

# POLICY REFERENCE MANUAL

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## 201.1 POWERS AND RESPONSIBILITIES OF THE BOARD

The board of the Pierce Public School District, acting on behalf of the school district, shall have jurisdiction over school matters within the territory of the school district.

The board is empowered to make policy for its own governance, for employees, for students and for school district facilities. The board is also empowered to enforce its policies. The board may, through its quasi-judicial power, conduct hearings and rule on issues and disputes confronting the school district.

The board has these powers and all other powers expressly granted to it in federal and state law as well as the powers that can be reasonably implied from the express powers.

The board is authorized to govern the school district which it oversees. As the governing board of the school district, the board has three duties to perform: legislative duty, executive duty, and evaluative duty.

As a representative of the citizens of the school district, the board is responsible for legislating policy for the school district. As a policy making body, the board has jurisdiction to enact policy with the force and effect of law for the management and operation of the school district.

It is the responsibility of the board, under the board's executive duty, to select its chief executive officer, the superintendent, to operate the school district on the board's behalf. The board delegates to the superintendent its authority to carry out board policy, to formulate and carry out rules and regulations and to handle the administrative details in a manner which supports and is consistent with board policy. The board may enter into certain contracts as permitted by law for periods not to exceed four years.

The board has a responsibility to review the education program's performance under its evaluative duty. The board regularly reviews the education program and associated support services. The review includes a careful study and examination of the facts, conditions and circumstances surrounding the amount of funds received or expended and the education program's ability to achieve the board's educational philosophy for the school district.

Approved – April 14, 2003      Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference:                      Neb. Statute 79-261 to 263

79-501 to 524

79-734

NDE Rule 10.004.01

Cross Reference	102	Educational Philosophy of the District
	104	Educational and Operational Planning
	205	School Board Policy Process
	601	Goals and Objectives of Instructional Plan

201.2 BOARD MEMBERSHIP - ELECTIONS AND APPOINTMENTS  
(Class II and III)

The annual school election takes place on the first Tuesday after the first Monday in November. Terms shall be staggered so that three board members are elected at each general election. Members of the board will be elected at large.

Incumbents must file for election at the Office of the County Clerk, Pierce County, by February 15 prior to the date of the primary election. All other candidates must file for election by March 1 prior to the date of the primary election.

If a vacancy occurs on the board it may be temporarily filled by appointment within 45 days of the vacancy by the remaining members of the board. The remainder of the unexpired term shall be filled by the normal board member election process in the next general election. If the board does not fill the vacancy by appointment, the vacancy may be filled by election at a special election or school district meeting called for that purpose. If a majority of the offices of the school board members are vacant, the Secretary of State will call a special school district election to fill the vacancies.

Legal Reference:                   Neb. Statute 32-501 et seq.

Cross Reference:                 201.5 Term of Office

Approved – April 14, 2003   Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

### 201.3 QUALIFICATIONS

Serving on the school board is an honor and privilege. Its rewards are respect from the community, students, and employees and the satisfaction from knowing each board member contributed to the success of the children in the school district community. Only those who are willing to put forth the effort to care and to make a difference should consider running for a position on the board.

Individuals who are willing to serve on the board should believe public education is important, support the democratic process, willingly devote time and energy to board work, respect educators and have the ability to examine the facts and make a decision. The board believes an individual considering a position on the school board should possess these characteristics.

Persons wanting to run for a position on the board must be a resident of the school district, an eligible elector of the district and free from a financial conflict of interest with the position. No member of a school board may be employed as a teacher by the school district on which board he or she serves.

Legal Reference:                   Neb. Statute 79-543, 544

Cross Reference:                201.1 Board Powers and Responsibilities  
  201.6 Vacancies  
  202.2 Board Member Conflict of Interest

Approved – April 14, 2003   Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## 201.5 TERM OF OFFICE - CLASS III DISTRICT

Board members nominated by primary election and elected by general election will serve for four years. Board members appointed to fill a vacant position will serve until the January following the next general election.

Being a board member is a unique opportunity for a citizen to participate on a governing board of the school district. Eligible board members are encouraged to consider running for more than one term.

Legal Reference: Neb. Statute 32-543

Cross Reference: 201.2 Board Membership - Elections/Appointment

Approved - April 14, 2003 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## 201.7 BOARD MEMBER LIABILITY

Board members shall not be held personally liable for actions taken in the performance of their duties and responsibilities vested in them by the laws of Nebraska and the members of the school district community. In carrying out the duties and responsibilities of their office, board members shall act in good faith.

The school district shall defend, save harmless and indemnify board members against tort claims or demands, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their official duties, unless it constitutes a willful or wanton act or omission. However, the school district shall not save harmless or indemnify board members for punitive damages.

Legal Reference:                   Neb. Statute 79-516

Cross Reference:                708.1 Insurance Program

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## 202.1 BOARD MEMBER CODE OF ETHICS

Board members' actions, verbal and nonverbal, reflect the attitude and the beliefs of the school district. Therefore, board members must conduct themselves professionally and in a manner fitting to their position.

Each board member shall follow the code of ethics stated in this policy.

### AS A SCHOOL BOARD MEMBER:

1. I will listen.
2. I will respect the opinion of others.
3. I will recognize the integrity of my predecessors and associates and the merit of their work.
4. I will be motivated only by an earnest desire to serve my school district and the children of my school district community in the best possible way.
5. I will not use the school district or any part of the school district program for my own personal advantage or for the advantage of my friends or supporters.
6. I will vote for a closed session of the board if the situation requires it, but I will consider "secret" sessions of board members unethical.
7. I will recognize that to promise in advance of a meeting how I will vote on any proposition which is to be considered is to close my mind and agree not to think through other facts and points of view which may be presented in the meeting.
8. I will expect, in board meetings, to spend more time on education programs and procedures than on business details.
9. I will recognize that authority rests with the board in legal session and not with individual members of the board, except as authorized by law.
10. I will make no disparaging remarks, in or out of the board meeting, about other members of the board or their opinions.
11. I will express my honest and most thoughtful opinions frankly in board meetings in an effort to have decisions made for the best interests of the children and the education program.
12. I will insist that the members of the board participate fully in board action and recommend that when special committees are appointed, they serve only in an investigative and advisory capacity.
13. I will abide by majority decisions of the board.
14. I will carefully consider petitions, resolutions and complaints and will act in the best interests of the school district.
15. I will not discuss the confidential business of the board in my home, on the street or in my office; the place for such discussion is the board meeting.
16. I will endeavor to keep informed on local, state and national educational developments of significance so I may become a better board member.

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Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

#### IN MEETING MY RESPONSIBILITY TO MY SCHOOL DISTRICT COMMUNITY:

1. I will consider myself a trustee of public education and will do my best to protect it, conserve it, and advance it, giving to the children of my school district community the educational facilities that are as complete and adequate as it is possible to provide.
2. I will consider it an important responsibility of the board to interpret the aims, methods and attitudes of the school district to the community.
3. I will earnestly try to interpret the needs and attitudes of the school district community and do my best to translate them into the education program of the school district.
4. I will attempt to procure adequate financial support for the school district.
5. I will represent the entire school district rather than individual electors, patrons or groups.
6. I will not regard the school district facilities as my own private property but as the property of the people.

#### IN MY RELATIONSHIP WITH THE SUPERINTENDENT AND EMPLOYEES:

1. I will function, in meeting the legal responsibility that is mine, as part of a legislative, policy-forming body, not as an administrative officer.
2. I will recognize that it is my responsibility, together with that of my fellow board members, to see the school district is properly run and not to run them myself.
3. I will expect the school district to be administered by the best-trained technical and professional people it is possible to procure within the financial resources of the school district.
4. I will recognize the superintendent as executive officer of the board.
5. I will work through the administrative employees of the board, not over or around them.
6. I will expect the superintendent to keep the board adequately informed through oral and written reports.
7. I will vote to hire employees only after the recommendation of the superintendent has been received.
8. I will insist that contracts be equally binding on teachers and board.
9. I will give the superintendent power commensurate with the superintendent's responsibility and will not in any way interfere with, or seek to undermine, the superintendent's authority.
10. I will give the superintendent friendly counsel and advice.
11. I will present any personal criticism of employees to the superintendent.
12. I will refer complaints to the proper administrative officer.



## 202.2 BOARD MEMBER CONFLICT OF INTEREST

It shall be the responsibility of each board member to be aware of an actual or potential conflict of interest. It shall also be the responsibility of each board member to take the action necessary to eliminate such a conflict of interest. Should a conflict of interest arise, a board member should not participate in any action relating to the issue from which the conflict arose.

No voting board member may have an interest in any contract to which the district, or anyone for its benefit, is party. The prohibition applies when the board member or the board member's immediate family is a partner, director, officer, or is a stockholder of closed corporation stock worth one thousand dollars or more at fair market value or which represents more than a five per cent equity interest, or is a stockholder of publicly traded stock worth ten thousand dollars or more at fair market value or which represents more than ten percent equity interest. An individual who occupies a confidential professional relationship protected by law is exempt from this policy. This policy does not apply to publicly traded stock under a trading account.

The above prohibition does not apply if the voting board member:

1. Supplies a written statement describing the matter up for decision and the nature of the conflict to the Nebraska Accountability and Disclosure Commission and to the board secretary. The secretary shall enter the statement onto the public records of the district.
2. The board member must take such action as the Commission advises to remove himself or herself from influence over the decision.
3. Does not vote on the matter of granting the contract, except if the number of members of the board declaring an interest in the contract would prevent the board, with all members present, from securing a quorum on the issue, then all members may vote on the matter and this action will be reported to the commission; and
4. Does not act for the district to inspect, supervise or determine the performance of contracts under which he or she has an interest.

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A board member who is an employee of a business involved in a contract with the district and who has no ownership interest or will receive no direct fee or commission shall not be deemed to have an interest within the meaning of this policy. The receiving of deposits, cashing of checks and buying and selling of warrants and bonds of indebtedness of any school district by a financial institution will not be considered an interest in the contract under this policy.

If a board member's immediate family member is an employee of the school district, the member may vote on all issues of the contract which are generally applicable to all employees or all

employees within a classification and do not single out his or her family member for special action.

Any contract entered into with an interested board member shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the school district.

A voting board member or district employee may employ, recommend the employment of, or supervise the employment of an immediate family member if he or she does not abuse his or her official position and makes a full disclosure of the relationship to the board and a written disclosure of the relationship to the board secretary. No board member or administrator shall employ an immediate family member without first having made a reasonable solicitation and consideration of applications for such employment. The family member must be qualified for, able to perform, and required to perform the duties of the position. The family member must not be paid an unreasonably high salary. No existing employee may be terminated for the purpose of making a position available to such a family member.

Any newly elected or appointed board member or administrator shall make a full disclosure of any immediate family member employed in a position subject to this policy as soon as reasonably possible after the date of taking office.

No board member or district employee shall use their position or any confidential information received through their position to obtain financial gain, other than compensation provided by law, for himself or herself, an immediate family member, or a business with which the individual is associated. No board member shall use or authorize the use of personnel, property, resources or funds under his or her official care for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage or defeat of a ballot question.

The superintendent shall keep a record for the district for every contract entered into by the district in which a board member has an interest. This information shall be kept for five years from the date of the board member's last day in office and will include the following:

13. Names of contracting parties;
14. The nature of the interest of the board member in question;
15. The date that the contract was approved by the district;
16. The amount of the contract; and
17. Basic terms of the contract.

The record kept by the superintendent shall be available for public inspection during the normal working hours of the superintendent's office.

An open account established by the district with a business in which a board member has an interest, shall be deemed a contract subject to the provisions of this policy. The superintendent shall maintain a running account of all amounts purchased in open accounts.

Contracts involving one hundred dollars or less in which a board member may have an interest are excluded from the provisions of this policy.

Legal Reference: Nebraska Statute 49-1493 to 14,103.7

Cross Reference: 201 Legal Status of the School Board  
202.1 Board Member Code of Ethics  
206.4 Board Member Compensation and Expenses  
402.4 Nepotism

### 202.3 BOARD SELF-EVALUATION

The primary purpose for board self-evaluation is for the improvement of school board leadership. In evaluating the board's functions and roles, the board may focus attention to the following:

1. Evaluation shall be conducted annually in even numbered years and semi-annually in odd numbered years at a scheduled time and place;
2. The evaluation should be a composite of the individual board members' opinions;
3. The evaluation should include a constructive discussion of strengths and weaknesses; and
4. The board should be free to comment on any area related to its function of governing the district.

The board and superintendent will cooperatively develop an evaluation plan that annually evaluates the various aspects of the board's functions, duties, and roles. The evaluation will include the following items:

1. The evaluation instrument shall define and describe the standards against which the board evaluates its performance.
2. The evaluation shall include the establishment of objectives and strategies for improving board performance.
3. The evaluation shall analyze progress toward existing board goals and examine the need to establish new or revised goals.

Legal Reference: Neb. Statute 79-526

Cross Reference: 102 Educational Philosophy of the District  
104 Educational and Operational Planning  
201.1 Board Powers and Responsibilities  
702.2 Budget Planning, Preparation and Schedules  
902.1 Buildings and Sites Long Range Planning  
1001 Principles and Objectives for Community Relations

Approved – April 14, 2003    Reviewed February 14, 2005    Revised April 11, 2005

## 203.1 BOARD ORGANIZATIONAL MEETING

An annual organizational board meeting shall be held at which all newly elected board members will assume their duties and take the oath of office. At the annual meeting, the board shall appoint all necessary board officers and committees.

The superintendent shall assume chairmanship of the meeting for the purpose of electing a board president. Ballots for president may be cast in secret but the total vote for each candidate shall be recorded by the secretary.

Legal Reference:           Neb. Statute 79-724  
  84-712  
  84-1413

Cross Reference:           201.1 Board Powers and Responsibilities  
  201.2 Board Membership - Elections/Appointment

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## 203.2 PRESIDENT

It shall be the responsibility of the board president to lead a well-organized board in an efficient and effective manner. The board president shall set the tone of the board meetings and, as the representative of the consensus of the board, speak on behalf of the board to the public.

The president of the board shall be elected by a majority vote at the organizational meeting each year to serve a one year term of office.

The president, in addition to presiding at the board meetings, shall take an active role in board decisions by discussing and voting on each motion before the board in the same manner as other board members. However, before making or seconding a motion, the board president shall turn over control of the meeting to either the vice president or other board member.

The board president has the authority to call special meetings of the board. Prior to board meetings, the board president shall consult with the superintendent on the development of the agenda for the meeting.

The board president, as the chief officer of the school district, shall sign employment contracts and sign other contracts and school district warrants approved by the board and appear on behalf of the school corporation in causes of action involving the school district.

It is the responsibility of the president to appoint all committee whose appointment is not otherwise determined.

Legal Reference:               Neb. Statute 79-564  
  79-566 to 574

Cross Reference:               201.1 Board Powers and Responsibilities

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### 203.3 VICE PRESIDENT

If the board president is unable or unwilling to carry out the duties required, it shall be the responsibility of the vice president of the board to carry out the duties of the president. If the president is unable or unwilling to complete the term of office, the vice president shall serve as president for the balance of the president's term of office, and a new vice president shall be elected.

The vice president of the board shall be elected by a majority vote at the organizational meeting each year to serve a one-year term of office.

The vice president shall accept control of the meeting from the president when the president wishes to make or second a motion. The vice president shall take an active role in board decisions by discussing and voting on matters before the board in the same manner as other board members.

Legal Reference:                   Neb. Statute 79-564  
  79-567 to 569  
  79-593

Cross Reference:                201.01 Board Powers and Responsibilities

Approved April 14, 2003   Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 203.4 SECRETARY

It shall be the responsibility of the board to annually elect a board secretary. The secretary shall take the oath of office.

A board secretary may be appointed from employees, from the public or from among board members at the annual board organizational meeting.

It shall be the responsibility of the board secretary, as custodian of school district records, to preserve and maintain the records and documents pertaining to the business of the board; to keep complete minutes of special and regular board meetings; to cause the meeting minutes and a list of all approved claims to be published. The board secretary is also responsible for filing the required reports with the Nebraska Department of Education.

Legal Reference:           Neb. Statute 79-528  
                                      79-564  
                                      79-576 to 580

Cross Reference:           104.1 Annual School Census  
                                      201.1 Board Powers and Responsibilities  
                                      203.1 Board Organizational Meeting  
                                      203.5 Treasurer  
                                      204.11 Meeting Minutes

Approved - April 14, 2003   Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 203.5 TREASURER

It shall be the responsibility of the board to annually elect a board treasurer.

It shall be the responsibility of the treasurer to receive the funds collected for the district by the county treasurer, to pay out the funds for expenses approved by the board, to maintain accurate accounting records for each fund, to manage districts investments for the maximum benefit to the district, to report monthly and annually the status of all district funds and investments, and to file required reports with the appropriate state agencies and other entities.

The treasurer will work with the secretary to coordinate the recording, preserving and reporting of financial records, reports, cash flow needs and district investments.

If the treasurer is unable or unwilling to carry out the duties required, it shall be the responsibility of the superintendent to carry out the duties of the treasurer.

The treasurer shall do one of the following within ten days after election to the position:

1. Give bond in an amount set by the board of not less than \$500 and not more than double the amount of money to come into his/her hands as treasurer at any one time.
2. Give evidence of an equal amount of insurance coverage by the district

The cost of the bond or insurance coverage will be paid by the school district.

Legal Reference: Neb. Statute 79-586 to 590

Cross Reference: 201.1 Board Powers and Responsibilities  
203.1 Board Organizational Meeting  
203.5 Secretary  
700 Business Operation

Approved – April 14, 2003 Reviewed July 10, 2006 Revised August 14, 2006

## 203.6 BOARD COMMITTEES

Committees will be appointed by the president of the board. These committees are created for specific tasks of seeking information or investigation and will report back to the board for its consideration and action. Committee action is considered to be advisory only. Each committee will have a chairperson appointed by the president. There will be a Committee of the Whole meeting chaired by the Vice-President, to be held quarterly. The following committees are appointed at the annual board organizational meeting for one year:

Americanism and Textbooks

Curriculum and Instruction – Curriculum Coordinating Council

Community Relations – City/County/Chamber/BOE, Patron Advisory Council

Finance

Negotiations

Technology and Equipment

Facilities/Transportation

Legal Reference:                   Neb. Statute 79-724

Cross Reference:                   201.01 Board Powers and Responsibilities  
  203.01 Board Organizational Meeting

## 203.7 ADVISORY BOARD COMMITTEES

Whenever the board considers it necessary, the board may appoint a committee composed of patrons, students, staff, administrators and board members.

An advisory committee is formed by board resolution which shall outline the duties and purpose of the committee. The committee is advisory in nature and has no duty or responsibility other than that specifically stated in the board resolution. The committee shall automatically dissolve upon the delivery of its final recommendation to the board or upon completion of the duties outlined in the board resolution. The board will receive the report of the committee for consideration. The board retains the authority to make a final decision on the issue. The committee will conduct its meetings as open meetings and a record of committee members present will be kept.

The method for selection of committee members shall be stated in the board resolution. When possible, and when the necessary expertise required allows, the committee members will be representative of the school district community and shall consider the various viewpoints on the issue. The board may designate a specific board member and administrator to serve on an advisory committee. The committee will select its own chairperson, unless the board designates otherwise.

Legal Reference: Neb. Statute 84-1408 to 1414

Cross Reference: 104 Educational and Operational Planning  
204.5 Open Meetings  
204.6 Closed Sessions  
1001 Principles and Objectives for Community Relations

Approved – April 14, 2003 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 203.8 SCHOOL BOARD LEGAL COUNSEL

It shall be the responsibility of the board to employ legal counsel to assist the board and the administration in carrying out their duties with respect to the numerous legal issues confronting the school district. The board may appoint legal counsel on an annual basis.

The superintendent and board president shall have the authority to contact the board's legal counsel on behalf of the board when the superintendent or board president believe it is necessary for the management of the school district. The board's legal counsel may attend regular or special school board meetings upon the request of the board or the superintendent. Other board members may contact legal counsel upon approval of a majority of the board. It shall be the responsibility of each board member to pay the legal fees, if any, of an attorney the board member consulted regarding matters of the school district unless the board has authorized the board member to consult an attorney on the matter in accordance with this policy.

It shall be the responsibility of the superintendent to keep the board informed of matters for which legal counsel was consulted, particularly if the legal services will involve unusual expense for the school district.

Legal Reference:                      Neb. Statute 79-513

Cross Reference:                      201.1 Board Powers and Responsibilities

Approved – April 14, 2003    Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 203.09 ELEMENTARY ATTENDANCE CENTER OPERATING COUNCILS

Nebraska law allows the formation of operating councils at Class I elementary attendance centers for the purpose of acting in a purely advisory capacity to the school board, superintendent and principal. The school board has final authority, within the limitations of state and federal statutes, to make all governance decisions including those involving budgets, personnel and policy. For the purposes of this policy, "school board" refers to the Class II, III, IV or V school board of a district containing a Class I attendance center.

An operating council shall be formed by the school board if the Class I board of any elementary attendance center within the district requests its designation as a community school on or before June 14, 2006. Each operating council shall be composed of not less than three and not more than six members. Initial members of the council shall be chosen by a process specified in regulations to be developed by the superintendent and reviewed by the board.

The school board shall hold an operating council organizational meeting at that attendance center. The meeting shall be held within sixty days after receiving the request but the school board shall not be required to hold more than one organizational meeting at any one attendance center per calendar year. Once formed, the operating council shall determine the timing and procedures for selecting its own successor members. Appointees shall meet all qualifications set by the board.

Candidates for the operating council positions must meet the following qualifications:

1. Candidates shall be legal residents of the Class I attendance center district;
2. Candidates shall be eligible to register to vote; and
3. Candidates shall not be employees of the district and shall be free from a financial conflict of interest as defined by the district's Conflict of Interest policies.

The operating council(s) shall be advisory to the superintendent, the school board, and the principal of the community school on all matters affecting the community school. Operating councils shall propose and submit a budget for the community school to the school board and one or more members of the operating council shall interview and recommend staff for the community school. The board shall receive for consideration the council's budget and staff recommendations.

The superintendent shall provide the operating council(s) with copies of public information provided by the school district staff to the school board regarding the budget and staffing decisions for the community school and proposed policy changes affecting the community school. The principal of the community school shall provide an opportunity for the operating council to meet with the principal not less than once each month.

Approved Oct. 10, 2005      Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

Legal Reference:                      Laws 2005, LB 126, sec. 4

203.09 R1 ELEMENTARY ATTENDANCE CENTER OPERATING COUNCILS  
REGULATION

Each operating council shall be composed of not less than three and not more than six members. Once formed, the operating council shall determine the timing and procedures for selecting its own successor members. Members must still meet any general qualifications set forth in school board policy.

Initial members of the operating council shall be chosen and seated by the following process:

1. Following the request for designation as a community school by the Class I board, the superintendent shall request nominations for the operating council from interested citizens.
2. At a regular or special meeting, the school board shall pass a resolution specifying the number of members to sit on the council. It shall also appoint the initial members of the operating council. Appointees may or may not have been nominated by the public. The school board shall direct the superintendent to notify, in writing, the members of the operating council of their appointment and advise them of their statutory responsibilities.
3. Not more than sixty days following the Class I board's request, a joint meeting of the school board and operating council shall be held at the attendance center for the purpose of conducting an organizational meeting.
4. It shall be the duty of the operating council members to determine meeting dates and make any necessary arrangements with the principal for the use of attendance center facilities for subsequent council meetings.

## 204.1 REGULAR BOARD MEETINGS

The regular meeting time and date shall be set by the board at its organizational meeting. The regular meetings of the board will be held on the second Monday of each month.

Meetings shall begin promptly at 6:00 p.m. The board shall adhere to this meeting date unless the board requires additional meetings or, due to circumstances beyond the board's control, the meeting cannot be held on the regular meeting date, and the meeting will be re-scheduled at the board's convenience. Public notice of the meetings shall be given.

The board 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

Legal Reference:               Neb. Statute 79-554  
  79-560  
  79-561

Cross Reference:             203.1 Board Organizational Meeting

Approved – April 14, 2003   Reviewed July 10, 2006   Revised August 14, 2006

## 204.2 SPECIAL BOARD MEETINGS

Special meetings may be called by the president of the board or any two board members. Should a special meeting be called, public notice shall be given and the meeting shall be conducted in accordance with the open meetings laws.

If the special meeting called is an emergency meeting and the board cannot give public notice in its usual manner, the board shall give public notice of the meeting as soon as practical and possible in light of the situation. The reason for the emergency meeting and why notice in its usual manner could not be given shall be stated in the minutes. Minutes of the emergency meeting must be made available to the public by no later than the end of the next regular business day.

Only the purpose or issue for which the special meeting was called may be discussed and decided in the special meeting. The board shall strictly adhere to the agenda for the special meeting and action on other issues shall be reserved for the next regular or special board meeting.

Legal Reference:                   Neb. Statute 79-554  
  79-555 (Class III)  
  79-560 (Class IV)  
  79-561 (Class V)  
  79-563 (Class VI)  
  84-712  
  84-1408 to 1414

Cross Reference:                204    School Board Meetings

Approved – April 14, 2003    Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

### 204.3 PUBLIC HEARINGS

Public notice of a public hearing shall be in the same manner as for a board meeting and shall be given at least five days before the hearing is to be held.

At public hearings, citizens of the district who register at the door will be allowed to speak on the issue for which the public hearing is being held. Others may be allowed to speak at the board's discretion. Speakers are asked to keep their remarks as brief as possible. Prior to the beginning of the hearing, speakers and spectators will be apprised of the rules of order to be followed regarding time limitations, questions, remarks and rebuttals. In no event will a speaker be allowed to take the time of another speaker.

The board shall conduct public hearings in an orderly fashion. At the beginning of the hearing statements, background materials and public hearing rules and procedures will be presented by the board president or administrators. The board president will recognize the speakers. A board member may ask questions of the speakers after receiving permission from the board president. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the board or the proceedings shall be asked to leave.

Legal Reference: Neb. Statute 84-1408 et seq.

Cross Reference: 204.1 Regular Board Meetings  
204.12 Public Participation at Board Meetings  
702.3 Budget Adoption Process

Approved – April 14, 2003 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 204.4 WORK SESSIONS AND RETREATS

The board may, as needed or desired, schedule work sessions and retreats in order to provide its members and the administration with the opportunity to conduct planning, research, and thoughtful discussion without taking immediate action. The board has the authority to hire an outside facilitator to assist them in these work sessions.

Topics for discussion and study will be announced publicly, and work sessions and retreats will be conducted in open session. However, no board action will take place at the work session.

Legal Reference:                   Neb. Statute 84-1408 to 1414

Cross Reference:                204.5 Open Meetings

Approved – April 14, 2003   Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 204.5 OPEN MEETINGS

A gathering of a majority of board members for the purposes of briefing, discussion of board business, formation of policy or taking formal action is a board meeting. Meetings of the board shall be conducted in a meeting open to the public unless the board is temporarily convened in a closed session.

Chance or social gatherings, attendance at or travel to conventions or workshops or other occasions when there is no discussion of or action on any matter within the board's supervision, control, jurisdiction, or advisory power will not constitute a meeting.

Legal Reference: Neb. Statute 84-1408 to 1410

Cross Reference: 204.6 Closed Sessions

Approved – April 14, 2003 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 204.6 CLOSED SESSIONS

A closed, or executive, session will take place as part of an open meeting of the board. The item for discussion in the closed session shall be listed as part of the tentative agenda on the public notice. The motion for a closed session, including its subject matter and the reason necessitating the closed session, shall be made and seconded during the open meeting, and approved by a majority of the voting members. The minutes shall state the entire motion for the closed session, the roll call vote to enter closed session, and the time the closed session began and ended. Following approval of the motion to close, the presiding officer shall restate on the record the limitation of the subject matter of the closed session immediately prior to the closed session.

The board shall restrict its considerations to only those matters set forth in the minutes as the reason for the closed session. Reasons for the board entering into a closed session from an open meeting include, but are not limited to, the following:

1. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
2. Discussion regarding the use of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct;
4. Evaluations of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if that person has not requested a public meeting.

No formal action may be taken until the board has reconvened in open session.

Any board member may challenge the continuation of a closed session if he or she believes the session has exceeded the reason stated in the motion to hold the closed session. A majority vote of the board is required in order to overrule the challenge. The challenge and its disposition shall be recorded in the meeting minutes.

Legal Reference:                   Neb. Statute 84-1410  
Cross Reference:                 204.5 Open Meetings

Approved – April 14, 2003   Reviewed July 10, 2006   Revised August 14, 2006

## 204.7 MEETING NOTICE

Reasonable advance public notice shall be given for meetings and work sessions held by the board by a method designated and recorded in the board minutes. Public notice shall indicate the time, place, date and tentative agenda of board meetings. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The notice shall be transmitted to the public and a copy kept readily available for public inspection at the principal office of the district. Except for items of an emergency nature the agenda shall not be altered later than 24 hours before the meeting.

A copy of the public notice will be provided to those who have filed a request for notice with the secretary. These requests for notice must be in writing. A copy of the public notice will also be accessible to employees and students.

In the case of special meetings, public notice shall be given in the same manner as for a regular meeting unless it is an emergency meeting. In that case, public notice of the meeting shall be given as soon as notified of the emergency meeting. Attendance at a special meeting or emergency meeting by the media or board members shall constitute a waiver of notice.

It shall be the responsibility of the board secretary to give public notice of board meetings and work sessions. The secretary shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification of the time and place of each meeting and the subjects to be discussed.

Legal Reference:                   Neb. Statute 84-1408 to 1414  
  79-554  
  79-560  
  79-561

Cross Reference:                204.1 Regular Meetings  
  204.2 Special Meetings  
  204.10 Agenda

Approved – April 14, 2003   Reviewed July 10, 2006   Revised August 14, 2006





## 204.10 AGENDA

The tentative agenda for each board meeting shall state the topics for discussion and action at the board meeting. The agenda is part of the public notice of the board meeting and will be posted and distributed.

Persons requesting to place an item on the agenda must make a request to the superintendent prior to the drafting of the tentative agenda. The tentative agenda's final draft is completed by 5 p.m on the Wednesday prior to the board meeting. Items requested by board members will automatically be included on the agenda. The person making the request must state the person's name, address, purpose of the presentation, action desired and pertinent background information. Requests from the public may be added to the tentative agenda at the discretion of the superintendent after consultation with the board president. Requests received after the deadline may only be added to the agenda for good cause.

The tentative agenda and supporting documents shall be sent to the board members prior to the scheduled board meeting. These documents are the private property of the board member. Persons wishing to view the tentative agenda and supporting documents may do so at the principle office of the district.

The board shall take action only on the items listed on the tentative agenda posted with the public notice. Items added to the agenda may be discussed or taken under advisement by the board. If an added item is acted upon, the minutes of the board meeting shall state the reason justifying the immediate action. Only items of an emergency nature may be added to the agenda later than twenty-four hours before the scheduled meeting.

It shall be the responsibility of the board president and superintendent to develop the agenda for each board meeting.

A consent agenda may be used by the board for noncontroversial business. The consent agenda will consist of routine business that requires action but not necessarily discussion. These items may all be approved at the same time. A board member may ask that any item be removed from the consent agenda. The removed item will then be placed on the regular agenda.

Approved – April 14, 2003    Reviewed March 8, 2004    Revised June 14, 2004

Legal Reference:                    Neb. Statute 84-712

84-1408 to 1414

Cross Reference:                    203    Organization of the School Board  
   204    School Board Meetings  
   403.5 Public Complaints about Employees  
   503    Student Rights and Responsibilities  
   1003 Public Examination of District Records

## 204.11 MEETING MINUTES

The board shall keep and maintain permanent records of the board including, but not limited to, records of the minutes of board meetings, documentation received or disclosed in open session of the meetings, and other required records of the board.

It shall be the responsibility of the board secretary to keep the minutes of the board meetings. The minutes of each board meeting shall include as a minimum the following items: a record of the date, time, place, members present, action taken and the vote of each member, and the schedule of bills allowed shall be attached. The minutes shall also include all required information regarding any closed sessions as stated in policy 204.06. This information shall be available within 10 days of the board meeting or prior to the next convened meeting, if earlier. Minutes shall be forwarded to the newspaper designated as the official newspaper for publication. The schedule of bills allowed may be published on a once monthly basis in lieu of publication with the minutes. The permanent records of the board minutes may include more detail than is required for the publication of the minutes.

Minutes awaiting approval at the next board meeting will be available for inspection at the principal office of the district after the board secretary transcribes the notes into typewritten material which has been proofread for errors and retyped.

Legal Reference:                   Neb. Statute 79-577  
  79-582, 583  
  84-712  
  84-1408 to 1414

Cross Reference:               203    Organization of the School Board  
  204    School Board Meetings  
  1003   Public Examination of District Records  
  1004   Press, Radio and Television News Media

Approved – April 14, 2003    Reviewed July 10, 2006    Revised August 14, 2006

## 204.12 PUBLIC PARTICIPATION IN BOARD MEETINGS

The board recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, the board shall set time aside for citizen participation, either at a specific time during the meeting or during the discussion of agenda items. The board has the discretion to limit the amount of time set aside for public participation.

If the pressure of business or other circumstances dictate, the board president may decide to eliminate this practice at a particular meeting. The board president will recognize these individuals to make their comments at the appropriate time. The orderly process of the board meeting shall not be interfered with or disrupted. Only those speakers recognized by the board president shall be allowed to speak. Comments by others are out of order. If disruptive, the individual making the comments or another individual causing disruption may be asked to leave the board meeting.

Citizens wishing to address the board on a certain agenda item must notify the superintendent prior to the board meeting. Citizens wishing to present petitions to the board may do so at this time. However, the board will only receive the petitions and not act upon them or their contents.

Subjects for comment should involve areas within the board's proper responsibility. Discussion on unrelated matters is to be discouraged.

Individuals who have a complaint about employees may bring their complaint to the board only after they have followed board policy addressing citizens' complaints. Students who have a complaint may only bring their complaint to the board after they have followed board policy addressing students' complaints.

Legal Reference: Nebraska Statute 84-1408 to 1414

Cross Reference: 201.7 School Board Liability  
204.3 Public Hearings  
204.10 Agenda  
403.5 Public Complaints about Employees

Approved – April 14, 2003    Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 205.1 POLICY DEVELOPMENT

The board has jurisdiction to determine the policies which will govern the operations of the school district with the force and effect of law.

The written policy statements contained in this manual provide guidelines and goals to the citizens, administration, employees and students in the school district community. The policy statements shall be the basis for the formulation of regulations by the administration. The board shall determine the effectiveness of the policy statements by evaluating periodic reports from the administration.

Policy statements may be proposed by a board member, administrator, employee, student or member of the school district community. Proposed policy statements or ideas shall be submitted to the superintendent's office for possible placement on the board agenda. It shall be the responsibility of the superintendent to bring these proposals to the attention of the board.

Legal Reference:                   Neb. Statute 79-520 (Class I)  
  79-521 ( Class IV)  
  79-522 (Class V)  
  79-523 (Class VI)  
  79-526 (Class I through IV)  
  79-532  
  79-539  
  NDE Rule 10.004.01A1

Cross Reference:                102    Educational Philosophy of the District  
  201.1  Board Powers and Responsibilities

Approved – April 14, 2003    Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

205.2 POLICY ADOPTION

The board shall give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two regular board meetings. The proposed policy changes shall be distributed and public comment will be allowed at each meeting prior to final board action. This notice procedure shall be required except for emergency situations. If the board adopts a policy in an emergency situation, a statement regarding the emergency and the need for immediate adoption of the policy shall be included in the minutes. The board shall have complete discretion to determine what constitutes an emergency situation.

The final action taken to adopt the proposed policy shall be approved by a simple majority vote of the board at the next regular meeting after the meeting allowing public discussion. The policy will be effective on the later of the date of passage or the date stated in the motion.

In the case of an emergency, a new or changed policy may be adopted by a majority vote of a quorum of the board. The emergency policy shall expire at the close of fourth regular meeting following the emergency action, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.

Legal Reference:                   Neb. Statute 79-520 (Class III)  
  79-521 (Class IV)  
  79-522 (Class V)  
  79-523 (Class VI)  
  79-526  
  84-712 et seq.  
  NDE Rule 10.004.01A1

Cross Reference:                   201.1 Board Powers and Responsibilities

Approved – April 14, 2003   Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

### 205.3 POLICY REVIEW AND REVISION

The board will review, update and approve the policy manual annually.

It shall be the responsibility of the superintendent to keep the board informed as to legal changes at both the federal and state levels. The superintendent shall also be responsible for bringing proposed policy statement revisions to the board's attention.

If a policy is revised because of a legal change over which the board has no control or a change which is minor, the policy may be approved at one meeting at the discretion of the board.

Legal Reference:                   Neb. Statute 79- 520 (Class I)  
  79-521 (Class IV)  
  79-522 (Class V)  
  79-523 (Class VI)  
  79-526 (Class I, II, III, and IV)  
  79-532  
  79-539  
  NDE Rule 10.004.01A1

Cross Reference:                   102    Educational Philosophy of the District  
  201.1  Board Powers and Responsibilities

Approved April 14, 2003       Reviewed \_\_\_\_\_ Revised \_\_\_\_\_



## 205.5 POLICY SUSPENSION

It shall be within the discretion or amendment of the board to suspend a policy. Policies of the board may be immediately amended or temporarily suspended by a majority vote of board members present at an official meeting of the board if the board determines that an emergency exists. This does not apply to any section of board policies established by law or by contract. Reasons for amendment or suspension of board policy shall be documented in board minutes.

Legal Reference: Nebraska Statute 79-526

Cross Reference: 201.1 Board Powers and Responsibilities

Approved – April 14, 2003 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 205.6 ADMINISTRATION IN THE ABSENCE OF POLICY

When there is no board policy in existence to provide guidance on a matter, the superintendent is authorized to act appropriately, keeping in mind the educational philosophy and financial condition of the school district.

It shall be the responsibility of the superintendent to document the action taken and to inform the board of the situation. If needed, the superintendent shall draft a proposed policy for the board to consider.

Legal Reference: Nebraska Statute 79-526

Cross Reference: 302.4 Superintendent Duties

Approved – April 14, 2003 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## 206.1 NEW BOARD MEMBER ORIENTATION

Each new board member shall be given an orientation program under the direction of the superintendent. This briefing shall include a current copy of the board policy manual, the budget, the latest annual report and such other documents as the superintendent may include to foster an understanding of the operation of the district. The superintendent shall set aside such time as is necessary to answer any questions arising from the study of these documents, and shall cooperate fully in assisting the new member to become an informed and active board member. Veteran board members will actively participate in the new board member orientation process. Individual veteran board members will also be appointed to act as mentors for newly elected/appointed board members. Specific mentoring activities will be determined by the mentor/mentee team.

Cross Reference:                    201.2 Board Membership - Elections/Appointment  
    202 School Board Member Conduct

Approved – April 14, 2003    Reviewed June 14, 2004    Revised August 9, 2004

## 206.2 BOARD ASSOCIATION MEMBERSHIP

Participation in board member associations are beneficial to the board. The board shall maintain an active membership in the NASB & NSBA and in organizations the board determines will be of benefit to the board and the school district.

Legal Reference: Neb. Statute 79-512

Cross Reference: 206.3 Board Member Development Opportunities

Approved – April 14, 2003 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

### 206.3 BOARD MEMBER DEVELOPMENT OPPORTUNITIES

The board may participate in conferences sponsored by educational associations and agencies in addition to its own in-service programs and work sessions.

The board shall encourage its members to attend training and development programs with the purpose of improving members' leadership skills, increasing their knowledge of educational issues and better representing the interests of the school district.

Cross Reference:                    206.2 Board Association Membership

Approved – April 14, 2003    Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

