

DATE:

TO: ESU #1 Board of Directors

FROM: Bill Heimann, Administrator

RE: Tuesday, April 12, 2022 Board Meeting

There will be a meeting of the ESU #1 Board of Directors, on Tuesday, April 12, 2022, at 5:30 PM in the

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

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

- A. Notification of Open Meetings Law
- B. Roll Call*
- C. Accept Board Member resignation*
- D. Appoint ESU #1 Board Member to District 3*
- E. Consent Agenda*
 - E.1. Previous Minutes (copy attached)
 - E.2. Financial Reports
 - E.2.a. Revenue Report/Treasurer's Report
 - E.2.b. Cash Summary/Expenditure Report
 - E.3. Bills for April
 - E.4. Administrator's Monthly Report
 - E.4.a. Migrant Education Program, Title I - Part C Review
 - E.4.b. Notification of Supplemental Transition Services Grant
 - E.4.c. Central Office Remodel
 - E.4.d. Legislative Update
 - E.4.e. ESUCC Bold Steps
- F. Public Comment
- G. Property/Liability Insurance*
- H. ESU #1 Board Election Districts
- I. Tower School Concrete Replacement*
- J. Landscaping and drainage at Tower School
- K. Annual Survey Results
- L. Administration Compensation for 2022-23 Contract Year*
- M. 2022-23 Calendar*
- N. Personnel*
 - N.1. Consider, discuss, and take necessary action on employee contracts and personnel changes.
 - N.1.a. Resignation(s)*
 - N.1.b. New Hire(s)*
 - N.1.c. Contract Change(s)
 - N.1.c.1. Teaching and Learning Team Supplemental Work Agreement*
 - N.1.c.2. Tower Contract Change*
 - N.1.d. Termination(s)

O. Adjournment

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

*Action Items

Nebraska Open Meetings Act

84-1407. Act, how cited. Sections 84-1407 to 84-1414 shall be known and may be cited as the Open Meetings Act.

84-1408. Declaration of intent; meetings open to public. It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409. Terms, defined. For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

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(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1) (a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

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

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

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

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

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

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of

an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given as provided in subsection (1) of this section;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and

(e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or (ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

(a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given as provided in subsection (1) of this section which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that: (i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and (ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right

to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

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

(8) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Revised
10/2020



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Nebraska Council
of School Administrators

455 South 11th Street, Suite A
Lincoln, NE 68508
(402) 476-8055
ncsa.org

DATE:

TO: ESU #1 Board of Directors

FROM: Bill Heimann, Administrator

RE: Tuesday, March 8, 2022 Board Meeting

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- D. Public Comment
- E. ESU #1 Early Childhood Service
- F. NDE Grant for Early Childhood Positions
- G. Network filtering for ESU #1 schools*
- H. Employee of the Year
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84-1411. Meetings of public body; notice; method; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

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

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

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

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

(e) Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of

an emergency nature, the agenda shall not be altered later than (i) twenty-four hours before the scheduled commencement of the meeting or (ii) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

(a) Reasonable advance publicized notice is given as provided in subsection (1) of this section;

(b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;

(c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;

(d) At least one member of the state entity, advisory committee, board, council, or governing body is present at each site of the videoconference or telephone conference, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site; and

(e)(i) Except as provided in subdivision (2)(e)(ii) of this section, no more than one-half of the state entity's, advisory committee's, board's, council's, or governing body's meetings in a calendar year are held by videoconference or telephone conference; or (ii) In the case of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act, such organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conferencing.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the Educational Service Unit Coordinating Council, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, of the governing body of a public power and irrigation district, or of the Nebraska Brand Committee may be held by telephone conference call if:

(a) The territory represented by the educational service unit, member educational service units, community college board of governors, public power district, public power and irrigation district, Nebraska Brand Committee, or member public agencies of the entity or pool covers more than one county;

(b) Reasonable advance publicized notice is given as provided in subsection (1) of this section which identifies each telephone conference location at which there will be present: (i) A member of the educational service unit board, council, community college board of governors, governing body of a public power district, governing body of a public power and irrigation district, Nebraska Brand Committee, or entity's or pool's governing body; or (ii) A nonvoting designee designated under subdivision (3)(f) of this section;

(c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or entity or pool or at a place which will accommodate the anticipated audience;

(d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;

(e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;

(f) At least one member of the educational service unit board, council, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, Nebraska Brand Committee, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice, except that a member of an organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis, an organization created under the Municipal Cooperative Financing Act, or a governing body of a risk management pool or an advisory committee of such organization or pool may designate a nonvoting designee, who shall not be included as part of the quorum, to be present at any site;

(g) The telephone conference call lasts no more than five hours; and

(h) No more than one-half of the board's, council's, governing body's, committee's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that: (i) The governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing; and (ii) An organization created under the Interlocal Cooperation Act that sells electricity or natural gas at wholesale on a multistate basis or an organization created under the Municipal Cooperative Financing Act may hold more than one-half of its meetings by telephone conference call if the organization holds at least one meeting each calendar year that is not by videoconferencing or telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412. Meetings of public body; rights of public; public body; powers and duties.

(1) Subject to the Open Meetings Act, the public has the right to attend and the right

to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

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

(8) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a public body which utilizes an electronic voting device which allows the yeas and nays of each member of such public body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written, except as provided in subsection (6) of this section, and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

(6) Minutes of the meetings of the board of a school district or educational service unit may be kept as an electronic record.

84-1414. Unlawful action by public body; declared void or voidable by district court; when; duty to enforce open meeting laws; citizen's suit; procedure; violations; penalties.

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

Revised
10/2020



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Nebraska Council
of School Administrators

455 South 11th Street, Suite A
Lincoln, NE 68508
(402) 476-8055
ncsa.org

**ESU #1 Board Meeting
Tuesday, February 8, 2022**

A meeting of the ESU #1 Board of Directors convened in open and public session on Tuesday, February 8, 2022, at 5:30 PM, via videoconferencing. **Present:** AJ Johnson, Lana Oswald, Sally Reinert, Benjamin Schultz, Helen Sorensen, Susan Strahm, **Absent:** Traci Haglund, Tucker Hight, Shannon Johnson, Grant Torpin, Josh Weber.

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

Published and/or Posted Locations:

- Wayne Herald (Thursday before meeting date)
- Central Office Front Door (Friday before meeting date)
- Sparq (Friday before meeting date)

A. Notification of Open Meetings Law

At the beginning of this meeting, President AJ Johnson announced and informed the public that a current copy of the Open Meetings Act is available at the meeting site and included electronically in the E-Meeting agenda.

B. Roll Call*

Motion by Sally Reinert, seconded by Lana Oswald, to excuse the absence of members: Traci Haglund, Tucker Hight, Shannon Johnson, Grant Torpin and Josh Weber. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tucker Hight: Absent, Shannon Johnson: Absent, Grant Torpin: Absent, Josh Weber: Absent, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Susan Strahm: For
For: 6, Against: 0, Absent: 5

C. Consent Agenda*

Motion by Lana Oswald, seconded by Susan Strahm, to approve all items on the consent agenda as provided (January 11 Minutes, January Financial Reports, February bills of \$886,946.41 and the Administrator's report. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tucker Hight: Absent, Shannon Johnson: Absent, Grant Torpin: Absent, Josh Weber: Absent, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Susan Strahm: For
For: 6, Against: 0, Absent: 5

C.1. Previous Minutes (copy attached)

C.2. Financial Reports

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

C.2.b. Cash Summary/Expenditure Report

C.3. Bills for February

C.4. Administrator's Monthly Report

C.4.a. ESU #1 All-Staff Day

ESU #1 All-Staff Day will be held on February 10 at Wayne State College. The agenda includes recognition of the Employee of the Year, a Motivational Speaker, technology training, and department meetings.

C.4.b. ESU #1 Quarterly Superintendent and Principal Meeting

Quarterly Principal and Superintendent Meetings were held in January at ESU #1.

C.4.c. ESUCC Meeting Update

The February Coordinating Council meeting was held in Columbus at ESU# 7. Some of the discussion was about how ESUCC was able to enhance digital access for students by purchasing computers and tablets through NDE funding.

The March ESUCC meeting will be held in Wakefield at ESU #1.

C.4.d. Legislative Update

Administrator Heimann attended the NASB (Nebraska School Board's Association) Legislative Issues Conference in Lincoln on January 31. Several senators talked about legislation and priorities for the session.

C.4.e. Certificated Staff Contract Renewal

Certificated staff contract renewal forms will be sent on Feb. 22 and are required to be returned on March 15. This process is important to ensure there is sufficient personnel to serve our school districts.

C.4.f. Applications for Open Positions

Applications for the Teaching and Learning Team will be accepted until February 22 and interviews are expected to occur the first week of March. The Technology - School District support position will remain open until filled.

D. Public Comment

E. ESU #1 Board Election Districts

The Secretary of State's Office has provided direction regarding the election district changes in ESU #1.

F. Nebraska Association of School Boards Membership*

Motion by Sally Reinert, seconded by Helen Sorensen, to approve the renewal of ESU 1's NASB membership before April 2022. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tucker Hight: Absent, Shannon Johnson: Absent, Grant Torpin: Absent, Josh Weber: Absent, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Susan Strahm: For
For: 6, Against: 0, Absent: 5

G. Tower School Facility Project Proposal

During a recent conversation with Otte Construction, Administrator Heimann was informed they would not have a proposal due to being awarded several commercial construction contracts. The earliest they could do the work at Tower School would be late fall 2022.

H. Personnel*

H.1. Compensation for 2022-23 Contract Year Specialty, Licensed, Professional staff

Motion by Benjamin Schultz, seconded by Lana Oswald, to approve the compensation effective for the 2022-23 contract year as presented for professional staff, specialty staff, and licensed staff. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Traci Haglund: Absent, Tucker Hight: Absent, Shannon Johnson: Absent, Grant Torpin: Absent, Josh Weber: Absent, AJ Johnson: For, Lana Oswald: For, Sally Reinert: For, Benjamin Schultz: For, Helen Sorensen: For, Susan Strahm: For
For: 6, Against: 0, Absent: 5

H.2. Consider, discuss, and take necessary action on employee contracts and personnel changes.

H.2.a. Resignation(s)

H.2.b. New Hire(s)

Tower Paraeducators:

Jailynn Story, part-time, beginning February 8th

Sidney Lamp, full-time, beginning February 14th

H.2.c. Contract Change(s)

H.2.d. Termination(s)

I. Adjournment

As there were no additional Agenda items, President AJ Johnson adjourned the meeting at 6:08 p.m.

Brittney Hampl, Recording Secretary

Helen Sorensen, Board Secretary

The background features a light gray dashed line forming a large circle. Various solid-colored circles in teal, lime green, orange, and pink are scattered around the perimeter. Some circles are solid, while others are dashed outlines. A large teal circle with a white center is in the top left, and a large yellow circle is in the bottom right.

Early Intervention & Early Childhood Special Education at ESU #1



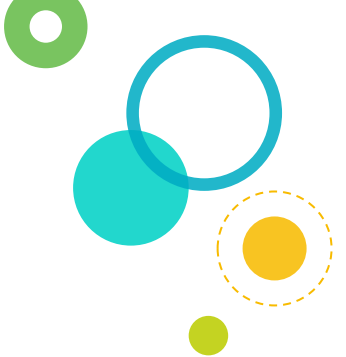
Why?

Nebraska has a “birth mandate” law

This means that a free and appropriate public education (FAPE) is provided to children from birth to age 21.

IDEA Part C & Part B

Part C of IDEA deals with early intervention services (birth through 36 months of age), while Part B applies to services for school-aged children (3 through 21 years of age).



What?

Every child gets a team

In an effort to provide as much consistency as possible, our early childhood teams provide both early intervention and special education services depending on the age of the child. ESU #1 has four geographically-based teams to cover the entire ESU #1 service area.

Evidence-Based practices

**Primary Service
Provider
Approach to
Teaming**

**Coaching as a
Primary Style
of Interaction**

**Inclusive
Practices &
Interventions in
Natural
Environments**

PSP Teams

7

Early Childhood Special Education Teachers

4

Speech Language Pathologists

4

Occupational Therapists

4

Early Development Network Services Coordinators

2

Physical Therapists

1

School Psychologist

4

0-5 Teams

WEST

BLOOMFIELD, CREIGHTON, CROFTON, HARTINGTON, NIOBRARA, SANTEE, VERDIGRE, WAUSA, WYNOT



Staci Fethkenher



Kassidy Brokaw



Angie Hansen



Ashley Kerkman



Abbie Gustad



Stephanie Kanaly



Cheri Matthews



Echo Rudloff



Chelsea Umscheid



Lynn Sullivan



Jessica Fischer



Anita Muller



Nicole Swain



Kristine Kleve



Sara Ruwe

EAST

EMERSON, HOMER, PENDER, WALTHILL, UMOⁿ HOⁿ NATION, WINNEBAGO



Brittney Stansberry

SSC

SOUTH SIOUX CITY



Bertha Tostado



Beverlin Sahagun



Jen Bensen



Chris Harder



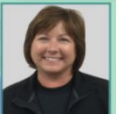
Kristine Kleve



Alexis Reinert

CENTRAL

ALLEN, LAUREL, PONCA, RANDOLPH, WAKEFIELD, WAYNE, WINSIDE



Sara Jaixen



Wendy Consoli



Gina Dutcher



Staci Fethkenher



Carol McGuire



Blythe Reinert

2021 Referrals Received

Eligibility Decisions

Central Team

27 Part B
(28 in 2019, 22 in 2020)

20 Part C
(21 in 2019, 24 in 2020)

47 TOTAL
(49 in 2019, 46 in 2020)

DD (45%)
SLJ (20%)
NE (20%)
DNC (7.5%)
CH (5%)
HI (2.5%)



East Team

52 Part B
(57 in 2019, 31 in 2020)

62 Part C
(53 in 2019, 39 in 2020)

114 TOTAL
(110 in 2019, 70 in 2020)

DD (47.52%)
SLJ (16.83%)
NE (15.84%)
DNC (11.88%)
UTL (5.94%)
CH (1.98%)



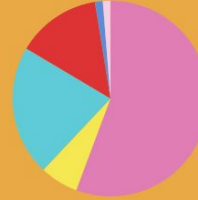
South Sioux Team

36 Part B
(33 in 2019, 45 in 2020)

43 Part C
(65 in 2019, 46 in 2020)

80 TOTAL
(98 in 2019, 91 in 2020)

DD (55.7%)
SLJ (16.33%)
NE (21.52%)
DNC (13.92%)
UTL (1.27%)
A (1.27%)



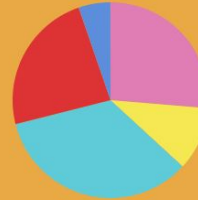
West Team

26 Part B
(18 in 2019, 25 in 2020)

13 Part C
(24 in 2019, 13 in 2020)

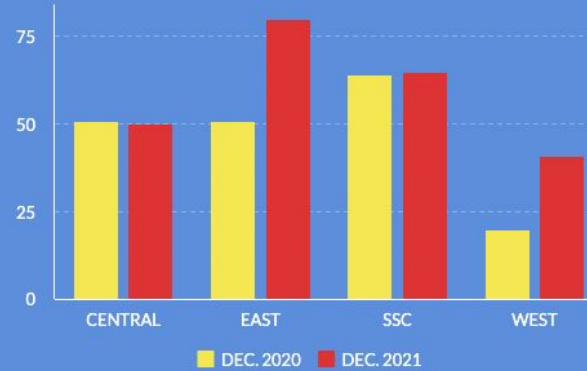
39 TOTAL
(42 in 2019, 38 in 2020)

DD (26.32%)
SLJ (10.53%)
NE (34.21%)
DNC (23.69%)
UTL (5.26%)

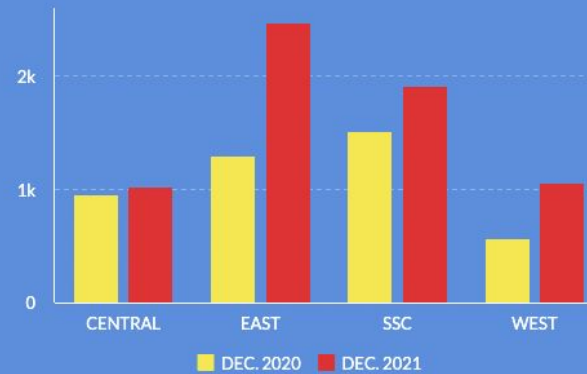


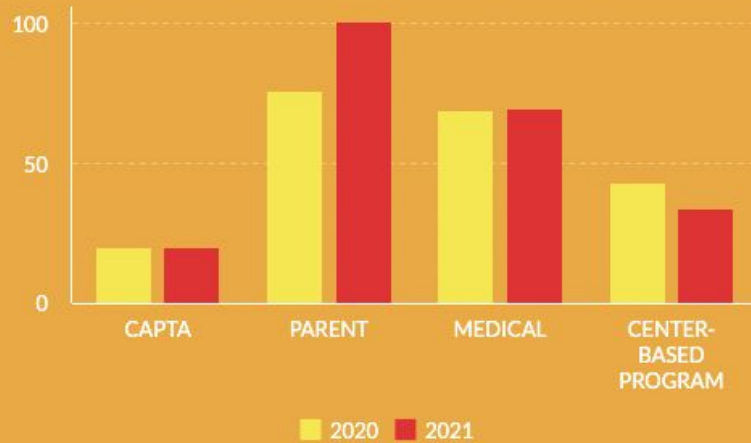
Services

**Total number
of children
receiving
0-5 services**



**Total number
of annual
sessions**





Referral Sources

If you have questions about a child's development, services and/or resources available, scan this code to find a Services Coordinator in your area.



If you would like to make a referral for an early intervention/special education evaluation, please complete this form.



Part C Parent Surveys

PRT 1 2020-21	APR Indicator C-4	Response Rate	Mean IFS Measure	Indicator C-4 Results
	IFS Measure	97.6%	769.96	--
	4a: Know their rights	-	-	95.0%
	4b: Effectively communicate their children's needs	-	-	90.0%
	4c: Help their children develop and learn	-	-	98.0%

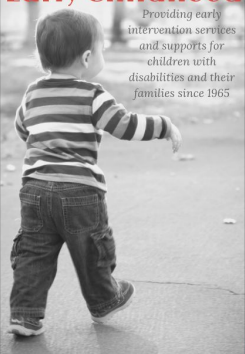
Nebraska 2020-21	APR Indicator C-4	Response Rate	Mean IFS Measure	Indicator C-4 Results
		79.2%	748.8	--
	4a: Know their rights	-	-	92.1%
	4b: Effectively communicate their children's needs	-	-	89.9%
	4c: Help their children develop and learn	-	-	95.2%

Metric	Description		2018-19	2019-20	2020-21	3-Year Trend for indicators 4a, 4b, 4c
Indicator 4a	Know their rights	%	73.0%	89.0%	95.0%	
		N	30	18	40	
Indicator 4b	Effectively communicate their children's needs	%	73.0%	89.0%	90.0%	
		N	30	18	40	
Indicator 4c	Help their children develop and learn	%	93.0%	94.0%	98.0%	
		N	30	18	40	

Educational Service Unit #1

Early Childhood

Providing early intervention services and supports for children with disabilities and their families since 1965



WHO WE ARE

Educational Service Unit (ESU) #1 is one of seventeen ESUs across the state that provide services to Nebraska children. ESU #1 serves children in Cedar, Dakota, Dixon, Knox, Thurston and Wayne counties in Northeast Nebraska. The central office is located in Wakefield. ESU #1 provides services that individual school districts are unable to economically or efficiently provide themselves. In Nebraska, school districts have to provide services to children with disabilities birth through age 21. Districts contract with ESU #1 for early childhood services specifically for children birth through age 5.

A Primary Service Provider (PSP) approach is used. Families receive support from one of five teams that include an early childhood provider, occupational therapist, physical therapist, services coordinator and a speech language pathologist. Teams also have access to a vision consultant, deaf educator, audiologist and school psychologist as needed. One team member is chosen as a point of contact to work closely with each child's family/teacher/caregiver to coordinate support from the entire team.

WHAT WE DO

Our goal is to support families and caregivers using a coaching approach to provide opportunities for children birth through age five.

ESU #1 early childhood providers and teachers and caregivers take responsibility for achieving the child and family goals. Coaching includes reviewing joint plans, observing and providing feedback on actions, providing feedback on joint plans.



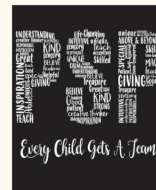
HIGH QUALITY INCLUSIVE EARLY CHILDHOOD CLASSROOMS

ARE FULL OF DEVELOPMENT-ENHANCING LEARNING OPPORTUNITIES THAT OCCUR AS A PART OF EVERYDAY ROUTINES & ACTIVITY SETTINGS

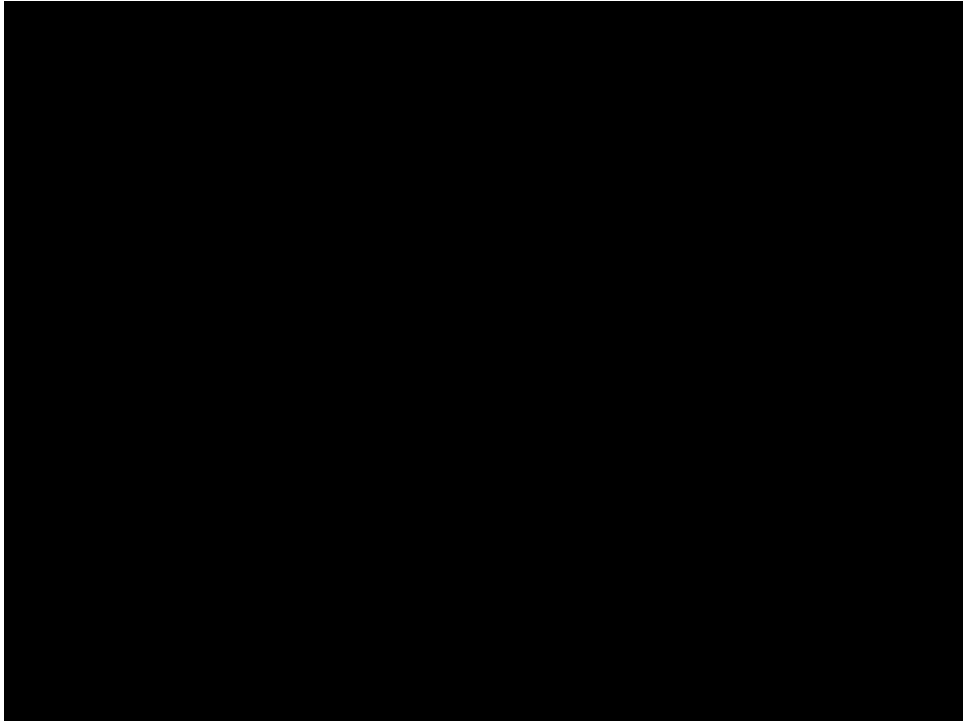
Primary Service Provider Approach to Teaming	Coaching as a Primary Style of Interaction	Inclusive Practices & Interventions in Natural Environments
- Every child/family/teacher receives support from a multidisciplinary team that includes at least an OT, PT, SLP, ECSE and SC - All team members are available to serve as a PSP & have knowledge of child development across all domains - One team member is selected as a long-term best fit to serve as a PSP - Frequency of support is flexible, activity based and includes bursts of services as necessary - PSPs receive ongoing support from team members during weekly team meetings and joint visits - Every child is discussed at least quarterly and more frequently if the PSP, family or teacher have questions/need support	- The goal of coaching is to build the capacity of the teachers (and other adults in the child's life) to ensure that child learning and development occurs on a regular basis, not just when the PSP is present - Coaching is goal oriented, solution focused, context driven and as hands-on as it needs to be - Because each PSP is an expert in their field and has specific knowledge/skills related to children with disabilities, coaching is an expert-based approach and is consistent with the principles of adult learning - The PSP offers a structured way to jointly plan new learning, expand existing skills, model effective practices, engage in feedback around a child's IEP goals	- IDEA requires that services be provided in natural environments (settings that are natural/normal for the child's same age non-disabled peers) - The PSP uses evidence-based intervention practices to promote child participation within the context of everyday routines and activities using materials existing in the environment and assistive technology introduced by the team as needed - Parent and teacher priorities as well as child interests drive interventions - Pulling a child out of a classroom environment to provide therapy, instruction and/or decontextualized practice violates federally-required inclusive practices and are not conducive to child learning

ESU #1

Early Childhood Practices, Procedures & Resources



Overview	2
Responsibilities	4
Teaming	6
Procedural Requirements	7
Evidence-Based Practices	9





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