

DATE:

TO: ESU #1 Board of Directors

FROM: Bill Heimann, Administrator

RE: Tuesday, November 12, 2024 Board Meeting

There will be a meeting of the ESU #1 Board of Directors, on Tuesday, November 12, 2024, at <https://zoom.us/j/94224738775> 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. Consent Agenda*
 - 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 November
 - C.4. Administrator's Monthly Report
 - C.4.a. EMC Insurance Dividend
 - C.4.b. Tower School
 - C.4.c. ESU1 Staff Summary
 - C.4.d. Ransomware Incident
 - C.4.e. Local Election Results
- D. Public Comment
- E. Educator Health Alliance Insurance Rates 2025-26
- F. Administrator Evaluation Process
- G. Personnel*
 - G.1. Consider, discuss, and take necessary action on employee contracts and personnel changes.
 - G.1.a. Resignation(s)
 - G.1.b. New Hire(s)
 - G.1.c. Contract Change(s)
 - G.1.d. Termination(s)
- H. 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, (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, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

(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) Virtual conferencing means conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection (2) of section 84-1412.

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

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

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

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

(c) Investigative proceedings regarding allegations of criminal misconduct;

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

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

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

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

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

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

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

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

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

(1) Until January 1, 2025:

(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 website.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee or the governing body of a rural or suburban fire protection district, 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 website; or

(B) Posting written notice in three conspicuous public places in such city, village, or district. 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.

(iv) In case of refusal, neglect, or inability of the newspaper to timely publish the notice, the public body shall (A) post such notice on its website, if available, and (B) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(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) Beginning January 1, 2025:

(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 (2)(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 committees, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(B)(I) Posting to the newspaper's website, if available, and (II) posting to a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper.

(ii) In the case of the governing body of a city of the second class or village, any advisory committee of such governing body, or the governing body of a rural or suburban fire protection district, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper;

(B)(I) Posting to the newspaper's website, if available, and (II) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(C)(III) Posting written notice in three conspicuous public places in such city, village, or district. Such notice shall be posted by the public body in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (2) (b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(iv) In case of refusal, neglect, or inability of the newspaper to publish the notice, the public body shall (A) post such notice on its website, if available, (B) submit a post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers, and (C) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(3)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (3)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsections (1) and (2) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of (a) an organization created under the Interlocal Cooperation Act that sells electricity or natural gas, (b) an organization created under the Municipal Cooperative Financing Act, (C) a governing body of a risk management pool and any advisory committee of such governing body, or (D) any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act, such organization, governing body, or committee may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing.

(4) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(5) 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.

(6) 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 virtual conferencing. The provisions of subsection (5) 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.

(7) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(8)(a) Notwithstanding subsections (3) and (6) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsections (1) and (2) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (5) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsection (5) of section

84-1413.

(9) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (3)(a) of this section may hold a meeting by virtual conferencing if:

(a) The purpose of the virtual meeting is to discuss items that are scheduled to be discussed or acted upon at a subsequent non-virtual open meeting of the public body;

(b) No action is taken by the public body at the virtual meeting; and

(c) The public body complies with subdivisions (3)(b)(i) and (ii) of this section.

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, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. Except for closed sessions called pursuant to section 84-1410, a public body shall allow members of the public an opportunity to speak at each meeting.

(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, including meetings held by virtual conferencing.

(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 shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(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 virtual conferencing available at an in-state 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; and

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

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, 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, either in paper or electronic form. 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; agenda and minutes; required on website; 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 or kept as an electronic record and shall be 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 or keeping the minutes is absent due to a serious illness or emergency.

(6) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public website for at least six months.

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 07/2024


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NEBRASKA OPEN MEETINGS ACT

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(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, (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, and (iii) the Judicial Resources Commission or subcommittees or subgroups of the commission;

(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

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

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

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

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

(c) Investigative proceedings regarding allegations of criminal misconduct;

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

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

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

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

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

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

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

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

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

(1) Until January 1, 2025:

(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 website.

(ii) In the case of the governing body of a city of the second class or village or such body's advisory committee or the governing body of a rural or suburban fire protection district, 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 website; or

(B) Posting written notice in three conspicuous public places in such city, village, or district. 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.

(iv) In case of refusal, neglect, or inability of the newspaper to timely publish the notice, the public body shall (A) post such notice on its website, if available, and (B) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(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) Beginning January 1, 2025:

(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 (2)(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 committees, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(B)(I) Posting to the newspaper's website, if available, and (II) posting to a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper.

(ii) In the case of the governing body of a city of the second class or village, any advisory committee of such governing body, or the governing body of a rural or suburban fire protection district, such notice shall be given by:

(A)(I) Publication in a newspaper of general circulation within the public body's jurisdiction that is finalized for printing prior to the time and date of the meeting, (II) posting on such newspaper's website, if available, and (III) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers. Such notice shall be placed in the newspaper and on the websites by the newspaper;

(B)(I) Posting to the newspaper's website, if available, and (II) posting on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers if no edition of a newspaper of general circulation within the public body's jurisdiction is to be finalized for printing prior to the time and date of the meeting. Such notice shall be placed in the newspaper and on the websites by the newspaper; or

(C)(III) Posting written notice in three conspicuous public places in such city, village, or district. Such notice shall be posted by the public body in the same three places for each meeting.

(iii) In the case of a public body not described in subdivision (2) (b)(i) or (ii) of this section, such notice shall be given by a method designated by the public body.

(iv) In case of refusal, neglect, or inability of the newspaper to publish the notice, the public body shall (A) post such notice on its website, if available, (B) submit a post on a statewide website established and maintained as a repository for such notices by a majority of Nebraska newspapers, and (C) post such notice in a conspicuous public place in such public body's jurisdiction. The public body shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication.

(3)(a) The following entities may hold a meeting by means of virtual conferencing if the requirements of subdivision (3)(b) of this section are met:

(i) A state agency, state board, state commission, state council, or state committee, or an advisory committee of any such state entity;

(ii) An organization, including the governing body, created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act;

(iii) The governing body of a public power district having a chartered territory of more than one county in this state;

(iv) The governing body of a public power and irrigation district having a chartered territory of more than one county in this state;

(v) An educational service unit;

(vi) The Educational Service Unit Coordinating Council;

(vii) An organization, including the governing body, of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act;

(viii) A community college board of governors;

(ix) The Nebraska Brand Committee;

(x) A local public health department;

(xi) A metropolitan utilities district;

(xii) A regional metropolitan transit authority; and

(xiii) A natural resources district.

(b) The requirements for holding a meeting by means of virtual conferencing are as follows:

(i) Reasonable advance publicized notice is given as provided in subsections (1) and (2) of this section, including providing access to a dial-in number or link to the virtual conference;

(ii) In addition to the public's right to participate by virtual conferencing, reasonable arrangements are made to accommodate the public's right to attend at a physical site and participate as provided in section 84-1412, including reasonable seating, in at least one designated site in a building open to the public and identified in the notice, with: At least one member of the entity holding such meeting, or his or her designee, present at each site; a recording of the hearing by audio or visual recording devices; and a reasonable opportunity for input, such as public comment or questions, is provided to at least the same extent as would be provided if virtual conferencing was not used;

(iii) At least one copy of all documents being considered at the meeting is available at any physical site open to the public where individuals may attend the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act; and

(iv) Except as otherwise provided in this subdivision or subsection (4) of section 79-2204, no more than one-half of the meetings of the state entities, advisory committees, boards, councils, organizations, or governing bodies are held by virtual conferencing in a calendar year. In the case of (a) an organization created under the Interlocal Cooperation Act that sells electricity or natural gas, (b) an organization created under the Municipal Cooperative Financing Act, (C) a governing body of a risk management pool and any advisory committee of such governing body, or (D) any advisory committee of any state entity created in response to the Opioid Prevention and Treatment Act, such organization, governing body, or committee may hold more than one-half of its meetings by virtual conferencing if such organization holds at least one meeting each calendar year that is not by virtual conferencing.

(4) Virtual conferencing, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(5) 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.

(6) 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 virtual conferencing. The provisions of subsection (5) 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.

(7) A public body may allow a member of the public or any other witness to appear before the public body by means of virtual conferencing.

(8)(a) Notwithstanding subsections (3) and (6) of this section, if an emergency is declared by the Governor pursuant to the Emergency Management Act as defined in section 81-829.39, a public body the territorial jurisdiction of which is included in the emergency declaration, in whole or in part, may hold a meeting by virtual conferencing during such emergency if the public body gives reasonable advance publicized notice as described in subsections (1) and (2) of this section. The notice shall include information regarding access for the public and news media. In addition to any formal action taken pertaining to the emergency, the public body may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the public body.

(b) The public body shall provide access by providing a dial-in number or a link to the virtual conference. The public body shall also provide links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act. Reasonable arrangements shall be made to accommodate the public's right to hear and speak at the meeting and record the meeting. Subsection (5) of this section shall be complied with in conducting such meetings.

(c) The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in subsection (5) of section 84-1413.

(9) In addition to any other statutory authorization for virtual conferencing, any public body not listed in subdivision (3)(a) of this section may hold a meeting by virtual conferencing if:

(a) The purpose of the virtual meeting is to discuss items that are scheduled to be discussed or acted upon at a subsequent non-virtual open meeting of the public body;

(b) No action is taken by the public body at the virtual meeting; and

(c) The public body complies with subdivisions (3)(b)(i) and (ii) of this section.

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, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing. Except for closed sessions called pursuant to section 84-1410, a public body shall allow members of the public an opportunity to speak at each meeting.

(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, including meetings held by virtual conferencing.

(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 shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(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 virtual conferencing available at an in-state 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; and

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

(8) Public bodies shall make available at the meeting or the in-state location for virtual conferencing as required by subdivision (6)(c) of this section, 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, either in paper or electronic form. 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; agenda and minutes; required on website; 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 or kept as an electronic record and shall be 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 or keeping the minutes is absent due to a serious illness or emergency.

(6) Beginning July 31, 2022, the governing body of a natural resources district, the city council of a city of the metropolitan class, the city council of a city of the primary class, the city council of a city of the first class, the county board of a county with a population greater than twenty-five thousand inhabitants, and the school board of a school district shall make available on such entity's public website the agenda and minutes of any meeting of the governing body. The agenda shall be placed on the website at least twenty-four hours before the meeting of the governing body. Minutes shall be placed on the website at such time as the minutes are available for inspection as provided in subsection (5) of this section. This information shall be available on the public website for at least six months.

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 07/2024

**ESU #1 Board Meeting
Tuesday, October 8, 2024**

A meeting of the ESU 01 Board of Directors convened in open and public session on Tuesday, October 8, 2024, at 5:30 PM, at ESU #1. **Present:** Tabitha Gilsdorf, Traci Haglund, AJ Johnson, Julie Schamp, Mrs Susan Strahm, **Absent:** Josiah Boneschans, Jim Gunsolley, Shannon Johnson, Sally Reinert, Kimberly Snyder.

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 the 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 Julie Schamp, seconded by Traci Haglund, to excuse the absence of members: Josiah Boneschans, Jim Gunsolley, Shannon Johnson, Sally Reinert, Kimberly Snyder. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Josiah Boneschans: Absent, Jim Gunsolley: Absent, Shannon Johnson: Absent, Sally Reinert: Absent, Kimberly Snyder: Absent, Tabitha Gilsdorf: For, Traci Haglund: For, AJ Johnson: For, Julie Schamp: For, Mrs Susan Strahm: For
For: 5, Against: 0, Absent: 5

C. Consent Agenda*

Motion by Mrs Susan Strahm, seconded by Tabitha Gilsdorf, to approve all items on the consent agenda as provided; September 10 Minutes, September Financial Reports, September bills of \$1,373,272.10, and the Administrator's report. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Josiah Boneschans: Absent, Jim Gunsolley: Absent, Shannon Johnson: Absent, Sally Reinert: Absent, Kimberly Snyder: Absent, Tabitha Gilsdorf: For, Traci Haglund: For, AJ Johnson: For, Julie Schamp: For, Mrs Susan Strahm: For
For: 5, 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 October

C.4. Administrator's Monthly Report

C.4.a. Tower School Tour

Administrator Heimann invited Board Members to a tour of Tower School.

C.4.b. AESA Central Region Symposium

Administrator Heimann informed the Board about the upcoming AESA (Association of Educational Service Agencies) Conference.

C.4.c. Nebraska Literacy Project

Administrator Heimann provided an overview of the Nebraska Literacy Project Plan.

D. Public Comment

E. NASB Legislative Committee Representative*

Motion by AJ Johnson, seconded by Traci Haglund, to vote for Jim Vlach as the Nebraska Association of School Board's Region #11 Representative. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Josiah Boneschans: Absent, Jim Gunsolley: Absent, Shannon Johnson: Absent, Sally Reinert: Absent, Kimberly Snyder: Absent, Tabitha Gilsdorf: For, Traci Haglund: For, AJ Johnson: For, Julie Schamp: For, Mrs Susan Strahm: For
For: 5, Against: 0, Absent: 5

F. ESUCC Cooperative Purchasing Program

Administrator Heimann provided a Cooperative Purchasing Summary for 2023-24.

G. Nebraska Association of School Boards State Conference

Administrator Heimann informed the Board about the upcoming Nebraska Association of School Boards State Conference.

H. Tower School Facility Project

Administrator Heimann provided an update on the Tower School Facility Project.

I. ESU1 Annual Report

Motion by Tabitha Gilsdorf, seconded by Mrs Susan Strahm, to approve the 2023-24 ESU 1 Annual Report as presented. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Josiah Boneschans: Absent, Jim Gunsolley: Absent, Shannon Johnson: Absent, Sally Reinert: Absent, Kimberly Snyder: Absent, Tabitha Gilsdorf: For, Traci Haglund: For, AJ Johnson: For, Julie Schamp: For, Mrs Susan Strahm: For
For: 5, Against: 0, Absent: 5

J. Virtual Board Meetings

Up to half of the ESU board meetings each calendar year may be conducted virtually. In 2025, the January, February, and March board meetings were held virtually, which means the board could conduct November and December 2025 meetings virtually and still be within parameters authorized in statute.

Motion by Mrs Susan Strahm, seconded by AJ Johnson, to conduct the November, December, January, February & March board meetings via Zoom. After discussion and on roll call vote, the Board voted as follows:

Motion Carried:

Josiah Boneschans: Absent, Jim Gunsolley: Absent, Shannon Johnson: Absent, Sally Reinert: Absent, Kimberly Snyder: Absent, Tabitha Gilsdorf: For, Traci Haglund: For, AJ Johnson: For, Julie Schamp: For, Mrs Susan Strahm: For
For: 5, Against: 0, Absent: 5

K. Personnel*

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

K.1.a. Resignation(s)

K.1.b. New Hire(s)

- Maria Nuno, MEP Service Provider, effective 9-11-2024
- Ruben Vega, Tower Paraeducator, effective 9-30-2024

K.1.c. Contract Change(s)

K.1.d. Termination(s)

L. Adjournment

Brittney Hampl, Recording Secretary

Susan Strahm, Board Secretary

ESU1 Department	Staff members
Administration	4
Audiology	1
Central Office	5
Early Childhood Special Education	10
Early Development Network	5
Early Learning Connections	3
Migrant Education Program	5
MTSS	3
Nurse	1
Psychology	23
Physical/Occupational Therapy	13
Speech Language	27
Special Education Consultant - Walthill	1
Technology	4
Technology Consultant - Walthill	1
Teaching and Learning Team	5
Tower School Teacher	4
Tower School Support Staff	19
Transition	1
Vision	2
Total	137



Educators Health Alliance Sets 2025-26 School Year Rates

Overall premium increase of 5.49% continues single-digit streak

Lincoln, NE – Oct. 30, 2024 – There will be an overall increase of 5.49% in premiums next year for the medical and dental insurance plans used by nearly every Nebraska school district, following action by the Educators Health Alliance (EHA) Board of Directors. The EHA is a consortium of three statewide public school groups that manages the plan. All medical insurance rates and dental insurance rates for active employees and retirees will increase 5.49% from the 2024-25 rate level.

“While our medical claims have increased in the most recent months, we are comfortable approving a rate increase below some of the industry surveys we have seen,” said Trish Guinan, EHA Board Chair and NSEA Executive Director. “Given the rate of inflation over the last few years, we are pleased we’ve been able to maintain our streak of more than 20 years without a double-digit increase in rates, and to average an increase of 4.77% for the last decade.”

Guinan said the one benefit change made for 2025-26 is an increase in the out-of-pocket maximums.

“We believe it is important to minimize the change in benefits to our members. While we were able to maintain our deductible offerings for the sixth plan year in a row, we did make a change to the out-of-pocket maximums in order to reduce the rate increase,” said Guinan.

The successful rollout of the alternate network product offering to all districts in areas of the state where network competition exists will be continued in the 2025-26 plan year.

Guinan said the single-digit increase in premium rates is made possible due to several factors, including:

- The implementation of several new programs to manage pharmacy costs;
- Programs designed to assist in the management of chronic and emerging diseases; and
- Holding the line on health and administrative cost increases.

“The EHA Board has taken some strategic actions to manage our claim costs, especially with respect to the expansion of a diabetes claim management program to pre-diabetics and the launch of a new program to manage musculoskeletal claims,” said Beth Kernes Krause, EHA Vice Chair and Auburn Public Schools Board of Education member.

“The EHA Board takes its responsibility for plan oversight very seriously,” said Dr. Michael Dulaney, executive director of the Nebraska Council of School Administrators. “We believe the rate and benefit decisions reached for the 2025-26 plan year will allow the EHA to continue to provide a quality, affordable health insurance plan well into the future.”

“The EHA Board understands the financial concerns of our members as well as the fiscal constraints facing school districts,” said Colby Coash, associate executive director of the Nebraska Association of

School Boards. “With 90,000 members in the plan, EHA has the largest risk pool in the state, which allows more predictability and stability in rates. This benefits both districts and individuals and their families.”

The Educators Health Alliance is a non-profit corporation that was created to procure quality, affordable healthcare insurance for Nebraska educational employees. The rates set by the EHA Board are for the Blue Cross and Blue Shield of Nebraska (BCBSNE) healthcare plan used by more than 400 public school districts and affiliate groups in the state. The plan is governed by a 12-member board representing the Nebraska Association of School Boards, the Nebraska Council of School Administrators, and the Nebraska State Education Association. More than 90,000 Nebraskans are covered by the plan, making it the largest health plan in the state.

Find more information at <https://www.ehaplan.org/>

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Contact: Trish Guinan, EHA Chair, 402-475-7611, trish.quinan@nsea.org



Renewal Effective September 1, 2025

The EHA Board of Directors has announced the following rate and benefit change decisions for the 2025-26 contract year effective September 1, 2025.

Premium Rate Change

The medical rates for all Active Employee plans will increase by 5.49%.

The medical rates for all Early Retiree plans will increase by 5.49%.

The dental rates for all participants will increase by 5.49%.

The overall increase for medical and dental coverage combined is 5.49%.

Benefit Changes

Standard Network Plans

Out-of-Pocket Maximums (including Deductible, Coinsurance, and Copayments for medical and pharmacy services):

- A. The \$650 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$5,600 In-Network / \$11,200 Out-of-Network, 2x family.
- B. The \$850 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$5,750 In-Network / \$11,500 Out-of-Network, 2x family.
- C. The \$1,050 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$5,900 In-Network / \$11,800 Out-Of-Network, 2x family.
- D. The \$1,200 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$6,000 In-Network / \$12,000 Out-of-Network, 2x family.
- E. The \$1,450 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$6,150 / \$12,300 Out-of-Network, 2x family.

- F. The \$1,900 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$6,500 In-Network / \$13,000 Out-of-Network, 2x family.
- G. The \$2,500 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$8,350 In-Network / \$16,700 Out-of-Network, 2x family.
- H. The \$3,800 HSA-Eligible plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$5,350 In-Network / \$15,000 Out-of-Network, 2x family.
- I. The \$4,000 HSA-Eligible plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$7,300 In-Network / \$14,600 Out-of-Network, 2x family.

Alternate Network Plans

Out-of-Pocket Maximums (including Deductible, Coinsurance, and Copayments for medical and pharmacy services):

- A. The \$0 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$5,600 In-Network / \$11,500 Out-of-Network, 2x family.
- B. The \$400 plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$6,000 In-Network / \$12,000 Out-of-Network, 2x family.
- C. The \$2,500 HSA-Eligible plan Out-of-Pocket Maximum will increase by \$1,000 In-Network / \$2,000 Out-of-Network, 2x family, bringing the total Out-of-Pocket to \$4,500 In-Network / \$12,500 Out-of-Network, 2x family.

Educational Service Unit #1 Administrator Job Description

It is the policy of Educational Service Unit #1 to not discriminate on the basis of sex, handicap or disability, race, color, religion, marital status, veteran status, or national or ethnic origin in its educational programs, admission policies, employment policies or other administered programs. Persons requiring accommodations to apply and/or be considered for positions are asked to make their request to the Administrator.

- A. Job Title:** Administrator
- B. Department:** Administration
- C. FLSA Status:** The employee has the primary duty of performing office or non-manual work directly related to the management general business operations of ESU #1. The employee customarily and regularly exercises discretion and independent judgment or has a primary duty of performing administrative functions directly related to academic instruction or training in the school district or a department or subdivision.
- D. Education Level and Certification:** Specialist Degree. Must possess a Nebraska Administrative and Supervisory Certificate at all times during employment with such endorsements as required by NDE Rule 10.
- E. Reports To:** Board
- F. May Receive Guidance From:** Board, Advisory Council, School District Personnel, Department of Education
- G. Essential Job Functions:**
 - 1. General supervisory, teaching and instructional skills
 - 2. Basic operational skills for Macintosh or PC computer
 - 3. Poised
 - 4. Supervise a variety of tasks at the same time
 - 5. No history of child abuse or negligence
 - 6. Good oral and written skills
 - 7. Driver's license and reliable vehicle.
- H. Working Conditions:**
 - 1. Inside heated and air conditioned office.
- I. Job Tasks:**
 - 1. Attends, participates in all meetings of the Board and its committees, except when own employment or salary is under consideration.

2. Serves as ex officio member of all Board committees and assigns administrative personnel to support committee activities when necessary.
3. Advises the Board on the need for new or revised policies and ensures through delegation to staff that all policies of the Board are implemented.
4. Prepares and submits to the Board recommendations relative to all matters requiring Board action, placing before the Board such necessary and helpful facts, information, and reports as are needed to ensure the making of informed decisions.
5. Acts on own discretion if emergency action is necessary in any matter not covered by Board policy, reports such action to the Board as soon as practicable, and recommends policy in order to provide guidance in the future.
6. Supervises the implementation of all laws, regulations, and Board policies.
7. Establishes procedures to ensure all administrative decisions necessary to the proper function of ESU #1 are made.
8. Delegates at own discretion to other employees the exercise of any powers or the discharge of any duties with the knowledge that the delegation of power or duty does not relieve the administrator of final responsibility for the action taken under such delegation.
9. Formulates objectives, policies, plans, and programs; prepares (or causes to be prepared) and presents facts and explanations necessary to assist the Board in its duty of legislation.
10. Communicates directly or through delegation all actions of the Board relating to personnel matters to all employees and receives from employees communications to be made to the Board.
11. Directs staff negotiations with professional and nonprofessional personnel.
12. Secures and nominates for employment the best qualified and most competent persons for positions, as may be necessary within the limits of budgetary provisions.
13. Assigns and transfers employees as the interest of ESU #1 may dictate and reports such action to the Board for information and record.
14. Approves leave schedules for salaried district employees under direct supervision.
15. Takes appropriate disciplinary actions with employees and reports, as necessary, to the Board.

16. Recommends to the Board for final action the promotion, salary changes, demotion, or dismissal of any employee.
17. Submits to the Board explanation of any proposed procedure that would involve either departure from established policy or the expenditure of substantial sums.
18. Directs the preparation of the annual budget for adoption by the Board and administers the budget as enacted by the Board, acting at all times in accordance with legal requirements and adopted Board policies.
19. Establishes and maintains efficient procedures and effective controls for all expenditures of funds in accordance with the adopted budget including procedures for the purchase of supplies, etc.
20. Provides suitable instructions and regulations for staff to govern the use and care of ESU properties.
21. Recommends to the Board sales of all property no longer required by the Board and delegates the proper execution of such sales through staff and legal advisors.
22. Maintains directly or through delegation such personnel records, business records, and other records that are required by law and by Board policy.
23. Ensures that all reports required by statute or regulation are filed.
24. Assures that the accreditation standards set by the Department of Education are met.
25. Oversees the financial transactions of all funds.
26. Evaluates administrative staff.
27. Represents or delegates a representative for ESU #1 in its dealing with other school systems, institutions, agencies, and community organizations.
28. Attends such conventions and conferences as are necessary to keep abreast of latest educational trends.
29. Works with and maintains a relationship with the Advisory Council.
30. Consults with local administrators to determine supplementary educational needs of the schools and recommends methods for meeting those needs.
31. Confers periodically with professional and lay groups concerning the school program and transmits to the Board suggestions gained from such conferences.

32. Represents ESU #1 before the public and establishes and maintains a program of public relations to keep the public well-informed of the activities and needs of ESU #1, effecting a wholesome and cooperative working relationship between ESU #1 and the community.
33. Keeps the public informed about modern educational practices, educational trends, and the policies, practices, and problems in ESU #1.
34. Performs such other tasks as may, from time to time, be assigned by the Board.

J. Knowledge:

1. Education and Training — Knowledge of principles and methods for curriculum and training design, teaching and instruction for individuals and groups, and the measurement of training effects.
2. Administration and Management — Knowledge of business and management principles involved in strategic planning, resource allocation, human resources modeling, leadership technique, production methods, and coordination of people and resources.
2. English Language — Knowledge of the structure and content of the English language including the meaning and spelling of words, rules of composition, and grammar.
3. Personnel and Human Resources — Knowledge of principles and procedures for personnel recruitment, selection, training, compensation and benefits, labor relations and negotiation, and personnel information systems.
4. Mathematics — Knowledge of arithmetic, algebra, geometry, calculus, statistics, and their applications.
5. Communications and Media — Knowledge of media production, communication, and dissemination techniques and methods. This includes alternative ways to inform and entertain via written, oral, and visual media.
6. Economics and Accounting — Knowledge of economic and accounting principles and practices, the financial markets, banking and the analysis and reporting of financial data.
7. Psychology — Knowledge of human behavior and performance; individual differences in ability, personality, and interests; learning and motivation; psychological research methods; and the assessment and treatment of behavioral and affective disorders.

K. Skills

1. Coordination — Adjusting actions in relation to others' actions.
2. Speaking — Talking to others to convey information effectively.
3. Reading Comprehension — Understanding written sentences and paragraphs in work related documents.
4. Writing — Communicating effectively in writing as appropriate for the needs of the audience.
5. Social Perceptiveness — Being aware of others' reactions and understanding why they react as they do.
6. Critical Thinking — Using logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems.
7. Judgment and Decision Making — Considering the relative costs and benefits of potential actions to choose the most appropriate one.
8. Active Listening — Giving full attention to what other people are saying, taking time to understand the points being made, asking questions as appropriate, and not interrupting at inappropriate times.
9. Management of Personnel Resources — Motivating, developing, and directing people as they work, identifying the best people for the job.
10. Systems Evaluation — Identifying measures or indicators of system performance and the actions needed to improve or correct performance, relative to the goals of the system.

L. Abilities

1. Oral Expression — The ability to communicate information and ideas in speaking so others will understand.
2. Written Expression — The ability to communicate information and ideas in writing so others will understand.
3. Written Comprehension — The ability to read and understand information and ideas presented in writing.
4. Oral Comprehension — The ability to listen to and understand information and ideas presented through spoken words and sentences.
5. Speech Clarity — The ability to speak clearly so others can understand you.

6. Near Vision — The ability to see details at close range (within a few feet of the observer).
7. Fluency of Ideas — The ability to come up with a number of ideas about a topic (the number of ideas is important, not their quality, correctness, or creativity).
8. Inductive Reasoning — The ability to combine pieces of information to form general rules or conclusions (includes finding a relationship among seemingly unrelated events).
9. Deductive Reasoning — The ability to apply general rules to specific problems to produce answers that make sense.
10. Originality — The ability to come up with unusual or clever ideas about a given topic or situation, or to develop creative ways to solve a problem.

M. Work Activities:

1. Communicating with Persons Outside Organization — Communicating with people outside the organization, representing the organization to customers, the public, government, and other external sources. This information can be exchanged in person, in writing, or by telephone or e-mail.
2. Communicating with Supervisors, Peers, or Subordinates — Providing information to supervisors, co-workers, and subordinates can be exchanged in person, in writing, or by telephone or e-mail.
- 3.
4. Getting Information — Observing, receiving, and otherwise obtaining information from all relevant sources.
5. Provide Consultation and Advice to Others — Providing guidance and expert advice to management or other groups on technical, systems-, or process-related topics.
6. Coordinating the Work and Activities of Others — Getting members of a group to work together to accomplish tasks.
7. Training and Teaching Others — Identifying the educational needs of others, developing formal educational or training programs or classes, and teaching or instructing others.
8. Establishing and Maintaining Interpersonal Relationships — Developing constructive and cooperative working relationships with others, and maintaining them over time.
9. Staffing Organizational Units — Recruiting, interviewing, selecting, hiring, and promoting employees in an organization.

10. Developing Objectives and Strategies — Establishing long-range objectives and specifying the strategies and actions to achieve them.
11. Organizing, Planning, and Prioritizing Work — Developing specific goals and plans to prioritize, organize, and accomplish your work.

N. Required Employee Characteristics:

1. Cooperation — Being pleasant with others on the job and displaying a good-natured, cooperative attitude.
2. Attention to Detail — Being careful about detail and thorough in completing work tasks.
3. Dependability — Being reliable, responsible, and dependable, and fulfilling obligations.
4. Integrity — Being honest and ethical.
5. Concern for Others — Being sensitive to others' needs and feelings and being understanding and helpful on the job.
6. Self Control — Maintaining composure, keeping emotions in check, controlling anger, and avoiding aggressive behavior, even in very difficult situations.
7. Stress Tolerance — Accepting criticism and dealing calmly and effectively with high stress situations.
8. Adaptability/Flexibility — Being open to change (positive or negative) and to considerable variety in the workplace.
9. Independence — Developing one's own ways of doing things, guiding oneself with little or no supervision, and depending on oneself to get things done.
10. Initiative — A willingness to take on responsibilities and challenges.

O. Continuing Contract Law: Employment with ESU #1 is subject to the rights and responsibilities of the Nebraska Teacher Tenure Act, Neb. Rev. Stat. §§79-824 et. seq. and the terms of the Contract between the Administrator and ESU #1. The terms of the employment agreement may not be modified except in writing signed by the Board President.

P. Essential Functions: The essential functions of the Administrator position include (1) regular, dependable attendance on the job; (2) the ability to perform the identified tasks and to possess and utilize the identified knowledge, skills, and abilities and to perform the

identified work activities; and, (3) the ability to perform the following identified physical requirements:

Physical Requirements Administrator E = Essential NE = Non-Essential		Item is not a requirement of the job	Occasional -- up to 33% of time	Occasional/Essential -- up to 33% of time, absolutely essential to the job	Frequent -- between 34% - 66%	Continuous -- over 66% of time
Stamina						
	1. Sitting				X	
	2. Walking				X	
	3. Standing		X			
	4. Sprinting/Running	X				
Flexibility						
	5. Bending or twisting at the neck more than the average person		X			
	6. Bending or twisting at the trunk more than the average person		X			
	7. Squatting/Stooping/Kneeling		X			
	8. Reaching above the head		X			
	9. Reaching forward		X			
	10. Repeating the same hand, arm or finger motion many times (For example: typing, data entry, etc.)				X	
Activities						
	11. Climbing (on ladders, into large trucks/vehicles, etc.)	X				
	12. Hand/grip strength	X				
	13. Driving on the job			X		
	14. Typing non-stop		X			
Use of Arms and Hands						
	15. Manual dexterity (using a wrench or screwing a lid on a jar)		X			
	16. Finger dexterity (typing or putting a nut on a bolt)		X			
Lifting Requirements						
	17. Lifting up to 10 pounds (Mark all that apply)					
	Floor to waist		X			
	Waist to shoulder		X			
	Shoulder to overhead		X			
	18. Lifting 11 to 25 pounds (Mark all that apply)					
	Floor to waist	X				
	Waist to shoulder	X				
	Shoulder to overhead	X				
	19. Lifting 26 to 50 pounds (Mark all that apply)					
	Floor to waist	X				
	Waist to shoulder	X				
	Shoulder to overhead	X				
	20. Lifting 51 to 75 pounds (Mark all that apply)					
	Floor to waist	X				

	Waist to shoulder	X				
	Shoulder to overhead	X				
	21. Lifting 76 plus pounds (Mark all that apply)					
	Floor to waist	X				
	Waist to shoulder	X				
	Shoulder to overhead	X				
	22. Can load/items weighing over 50 pounds that are lifted or carried be shared, or reduced into smaller loads?	X				
	Pushing/Pulling					
	23. 25 to 50 pounds	X				
	24. 51 to 75 pounds	X				
	25. 76 to 90 pounds	X				
	26. Over 90 pounds	X				
	Carrying					
	27. 10 to 25 pounds		X			
	28. 26 to 50 pounds	X				
	29. 51 to 75 pounds	X				
	30. 76 to 90 pounds	X				
	31. Over 90 pounds	X				



ADMINISTRATOR CONTRACT

THIS CONTRACT is made by and between the Board of Directors of Educational Service Unit No. One, hereinafter referred to as “the Board,” and Dr. Bill Heimann hereinafter referred to as “the Administrator.”

WITNESSETH: That in accordance with action taken by the Board as recorded in the minutes of the Board meeting held on the 13th day of February, 2024, the Board hereby agrees to employ the Administrator, and the Administrator hereby agrees to accept such employment, subject to the following terms and conditions:

Section 1. Term of Contract

- A. **Initial Term.** The Administrator shall be employed for a period of two (2) years, beginning on the 1st day of July 2024, and ending on the 30th day of June 2026. References in this Contract to “contract year” shall mean the period of July 1 to June 30. Each year of this Agreement shall consist of 245 days of service per year subject to vacation days as provided herein.
- B. **Automatic Extensions.** Effective on the 1st day of December of each year, this Contract shall be automatically extended for one (1) additional year beyond the initial term, or one (1) additional year beyond the end of any extended term, whichever is later. To prevent such automatic extension, the Board must give notice to the Administrator, or the Administrator must give notice to the Board, in writing, and prior to the 31st day of January of each year, of intent to not extend the Contract for an additional year. Notice by the Board of such intent must be given pursuant to official approved Board action. Notice by the Administrator of such intent must be given to the Board Chairman or Board Secretary.

Section 2. Salary

- A. **Salary for Initial Term.** The annual base salary for the first contract year shall be: \$203,875.
1. **Salary for Extended terms.** The salary for any renewal or extension periods shall be set by mutual agreement of the Administrator and the Board, but shall in no event be less than the annual salary for the immediately preceding contract year.
- B. **Payment of Salary and Adjustments.** The annual salary shall be paid in equal installments in accordance with the policy of the Board governing payment of other professional staff employees of the Unit. Salary payments shall be subject to state and federal withholding required by law, including without limitation retirement contributions, FICA, FUTA, Medicare, and state or federal unemployment contributions. The Board retains the right to adjust the Administrator’s annual salary upward during the term of this Contract, as an amendment hereto, without such adjustment constituting a new contract or extending the length of this Contract. The Administrator’s salary shall not be reduced during the term of this Contract.
- C. **Payment of Salary Upon Cancellation.** Upon lawful cancellation of this Contract, the Administrator shall be paid an amount equal to the annual salary for the contract year in which the cancellation is effective multiplied by the following fraction: (1) a numerator equal to the number of months of fraction thereof which have expired in the contract year in which such cancellation is effective, over (2) a denominator equal to twelve months.

Section 3. Leave Benefits

A. **Nature of Paid Leaves.** Paid leave from the Administrator's professional duties are available to the Administrator when the following specific conditions are met: (1) the Administrator is currently employed by the ESU; (2) the leave day is taken on a day the Administrator would otherwise be expected to be at work; and (3) the Administrator has met the conditions for such leave to be taken as applicable to each specified form of paid leave. All paid leave is subject to the following:

1. **Leave Year.** The leave year is the Administrator's contract year of July 1 through June 30 of each year this contract is in effect.
2. **Unused Leave.** There shall be no pay for leave available but unused either during or upon ending of employment except as may be specifically set forth herein.
3. **Daily Rate.** The effective daily rate of pay shall be computed at the rate of 1/245 of the Administrator's annual salary.

B. Vacation:

1. **Vacation.** The Administrator shall be allowed twenty (20) working days of vacation leave during each contract year. Vacation shall not be taken at times that would interfere with the Administrator's attendance at regularly scheduled Board meetings or at times when the Administrator's duties require the Administrator's attendance at school (e.g., beginning and end periods of the school year).
2. **Carry-over and Accumulation of Vacation Days.** Vacation is to be used during each contract year. Vacation days are to be used in the contract year in which it becomes available. There is no carry-over or accumulation of unused vacation leave from one contract year to another contract year. Any unused vacation days from a prior contract year shall be subtracted from the number of vacation days the Administrator has for the following contract year, such that the total vacation days at the beginning of each contract year be twenty (20). Upon ending employment, unused vacation days available in the final contract year will be paid at the effective daily rate of pay at the time each unused vacation day first became available.

C. Sick Leave/Bereavement Leave:

1. **Amount and Use.** The Administrator shall be allowed fourteen (14) working days of sick leave each contract year all exclusive of Saturdays, Sundays, and legal holidays.
2. **Availability.** Sick leave is a paid workday when the Administrator may be absent from duties. Sick days are only available when the Administrator is currently employed by the ESU and the Administrator is unable to perform assigned duties due to the illness or temporary disability of the Administrator or due to the Administrator needing to care for a member of the Administrator's immediate family who is ill or has a serious health condition. Immediate family shall mean the Administrator's spouse and dependent children.
3. **Bereavement Leave.** Five (5) days of sick leave may be used for family bereavement leave and one (1) day of sick leave for non-family bereavement leave per contract year. For purposes of this subparagraph, the term family means the Administrator's spouse, child, parent, parent-in-law, sibling, sibling-in-law, son or daughter-in-law, the Administrator's grandparents, spouse's grandparents, and the Administrator's grandchild.
4. **Non-Dependent Sick Leave.** Three (3) days of Non-Dependent sick leave may be used to care for non-dependent family members. Non-dependent family members shall include Administrator's non-dependent children, parent, parent in-law, siblings, grandparents,

spouse's grandparents, grandchildren and other relatives that require the Administrator's presence in medical situations.

5. Carry-over and Accumulation. Unused sick leave may be carried over from one leave year to the next succeeding leave year or years. The maximum that may be accumulated is 65 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 maximum of 65 days.
6. Unused Days. There shall be no pay for unused sick leave either during or upon ending of employment.

D. Personal Leave:

1. Days Per Leave Year. Three (3) days are available to the Administrator each leave year.
2. Availability. Paid personal is available for the purposes of allowing the Administrator to attend to personal matters.
3. Carryover and Accumulation. There is no carryover or accumulation of unused personal leaves.

The Business office shall maintain a log of days worked and leave used, which shall be available to the Board for review. For the purpose of this section of the term "working days" shall not include Saturdays, Sundays, or legal holidays.

Section 4. Other Fringe Benefits

- A. Health and Dental Insurance. The ESU shall provide the Administrator ESU #1 group sponsored Blue Cross & Blue Shield family health/dental insurance if the Administrator chooses to enroll in said plan, or any of the other group sponsored Blue Cross & Blue Shield four-tier plan. The Administrator may utilize the IRS 125 Cafeteria Plan (payroll deduction) for any additional premium requirements.
- B. Life Insurance. A group Term life insurance policy will be issued in the amount of \$60,000 with the ESU paying for \$50,000 of that coverage.
- C. Transportation. The Board shall provide the Administrator with transportation required in the performance of his official duties or shall reimburse him for such transportation at the rate annually set by the Board.
- D. Health Examinations. The Administrator shall be provided one annual medical examination in each contract year at the cost of the Board. The Administrator may, at his option, disclose such portions of the medical exam herein referred to as in his sole discretion he elects to. Nothing in this subparagraph shall be construed to require the Administrator to make any medical disclosures to the Board in any fashion that violates any applicable reporting or privacy laws.
- E. Phone Stipend. A monthly phone stipend of \$75/month will be paid to the Administrator, which is not subject to taxes or retirement.
- F. Professional Meetings. The Administrator shall attend appropriate professional meetings at the local, state and national level, and such attendance shall not be taken against the Administrator's allowable leave days. Such attendance shall be scheduled so as to not interfere with the proper performance of the Administrator's duties as Administrator. The expenses of attendance shall be paid by the Board of Directors, as and to the extent permitted by law and Board policy. The Board shall and does approve expenses for attendance at state administrator's conferences, and one (1)

national conference in the area of the professional responsibility of the Administrator at the discretion of the Administrator.

- G. Expense Allowance. The Administrator will be allowed \$2,500 annually as an expense allowance and paid over a twelve-month period. This amount will be added to payroll and subject to required payroll taxes.
- H. Dues. Annual dues for membership in the Nebraska Council of School Administrators will be paid by the Agency.
- I. Legal Actions. In the event of any legal actions are threatened or filed against the Administrator as a result of the performance of duties under this Contract, or the Administrator's position as Administrator for the Agency, including professional practice complaints against the Administrator, the Board shall provide a legal defense to the Administrator, to the maximum, extent permitted by law.

Benefits shall be equivalent to that provided to other certificated staff of the Agency, except to the extent otherwise provided for herein.

Section 5. Legal Requirements

The Administrator affirms that: (1) the Administrator holds or will hold a valid and appropriate certificate to act as an Administrator of ESU #1 in the State of Nebraska throughout the term of this Contract and any extensions of this Contract; (2) the required certificate to act as an Administrator of ESU's in the State of Nebraska shall be registered as required by law; and (3) the Administrator is not under contract with another board of education within the State of Nebraska covering any part of or all of the same time of performance as provided for in this Contract. It is further agreed that there shall be no penalty for release or resignation by the Administrator from this Contract; provided no resignation shall become effective until expiration of the remaining term of the Contract unless the Board fixes an earlier effective date. This Contract is subject to provisions of the School Employees' Retirement Act.

Section 6. Performance of Duties

- A. Use of Time. The Administrator shall faithfully perform the duties of the Administrator of ESU #1, in and for the Agency as prescribed by the laws of the State of Nebraska and by the rules and regulations promulgated by the Board thereunder. The Administrator agrees to devote the Administrator's full time, skill, labor and attention to the performance of the duties of the Administrator of ESU #1 throughout the term of this Contract; provided, however, the Administrator, by agreement with the Board, may undertake consultative work, speaking engagements, writing, lecturing, or other professional duties and obligations so long as such other work is not inconsistent with the Administrator's duties and obligations to the Board. Regular dependable attendance is an essential function of the Administrator's duties.
- B. Specifications of Duties. The duties of the Administrator shall be as prescribed in the Board Policy Manual, which duties are incorporated by reference into this Contract as if set forth verbatim herein. The duties as prescribed in the Board Policy Manual shall not be substantially changed during this Contract without the consent of the Administrator by an amendment to this Contract. The Administrator shall not be responsible for performance of duties assigned by individual members of the Board of Directors, or duties assigned without official action of the Board of Directors, except as specifically set forth in the Board Policy Manual.
- C. Board-Administrator Relationship. The Board shall have primary responsibility for formulating and adopting Board policy. The Administrator shall be the chief administrative officer for the Agency, and shall have primary responsibility for implementation of Board policy. The Board of Directors agrees, individually and collectively, to promptly refer all criticism, complaints and suggestions

concerning operations of the Agency, including without limitation matters relating to personnel and students, to the Administrator for action, study or recommendation, as appropriate, and to not comment or take action on such matters except upon recommendation of the Administrator or upon the Administrator having been permitted sufficient opportunity to respond to the matter.

Section 7. Discharge

The contract of the Administrator may be cancelled or amended by a majority of the members of the Board of Directors during the term of the Contract for any of the following reasons: (a) upon cancellation, termination, revocation, or suspension of the Administrator’s certificate (Nebraska Administrative and Supervisory Certificate, or Nebraska Professional Administrative and Supervisory Certificate), by the State Board of Education; (b) breach of any of the material provisions of this Contract; (c) for any of the reasons set forth in this employment contract; (d) incompetence; (e) neglect of duty; (f) unprofessional conduct; (g) insubordination; (h) immorality; (i) physical or mental incapacity; (j) intemperance; or (k) conviction of a felony. The procedures for cancellation during the term of the contract shall be in accordance with the applicable *Nebraska Revised Statutes*.


Section 8. Contract Enforceability

All applicable state and federal laws, rules, and regulations in performance of their respective duties and obligations under this Contract shall govern the parties. This Contract shall be interpreted under the laws of the State of Nebraska.

- A. Amendments. This Contract may be modified or amended only by a writing duly authorized and executed by the Administrator and the Board. This Contract is subject to the following Addendum (state if applicable)
- B. Severability. If a court of competent jurisdiction shall declare any portion of this Contract invalid or unenforceable, such declaration shall not affect the validity or enforceability of the remaining provisions of this Contract.

IN WITNESS WHEREOF, the parties have executed this Contract on the dates indicated below.

EXECUTED BY THE BOARD this 13th day of February, 2024

By: 
Board President

By: 
Board Secretary

EXECUTED BY THE ADMINISTRATOR this 29 day of February, 2024.

Bill Heimann

Dr. Bill Heimann, Administrator