work and is expected to follow the absence reporting procedures. Employees should in general follow the same guidelines for absence from work as a student is to follow under the guidelines of the Contagious and Infectious Disease Chart of the Nebraska Department of Health and Human Services regulations pertaining to school health and communicable disease control. Prior to returning to work, employees shall upon request submit a physician's written statement stating that the employee is able to return to work and does not pose a significant risk of transmission of the disease to others.

2. Bloodborne Pathogen Communicable Diseases. Communicable diseases subject to this part include diseases spread via bloodborne pathogens, including Human immunodeficiency virus (HIV) (including AIDS) and Hepatitis B (only carriers are of concern). An employee with a communicable disease, or an applicant for employment, shall be employed or be continued in employment without consideration of the communicable disease provided the employee or applicant is able to perform the essential functions of the position with such reasonable accommodations as may be necessary and provided the communicable disease does not pose an imminent threat to the health or the safety of others within the employee's work environment. Employees who have a communicable disease are expected to conduct themselves in such a manner as to not place others at risk and, in the event reasonable accommodation is necessary to avoid such risk, to make a confidential request for such accommodation.

D. General Provisions

1. No Discrimination or Harassment. No employee or student shall be unlawfully discriminated against or subjected to harassment on the basis of having a communicable disease.
2. Privacy. Every employee has a duty to treat as highly confidential any knowledge or speculation concerning the bloodborne pathogen status of a student or other employee. Violation of medical privacy may be cause for disciplinary action against the employee, including possible termination.

No information regarding a person's bloodborne pathogen status will be divulged to any individual or organization other than ESU employees or agents who have a need to know of the circumstance, appropriate officials of the school in which the student is enrolled, and emergency medical personnel with a need to know, without a court order or a signed and dated consent of the person with the bloodborne pathogen infection (or the parent or guardian of a minor).

3. Records. All health records, notes, and other documents that reference an employee's bloodborne pathogen status or occupational exposure will be maintained in a separate confidential medical file for the employee. Records of occupational exposure shall be maintained for at least the duration of employment plus 30 years in accordance with OSHA standards.

All health records, notes, and other documents that reference a student's bloodborne pathogen status will be maintained in a separate confidential medical file for the student.

4. Infection Control. All employees are required to consistently follow infection control guidelines. Employees are required to follow the exposure control plan of the ESU established in accordance with OSHA's "Occupational Exposure to Blood-Borne Pathogens" Standard. The use of universal precautions is mandated and work practice controls to minimize or prevent potential exposure are to be implemented. Any incident of exposure to blood shall be reported, evaluated, and

follow-up completed and shall be shared only to the extent required to accomplish legitimate educational goals and to comply with employees' right to know requirements. Equipment and supplies needed to apply the infection control guidelines will be maintained and kept accessible.

5. **Staff Development.** The Administrator or designee will make communicable disease and bloodborne pathogen education programs available to employees as appropriate to convey guidance on infection control procedures and inform employees about ESU policies.

Legal Reference:	173 NAC 3 (HHS Control of Communicable Disease regulation) §§ 20-167 and 20-168 (HIV/AIDs statutes) § 79-264 (student emergency exclusion) 29 CFR 1910.1030 (OSHA Bloodborne Pathogens regulation) ADA-42 U.S.C. §12101 et seq.; 28 CFR §35.101 et seq. Rehabilitation Act of 1973, Section 504--29 U.S.C. §791, et seq.; 34 CFR §104, et seq. Nebraska Fair Employment Practices Act--§§48-1101 to 48-1126 20 U.S.C. 1232g (FERPA)
Date of Adoption:	June 11, 2019

Section 9 Student Fees

The ESU will not assess any fee to students in a manner inconsistent with the adopted Student Fee Policy of the school district in which the student is enrolled ("School District"). Further, the ESU will not assess any fee to students in the absence of specific authority within a contract for services between the ESU and the School District.

In the event that a student served by the ESU requires certain goods or services to be provided by the ESU when no counterpart service is available within the School District, any fees to be charged for any such goods or services by the ESU shall be specifically identified by the School and the ESU. Any fees assessed by the ESU at the direction of, or by contract with, the School shall be deemed a fee collected by the School District.

Legal Reference:	§§ 79-2,125 to 79-2,135 (Public Elementary and Secondary Student Fee Authorization Act)
Date of Adoption:	June 11, 2019

Section 10 Transportation

A. Safe Pupil Transportation Plan

This policy sets forth the ESU's plan for providing safe transportation to students being transported by the ESU in pupil transportation vehicles.

1. Weapons. Upon becoming aware of a weapon aboard a pupil transportation vehicle, the driver will make every attempt to:
 - a. Radio transportation dispatch and notify them of the situation if possible. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location. Examples of a safe haven include, but are not limited to, any school building site, emergency service station (law enforcement or fire department), community service agency, etc.
 - b. Pull vehicle over to safe and secure area.
 - c. Confiscate weapon (if it doesn't jeopardize student or driver safety).
 - d. Give description of weapon and participating parties to dispatch.
 - e. Dispatch will immediately notify appropriate law enforcement agencies and administration.
2. Pupil behavior. Students are expected to follow student conduct rules while in a pupil transportation vehicle. The pupil transportation driver is responsible for controlling behavior which affects safety and for reporting rule violations to administration. In the event a student's behavior jeopardizes safety, the driver will make every attempt to:
 - a. First seek to resolve incident through discussion with the student(s) involved.
 - b. Radio transportation dispatch and notify them of situation if possible. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
 - c. Activate emergency flashers.
 - d. Bring vehicle to a safe stop. Seek to resolve the incident, using physical force only as necessary to protect students or yourself.
 - e. Report and document discipline problems to the Administrator on a Bus Conduct Report/Incident Form.
3. Terrorist threats. A person commits a terroristic threat if the person threatens to commit a crime of violence with the intent to terrorize another or with the intent of causing evacuation of a building, place of assembly or facility of public transportation or in reckless disregard of the risk of causing such terror or evacuation. Upon becoming aware of a terroristic threat relating to a pupil transportation vehicle, the driver will make every attempt to:
 - a. Radio transportation dispatch and notify them of situation if possible. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
 - b. Make every attempt to keep passengers calm (this may mean complying with the terrorist).
 - c. Dispatch will immediately notify appropriate law enforcement agencies and administration.
 - d. Driver should wait for instructions from dispatch if possible.

4. Severe weather. Upon becoming aware of severe weather while aboard a pupil transportation vehicle, the driver will make every attempt to:
 - a. Radio transportation dispatch and notify them of situation if possible. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
 - b. Return to the nearest school site if less than five minutes away and follow the directions of the school administrator.
 - c. If more than five minutes away from a school site, go to the nearest school and follow the directions of the administrator.
 - d. If more than five minutes away from the nearest school site or there is immediate danger, get to the nearest basement or underground shelter with all students.
 - e. If there is no shelter and there is immediate danger the driver and passengers are to follow evacuation procedures and get everyone off the vehicle into the nearest ditch or culvert at least 100 feet away from the vehicle.
5. Hazardous materials. Upon becoming aware of a hazardous material aboard a pupil transportation vehicle, the driver will make every attempt to:
 - a. Radio transportation dispatch and notify them of situation if possible. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
 - b. Pull vehicle over to safe and secure area.
 - c. Give description of hazardous materials in question to dispatch.
 - d. Dispatch will immediately notify appropriate law enforcement and administration.
 - e. Driver should wait for instructions from dispatch if possible.
6. Medical emergencies. Upon becoming aware of a medical emergency aboard a pupil transportation vehicle, the driver will make every attempt to:
 - a. Radio transportation dispatch and notify them of situation if possible. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
 - b. Dispatch will immediately notify appropriate medical agencies and administration.
 - c. Driver should follow instructions from dispatch, ESU officials, and parents when such information can be obtained quickly enough. If not available, follow emergency first aid procedures.
 - d. Only if necessary, the driver should move passengers only enough to get them out of danger of traffic or fire. If moved, the driver and aide are to keep them where placed until a medical agency arrives, unless a parent has taken charge of their child. Driver should try to keep student passengers as calm as possible.
7. Procedures in the event of mechanical breakdowns of the vehicle.

Upon becoming aware of a mechanical breakdown aboard a Pupil transportation vehicle, the driver will make every attempt to:

- a. Pull vehicle over to safe and secure area if possible.
 - b. Radio transportation dispatch and notify them of situation if possible. If not possible, the driver will make every attempt to telephone dispatch from a cellular telephone or from the nearest safe haven location.
 - c. Activate emergency flashers and place warning flares/reflectors in accordance with safety guidelines, if not in secure area.
 - d. Driver should try to keep student passengers as calm as possible.
 - e. Dispatch will arrange for assistance and a relief vehicle if needed.
8. Documentation under Safe Pupil Transportation Plan. Each pupil transportation driver is required to complete and submit to the administration a bus conduct report or incident report involving the pupil transportation vehicle operated by the driver or any pupils transported in it. Documentation is to include the occurrence of any of the following events: weapons, student behavior which affects safety, terroristic threats, severe weather, hazardous materials, medical emergencies, or procedures in the event the drop-off location is uncertain or appears unsafe to leave students. Documentation of such events shall be completed and submitted as soon as practicable after the incident.
9. Transportation of Unsafe Items. Drivers shall not permit pupil transportation vehicles to transport any items, animals, materials, weapons or look-a-like weapons or equipment which in any way would endanger the lives, health or safety of the children or other passengers and the driver. Look-a-like weapons associated with a school-sponsored or approved activity may be transported only with written permission of a school administrator. Any items that would break or could produce injury if tossed about inside the pupil transportation vehicle when involved in an accident or sudden stop shall be secured.
10. Supplemental Information. A copy of this plan shall be placed in each pupil transportation vehicle, kept at each ESU site, and made available upon request. Supplemental information with respect to operational and procedural guidelines used to administer this plan can be found in the Nebraska Department of Education Pupil Transportation Guide.

Legal Reference:	§§ 79-318, 79-602, 79-607 and 79-608 NDE Rule 91
Date of Adoption:	June 11, 2019

B. Safe Driving Record Standard for Drivers

Each person who drives students in a small vehicle (car or van) other than a pupil transportation vehicle for an ESU activity and who is not required to have a permit to operate a pupil transportation vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 20 years; or
4. Accumulation of 5 or more points under the motor vehicle operators' license point system, within the immediate prior 4 years. In the event the person has accumulated 3 or 4 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Administrator or Administrator's designee based on the nature and proximity of the offense as it relates to safe transportation.

Each person who drives an ESU vehicle other than a pupil transportation vehicle and does not transport students in the vehicle shall be precluded from driving in the event it is discovered that the person does not have a record of satisfactory driving. In the event the person's employment position required driving vehicles as a function of the person's employment, the employment may be terminated in the absence of a record of satisfactory driving. For such persons, a satisfactory driving record means a record which reflects the absence of any of the following offenses or circumstances:

1. Motor vehicle homicide;
2. Driving while under the influence of alcoholic liquor or drugs or refusal to submit to a chemical test, within the immediate prior 20 years; or,
3. Reckless driving or willful reckless, within the immediate prior 10 years; or
4. Accumulation of 6 or more points under the motor vehicle operators' license point system, within the immediate prior 4 years. In the event the person has accumulated 3, 4 or 5 points within the immediate prior 4 years, the determination of whether the person has a satisfactory driving record shall be made by the Administrator or Administrator's designee based on the nature and proximity of the offense as it relates to safe transportation.

The record of satisfactory driving standards shall apply to all new employees from and after adoption of this policy. Existing employees shall be subject to the same standards, provided that the Administrator or Administrator's designee may determine to permit an exception based on the existing employee's record of satisfactory driving while employed with ESU 1 and the nature and proximity of prior driving offenses as such offenses relate to safe transportation.

Legal Reference:	NDE Rule 91
Date of Adoption:	June 11, 2019