

Board of Education ESU 18 Regular Meeting  
Tuesday, June 11, 2019, 6:00 PM  
or as soon thereafter as the same may  
commence following the Lincoln Board of  
Education Meeting Lincoln Public Schools  
District Office 5905 O Street Lincoln, NE  
68510

1. ESU 18 BOARD OF EDUCATION INFORMATION
2. CALL TO ORDER
3. ROLL CALL
4. ANNOUNCE OPEN MEETING ACT POSTING AND LOCATION
5. APPROVAL OF MINUTES
6. PUBLIC COMMENT
7. CONSENT AGENDA
  1. Routine Business
8. FIRST READING, ACTION AT NEXT MEETING
  1. From Board Committees
    1. Policy 3610 - Purchasing
    2. Policy 8121 - President and Vice President
    3. Policy 8123 - Secretary
    4. Policy 8130 - Committees
    5. Policy 8230: Board Operating Procedures - Opportunities for Development
    6. Policy 8400 - Meetings
    7. Policy 8460 - Annual Organizational Meeting
  2. From the Superintendent
    1. Interlocal Agreement with Lancaster County for Educational Services to the Youth Services Center #9657
    2. Agreement with Nebraska Department of Education for Southeast Nebraska Regional Program for Hearing Impaired Students #9719
9. SECOND READING, RECOMMENDED FOR ACTION
10. PUBLIC COMMENT
11. REQUEST FOR CLOSED SESSION
  1. Request for Closed Session - Negotiations/Collective Bargaining, Property/Real Estate, Litigation, Security, Criminal Misconduct, Personnel, and Legal Advice Matters
12. ADJOURNMENT

**EDUCATIONAL SERVICE UNIT 18 BOARD OF EDUCATION  
Lincoln Public Schools District Office  
5905 O Street  
Lincoln, NE 68510**

**MINUTES OF ORGANIZATIONAL MEETING – MAY 20, 2019**

**1. OPENING PROCEDURES**

Notice of the time and place of the Lincoln Board of Education meeting was e-mailed to an extensive list of local and regional news media. A mailing list is maintained at the Lincoln Public Schools District Office. A public notice was published in the *LINCOLN JOURNAL STAR*.

**2. CALL TO ORDER**

The meeting was called to order by the ESU President, Annie Mumgaard, at 5:53 p.m.

**3. ROLL CALL**

**PRESENT BOARD MEMBERS:**

Barbara Baier  
Lanny Boswell  
Kathy Danek  
Don Mayhew  
Annie Mumgaard  
Bob Rauner

**EXCUSED BOARD MEMBERS:**

Connie Duncan

**STAFF IN ATTENDANCE:**

Dr. Steve Joel, Superintendent  
Mr. Jim Gessford, Attorney for the Board  
Dr. Matt Larson, Associate Superintendent for Instruction  
Mr. John Neal, Assistant Superintendent for Governmental Relations  
Dr. Liz Standish, Associate Superintendent for Business Affairs  
Dr. Eric Weber, Associate Superintendent for Human Resources

A list of other people in attendance is set forth in Report File No. Hh-26.

**4. ANNOUNCE OPEN MEETINGS ACT POSTING**

The Educational Service Unit 18 Board makes 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 this meeting, the ESU President announced and informed the public about the location of the posted information.

## **ELECTION OF OFFICERS**

### **President**

Mr. Gessford, temporarily acting as chair, requested written nominations for the office of President of the ESU 18 Board. As a result of the nominations, Mr. Mayhew was declared the nominee.

Mr. Boswell moved, Mr. Rauner seconded

**That the Unit Board elect Don Mayhew as President of Educational Service Unit No. 18 to serve at the will of the Board until the person's successor is elected and qualified and that any such election is made on an at-will basis and the officer may be removed from office at any time without cause by action of the Unit Board.**

### **MOTION PASSED**

Barbara Baier  
Lanny Boswell  
Kathy Danek  
Don Mayhew  
Annie Mumgaard  
Bob Rauner

### **Vice President**

Mr. Mayhew, requested written nominations for Vice President of the ESU 18 Board. As a result of the nominations, Dr. Rauner and Mrs. Danek were declared the nominee. Mrs. Danek withdrew her name from consideration. As a result, Dr. Rauner was declared the nominee.

Mrs. Danek moved, Mr. Boswell seconded

**That the Unit Board elect Bob Rauner as Vice President of Educational Service Unit No. 18 to serve at the will of the Unit Board until the person's successor is elected and qualified and that any such election is made on an at-will basis and the officer may be removed from office at any time without cause by action of the Unit Board.**

### **MOTION PASSED**

Barbara Baier  
Lanny Boswell  
Kathy Danek  
Don Mayhew  
Annie Mumgaard  
Bob Rauner

### **Secretary and Treasurer**

Mr. Mayhew requested a motion to elect the Superintendent as the Secretary to the Unit Board and the Associate Superintendent for Business Affairs as the Treasurer to the Unit Board.

Mr. Boswell moved, Mrs. Danek seconded

**That the Unit Board elect Superintendent Stephen C. Joel as Secretary of Educational Service Unit No. 18 and Associates Superintendent for Business Affairs Liz Standish as the Treasurer of Education Service Unit No. 18 to serve at the will of the Unit Board until the person's successor is elected and qualified and that such election is made on an at-will basis and either officer may be removed from office at any time without cause by action of the Unit Board.**

**MOTION PASSED**

Barbara Baier  
Lanny Boswell  
Kathy Danek  
Don Mayhew  
Annie Mumgaard  
Bob Rauner

**5. ADOPTION OF ORDER OF BUSINESS**

Mr. Mayhew requested a motion to reconfirm and adopt the Lincoln Board of Education and ESU 18 order of business or as such order of business and operational procedures may be altered or changed from time to time as circumstances dictate in the Unit Board's sole discretion.

Mrs. Danek moved, Ms. Baier seconded

**That the Unit Board reconfirm and adopt the Lincoln Board of Education and ESU 18 order of business or as such order of business and operational procedures may be altered or changed from time to time as circumstances dictate in the Unit Board's sole discretion.**

**MOTION PASSED**

Barbara Baier  
Lanny Boswell  
Kathy Danek  
Don Mayhew  
Annie Mumgaard  
Bob Rauner

**6. APPOINTMENT OF UNIT ADMINISTRATOR**

Mr. Mayhew requested a motion to appoint and confirm the appointment and assignment of the LPS Associate Superintendent for Business Liz Standish to serve as the ESU 18 Unit Administrator effective immediately to serve until mid-night on June 30, 2019, and that effective as of July 1, 2019, to appoint and confirm the assignment of LPS Administrator Sarah Salem to serve as the new ESU 18 Unit Administrator until a successor is appointed and qualified and that such appointment and assignment is made on an at-will basis and may be changed or removed at any time without cause by action of the Unit Board.

Mrs. Danek moved, Mr. Boswell seconded

That the Unit Board (1) hereby appoints and confirms the appointment and assignment of the LPS Associate Superintendent for Business Liz Standish to be the ESU 18 Unit Administrator effective immediately to serve until mid-night on June 30, 2019, (2) hereby appoints and confirms the appointment and assignment of LPS Administrator Sarah Salem to be the new ESU 18 Unit Administrator effective as of July 1, 2019, to serve until a successor is appointed and qualified, and (3) that the Sarah Salem appointment and assignment is made on an at-will basis and may be changed or removed at any time without cause by action of the Unit Board.

**MOTION PASSED**

Barbara Baier  
Lanny Boswell  
Kathy Danek  
Don Mayhew  
Annie Mumgaard  
Bob Rauner

**7. AFFIRMATION OF POLICIES AND REGULATIONS, BUSINESS DOCUMENTS, PROCEDURES/PRACTICES, FORMS AND DAY-TO-DAY TRANSACTIONS**

Mr. Mayhew requested a motion to affirm, ratify and approve for ESU 18 (1) all LPS and ESU 18 current policies, regulations and procedural protocols, and (2) all LPS and ESU 18 employee handbooks, HR Bulletins, BA Bulletins, Information Technology Rules (ITR), Information Technology Procedures/Practices (ITP), the Important Information Book, Acceptable Use Forms and all Other Student, Employee, Business, Instruction, Technology, Payroll and Human Resource Practices/Procedures and Forms as currently on file and in use; and except as to policies, this action includes the delegation of authority to staff to make staff changes as appropriate from time to time; and (3) further hereby delegates authority to and specifically authorizes and directs the Unit Administrator or a designee, or any ESU 18 officers to sign, execute, and deliver all routine business contracts, papers and documents, and to otherwise administer and handle and complete all day-to-day business and business transactions for and on behalf of ESU 18.

Mr. Boswell moved, Ms. Mumgaard seconded

**That the Unit Board hereby affirms, ratifies and approves for ESU 18 (1) all LPS and ESU 18 current policies, regulations and procedural protocols, and (2) all LPS and ESU 18 employee handbooks, HR Bulletins, BA Bulletins, Information Technology Rules (ITR), Information Technology Procedures/Practices (ITP), the Important Information Book, Acceptable Use Forms and all Other Student, Business, Instruction, Technology, Payroll and Human Resource Practices/Procedures and Forms as currently on file and in use; and except as to policies, this action includes the delegation of authority to staff for staff changes as appropriate from time to time; and (3) further hereby delegates authority to and specifically authorizes and directs the Unit Administrator or a designee, or any ESU 18 officers to sign, execute, and deliver all routine business contracts, papers and documents, and to otherwise administer and handle and complete all day-to-day business and business transactions for and on behalf of ESU 18.**

**MOTION PASSED**

Barbara Baier  
Lanny Boswell  
Kathy Danek  
Don Mayhew  
Annie Mumgaard  
Bob Rauner

**8. PUBLIC COMMENT**

There were no speakers at this portion of the meeting.

**9. REQUEST FOR CLOSED SESSION**

There was no request for a closed session.

**10. ADJOURNMENT**

There being no further business, the Educational Service Unit 18 Board adjourned at 6:04 p.m. Recorded votes may be superseded or nullified by a previously announced or filed conflict of interest statement.

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Don Mayhew  
President of the Board

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Stephen C. Joel  
Secretary of the Board

# **BIDS, CONTRACTS, AND OTHER ROUTINE BUSINESS**

## **CONTRACTS**

### **1. MASTER SERVICES AGREEMENT WITH THE EDUCATIONAL SERVICE UNIT COORDINATING COUNCIL AND ESU NO. 18 FOR 2019-20 #9720**

The Educational Service Unit Coordinating Council (ESUCC) has requested that Educational Service Unit No. 18 (ESU 18) enter into the 2019-20 Master Services Agreement. This Agreement is between the ESUCC and all Nebraska Educational Service Units including ESU 18. The ESUCC is charged by NEB. REV. STAT. § 79-1245 with the administration of statewide education initiatives and provision of statewide education services and partners with the ESUs in delivering such educational services throughout Nebraska.

This agreement will be valid for the 2019-20 school year.

A complete copy of the proposed agreement is available in the Purchasing Department.

The Board, by approving the Master Services Agreement as presented or with such other or additional terms and provisions as negotiated and approved by the Associate Superintendent for Business Affairs or a designee, is hereby delegating to and authorizing the Associate Superintendent for Business Affairs or a designee in conjunction with other staff to select any needed services under the agreement, and the Board is further hereby delegating to and authorizing the Associate Superintendent for Business Affairs or a designee to sign, execute, and deliver the Agreement and all such other documents, make all contract payments, act as the program administrator and to take or cause to be taken any and all other action as may be necessary to complete the transaction, and to administer, operate, terminate, and/or implement the Agreement on a day to day basis during its term as contemplated thereby, for and on behalf of this school district.

## **BUSINESS**

### **Purchasing**

The Unit Board declares its intention to purchase competitively whenever possible.

Good working relations with vendors who provide materials, supplies, and services to the ESU are desirable. Constructive efforts by the administration to seek the advice and counsel of vendors about how to improve such relationships are encouraged. If comparable quotes of equal quality are received, preference shall go to the local vendor; that is, Lincoln first, then Nebraska.

Recommended purchases or contracts in excess of \$25,000 will be presented to the Unit Board for approval except as otherwise provided by policy or specific Board actions. The Associate Superintendent for Business Affairs is hereby delegated full power and authority to approve recommended purchases and/or sign contracts for and on behalf of the Unit that are consistent with the Unit's spending plan and budget that are under \$25,000 without Board approval. The Director of Purchasing or designee is also hereby delegated full power and authority to approve recommended purchases and/or sign contracts for and on behalf of the Unit that are consistent with the Unit's spending plan and budget that are under \$5,000 without Board approval.

Purchase orders will be written solely under the direction of the assigned Director of Purchasing.

The process and procedure of purchasing professional services for the ESU will be determined in the sole discretion of the Unit Board from time to time.

### **Quality/Quantity Purchasing**

Items to be purchased shall be at a specified quality level selected to meet the instructional or operational requirements of the ESU.

Consideration of a higher quality level shall include:

1. Use of products on trial basis.
2. Regard for extended life expectancy of the product.
3. Preference for products having a more trouble-free nature that would result in lower per-year cost of ownership.
4. The establishment of an ESU standard which reduces cost of support, maintenance, and parts.

All recommendations shall be made after consideration and consultation with the personnel requesting the goods and services.

The administration is encouraged to purchase supplies, equipment, and materials in quantity to take advantage of volume pricing and to save on freight cost.

## **BUSINESS**

### **Purchasing**

#### **Quality/Quantity Purchasing (Continued)**

Factors to be considered in consolidating like items for purchase in lot quantities shall include:

1. Price advantages to be recognized on basic purchasing quantities.
2. Savings on shipping costs.
3. Savings on avoiding costs of frequent repetitive purchases.
4. Cost of investments in inventory.
5. Cost of warehouse space and personnel.

### **Encumbering Funds**

Funds of the ESU are encumbered upon issuance of a purchase order or other written agreement as authorized by the Unit Board.

### **Contracts and Contract Authority**

In accordance with Policy 3140, the Unit Administrator or the LPS Associate Superintendent for Business Affairs is authorized to sign execute and deliver documents in the exercise of the necessary course of business activities for the ESU.

<b>Date Regulation Reviewed by the Board of Education:</b>	<b>2-27-96</b>
<b>Related Policies and Regulations:</b>	
<b>Legal Reference:</b>	<b>79-909, 79-912</b>

## BOARD OPERATING PROCEDURES

### President

The Unit Board President is the chair and presides at all meetings of the Board, except Committee of the Whole meetings.

~~He or she~~The President exercises such powers and performs such duties as usually fall to the presiding officer of a governing body; and in addition thereto, unless further modified or overruled by Board action, the President is specifically hereby delegated by the Board full power and authority to approve minutes, adjourn meetings and excuse member absences for and on behalf of the Board.

The President appoints those special committees or special appointees ~~he or she~~deems necessary or those ~~he or she~~the President is requested to appoint by the Board.

The President advises the Unit Administrator in matters of procedure and works with the Unit Administrator to set the agenda for meetings of the Unit Board.

The President or the President's designee represents the Unit Board at ceremonial events, community meetings, and other special occasions. Upon request, the Communications Department will assist in preparing remarks for these events.

### Vice President

The Unit Board Vice President performs the duties of the President in the absence or disability of the President to perform.

The Vice President acts as chair of the Committee of the Whole.

### Terms of Office

The President and Vice President will serve terms of up to one year.

**Date of Adoption (or Last Revision):**  
**Related Policies and**  
**Regulations: Legal Reference:**

4-11-95

## **BOARD OPERATING PROCEDURES**

### **Secretary**

The Secretary shall be responsible for publication of the agenda in accordance with Board rules.

The Secretary shall be responsible for publication of official notices and for the completion of reports required of the Board.

The Secretary is the Clerk of the Unit Board and of all Unit meetings when present. The Secretary shall fulfill all duties of Secretary to the Unit Board as required by the statutes and regulations of the State of Nebraska.

When a notice is required to be given to the Secretary by the Superintendent, the Treasurer will be designated as the Secretary for the purpose of receiving the notice.

**Date of Adoption (or Last Revision):**  
**Related Policies and**  
**Regulations: Legal Reference:**

**8-22-89**

## **BOARD OPERATING PROCEDURES**

### **Committees**

Committees shall not have legislative or administrative functions, except as specifically authorized in Unit Board minutes or policy. All matters except those of routine or emergency nature should be referred to a committee before action by the Unit Board. Committees may hold hearings to receive input from the public.

The President shall appoint the members and chair of each committee, and may authorize the Unit Administrator or a designee to make such appointments; members will serve at the will of the Unit Board or until the next Annual Organizational Meeting.

Summaries of all committee meetings shall be reported to the Unit Board for its information, recording, and possible action, or to the Unit Administrator, if the majority of members were appointed by the Unit Administrator or other Unit staff.

### **Committee of the Whole**

The Educational Service Unit Board may function as a Committee of the Whole during a regularly scheduled or special meeting to discuss the budget, facility planning, annual goals, strategic planning, instructional programs, or when it is necessary to extend discussion on an issue. Any member may refer an item to the Committee of the Whole through a motion to commit or to refer.

The secretary shall keep minutes of the matters discussed for submission at a regularly scheduled business or special meeting.

~~The following are the Committees of the Whole:~~

~~Board Development/Boardsmanship~~

~~Public Engagement/Strategic Planning~~

### **Temporary or Ad Hoc Committees**

Temporary or ad hoc committees of the Board are established only by Board action.

The President shall appoint such temporary and special committees as may be deemed necessary or advisable by the Board, and the President shall be, ex-officio, a member of each committee.

## **Special Appointments**

Members of the Board may be appointed to represent the Board on joint committees with other agencies or as advisors to other agencies. The President will make such special appointments unless otherwise designated by the Unit Board. The members so appointed will serve during the term of the President.

**Date of Adoption (or Last Revision):**  
**Related Policies and**  
**Regulations: Legal Reference:**

**4-11-95**

## **BOARD OPERATING PROCEDURES**

### **Opportunities for Development**

Attendance at meetings and conferences related to education or unit matters shall be encouraged for the value they have to the unit and to the professional growth of Educational Service Unit Board members.

The Unit Administrator shall notify Unit Board members of scheduled meetings and conferences which might be of interest or benefit.

Educational Service Unit Board members shall be expected to maintain their effectiveness by being well informed on Unit business and educational issues.

Each Mmembers of the Unit Board areis authorized to attend, at Educational Service Unit expense, conventions sponsored by the National School Boards Association, the Nebraska Association of School Boards, Nebraska Association of Educational Service Units, and other pertinent professional meetings provided that the reimbursable expenses are less than \$1,000. Members of the Board are authorized to attend the National School Boards Association annual conference provided the reimbursable expenses are less than \$1,000 not including the registration fee. A Board member seeking reimbursement of expenses for the Unit for development opportunities not authorized by this Policy must receive advance approval from the Board President and Vice President. For the Board President and Vice President, approval must, in addition, be given by one other Board member.

**Date of Adoption (or Last Revision):**  
**Related Policies and**  
**Regulations: Legal Reference:**

**8-22-89**

## **BOARD OPERATING PROCEDURES**

### **Meetings**

The Unit Board will hold Regular meetings and Special meetings as circumstances demand.

A meeting of the Unit Board occurs when the body is intentionally convened for the transaction of business and advance publicized notice is given of the meeting (except in the case of emergencies) in accordance with the Open Meetings Act.

### **Regular Meetings**

The Educational Service Unit Board will schedule sessions for the purpose of conducting the business of the Unit in accordance with Nebraska State law.

### **Work Sessions**

Work sessions are a special meeting. The Service Unit Board may schedule informal work sessions between regular meetings. Work sessions are desirable when extended or informal discussion is needed in advance of taking formal action, when hearing major reports of staff committees, or when reviewing or formulating extensive plans for later ratification.

During work sessions the Educational Service Unit Board shall function as a Committee of the Whole.

### **Other Special Meetings**

Special meetings shall be held upon request of the president or at the request of at least two members of the Board.

Special meetings generally require reasonable advanced publicized except in cases of emergency.

Special meetings must be called for the purpose which is specified and no business shall be transacted at the special meeting except that which is specified on the agenda for that meeting.

### **Executive Session (Closed)**

A closed or executive session may be conducted when called for by an affirmative, majority vote of members of the Service Unit Board if a closed session is clearly necessary for one or more of the following reasons: the protection of the public interest or for the prevention of needless injury to the reputation of an individual and such individual has not requested a public meeting. The following are the most common reasons for convening a closed session:

1. For strategy session with respect to negotiations/collective bargaining clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
2. For strategy session with respect to property/real estate matters clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
3. For Strategy session with respect to pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by

the public body clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.

4. For discussion regarding deployment of security personnel or devices clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
5. For investigative proceedings regarding allegations of criminal misconduct clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
6. For personnel and the evaluation of job performance clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.
7. For discussions of the legal consequences of specific action and legal advice clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual in compliance with the law.

## **BOARD OPERATING PROCEDURES**

### **Meetings (Continued)**

#### **Meetings for Public Hearings**

The Service Unit Board may hold public hearings as necessary or as required by statute.

#### **Open Meetings**

All meetings of the Board are open to the public except for executive or closed sessions.

**Date of Adoption (or Last Revision):**

**4-11-95**

**Related Policies and Regulations:**

**1130**

**Legal Reference:**

**84-1408, 84-1409, 84-1410**

## **BOARD OPERATING PROCEDURES**

### **Annual Organizational Meeting**

An organizational meeting of the Educational Service Unit Board shall be held in conjunction with the Lincoln Public Schools annual organizational meeting for the purpose of seating any new members electing officers.

The following are procedures for election of officers and other business to take place at the annual organizational meeting of the Board:

1. After new members are sworn in by the Board's legal counsel, the Board will elect from its members a President and a Vice President with the Board's legal counsel acting as chair for the election of a President.
2. and the Board will then elect as Secretary the Superintendent, and elect as Treasurer the Associate Superintendent for Business Affairs. All officers will assume office upon election.
3. Upon call for nominations for each office by the chair, nominations will be made by written ballot. Voting will be by written ballot on all members nominated and repeated until a majority is achieved for a nominee. If a tie is not broken after five ballots, the chair will determine the winner by a flip of a coin.
4. The President will assume the chair immediately upon being elected.
5. The motions for the officers' election should read: Move that (nominee's name) be elected as (name of office) to serve a term of one year on an "at-will" basis or until the person's successor is elected and qualified.

The order of business for the remainder of the meeting should be as follows:

1. The election of a Vice President by the same method as used for the election of the President.
2. Election of the Secretary and Treasurer.
3. The adoption of an order of business to guide in the preparation of future agendas and conduct of meetings.

4. Review of existing temporary committees or special appointments involving Unit Board members.
5. Approval of current Unit Board policies and regulations.

**Date of Adoption (or Last Revision):** 2-15-94  
**Related Policies and Regulations:** 8441  
**Legal Reference:**