

## **POLICY REFERENCE MANUAL**

### **Section 200 School Board**

- 201            Legal Status of the School Board**
  - 201.1            Board Powers and Responsibilities
  - 201.2            Board Membership – Elections/Appointment
  - 201.3            Qualifications
  - 201.4            Oath of Office
  - 201.5            Term of Office
  - 201.6            Vacancies
  - 201.7            Board Member Liability (Insurance)
  
- 202            School Board Member Conduct**
  - 202.1            Board Member Code of Ethics
  - 202.2            Board Member Conflict of Interest
  - 202.3            Board Self-Evaluation
  
- 203            Organization of the School Board**
  - 203.1            Board Organizational Meeting
  - 203.2            President
  - 203.3            Vice President
  - 203.4            Secretary
  - 203.5            Treasurer
  - 203.6            Board Committee
  - 203.7            Advisory Board Committees
  - 203.8            School Board Legal Counsel
  
- 204            School Board Meetings**
  - 204.1            Regular Board Meetings
  - 204.2            Special Board Meetings
  - 204.3            Public Hearings
  - 204.4            Work Sessions and Retreats
  - 204.5            Open Meetings
  - 204.6            Closed Sessions
  - 204.7            Meeting Notice
  - 204.8            Quorum
  - 204.9            Rules of Order
  - 204.10            Agenda
  - 204.11            Meeting Minutes
  - 204.12            Public Participation at Board Meetings
  - 204.12R            Public Participation at Board Meetings:
    - Internal Board Policies - Methods of Operation
  - 204.13            Virtual Conferencing During an Emergency



**205 School Board Policy Process**

- 205.1 Policy Development
- 205.2 Policy Adoption
- 205.3 Policy Revision and Review
- 205.4 Policy Communications
- 205.5 Policy Suspension
- 205.6 Administration in the Absence of Policy
- 205.7 Review of Administrative Regulations
- 205.8 Board Policy and Temporary Waivers

**206 Board Member Services**

- 206.1 New Board Member Orientation
- 206.2 Board Association Membership
- 206.3 Board Member Development Opportunities
- 206.4 Board Member Compensation and Expenses

## **POWERS AND RESPONSIBILITIES OF THE BOARD**

The board of the Homer Community 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 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: March 14, 2011    Reviewed: January 13, 2016

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

## **BOARD MEMBERSHIP - ELECTIONS AND APPOINTMENTS**

The biennial school election takes place on the first Tuesday after the first Monday in November. Terms shall be staggered so that at least 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, Dakota 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 filled within 45 days by appointment of a qualified registered voter by the remaining members of the board for the remainder of the unexpired term. 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.

It is prohibited to meet in closed session for discussion of the appointment or election of a new board member.

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

Approved: March 14, 2011

Revised: February 15, 2017

## **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 certified teacher by the school district on which board he or she serves.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 79-543, 544

Cross Reference:            201.01 Board Powers and Responsibilities  
                                      201.06 Vacancies  
                                      201.01 Board Member Conflict of Interest

### OATH OF OFFICE

Board members are officials of the state. As a public official, each board member must pledge to uphold the Nebraska and the United States Constitution and Carry out the responsibilities of the office to the best of the board member's ability.

Each newly elected school board member shall be given the following oath of office at the first meeting attended as an elected member prior to taking any action as a school official. The superintendent shall administer this oath of office.

“I,...(name)..., do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of the Homer Community School District Board of Education according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.”

Approved: March 14, 2011 Reviewed: January 13, 2016

Legal Reference: Neb. Statute 11-101; 79-552 (Class V)

Cross Reference: 101 Legal Status of the School District  
201.01 Board Powers and Responsibilities  
201.02 Board Membership-Elections/Appointment  
202.01 Board Member Code of Ethics

### **TERM OF OFFICE**

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 for the remainder of the unexpired term.

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.

Approved: March 14, 2011

Revised: September 12, 2016

Legal Reference: Neb. Statute 32-543, 570

Cross Reference: 201.02 Board Membership - Elections/Appointment





**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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 79-516

Cross Reference:            805.01 Insurance

## **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 and 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.

**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 administrative officer.
2. I will recognize that it is my responsibility, together with that of my fellow board member, 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.

**TO COOPERATE WITH OTHER SCHOOL BOARDS:**

1. I will not employ a superintendent, principal or teacher who is already under contract with another school district without first securing assurance from proper authority that the person can be released from contract.
2. I will consider it unethical to pursue any procedure calculated to embarrass a neighboring board or its representatives.
3. I will not recommend an employee for a position in another school district unless I would employ the individual under similar circumstances.
4. I will answer all inquiries about the standing and ability of an employee to the best of my knowledge and judgment, with complete frankness.
5. I will associate myself with board members of other school districts for the purpose of discussing school district issues and cooperating in the improvement of the education program.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 79-526

Cross Reference:            201.01 Board Powers and Responsibilities  
                                      202.02 Board Member Conflict of Interest

### **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. Takes 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.

A Board member who is an employee 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.

Homer Community School District

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 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 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:

1. Names of contracting parties;
2. The nature of the interest of the board member in question;
3. The date that the contract was approved by the district;
4. The amount of the contract; and
5. 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 the 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.

Approved: March 14, 2011    Reviewed: January 13, 2016

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

Cross Reference:            201    Legal Status of the School Board  
   202.01 Board Member Code of Ethics  
   206.04 Board Member Compensation and Expenses  
   402.04 Nepotism



### **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 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.

Approved: March 14, 2011 Reviewed: January 13, 2016

Legal Reference: Neb. Statute 79-526

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

## **ETHICS VIOLATIONS**

The board believes serious violations of its Code of Ethics by members of the board may be extremely damaging to the school district's reputation or to its ability to function effectively. The board of education bears sole responsibility for remediation and may take the following steps whenever a majority of the board has expressed its concerns about a violation of ethics to the officers:

1. The board as a whole will review its adopted Code of Ethics during a regularly scheduled meeting or work session and use that opportunity to discuss the consequences of ethics violations.
2. One member of the board—preferably the board president—will visit informally with the identified member, identifying the specific instances in which that person has behaved unethically and describing the negative impact of those actions on his or her fellow board members or on the school as a whole. Alternatively, the board as a whole will go into executive session during a regular meeting to confront the individual's unethical behavior and to discuss the negative impact.
3. The board may invite its attorney to participate in an executive session to explain the potential legal ramifications that may arise from certain violations such as disclosing confidential information to the public.
4. The board may make a motion to “censure” the individual for his or her unethical behavior. Because the board's motions are published as part of the minutes, the motion for censure should specifically identify the Code of Ethics violations and the negative impact on the effectiveness of the board or the district. In this way, the board is able to alert the community to the fact that an individual member of the board is not properly fulfilling the responsibilities for which he or she was elected.
5. In order to assure responsible school leadership, board members may actively recruit competent individuals to run for election to board service. Board members shall not utilize any district resources in the effort, but may legally recruit and campaign for others to run for the board of education.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:                    Neb. Statute 79-526

Cross Reference: 102 Educational Philosophy of the District; 201.01 Board Powers and Responsibilities; 202.01 Board Member Code of Ethics; 1001 Principles and Objectives for Community Relations  
NASB Policy Reference Manual

## **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 for a term of one year or until the election of their successors.

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

The board shall also appoint the superintendent or another qualified employee as the district's Non-discrimination Compliance Coordinator for the year to meet federal Equal Employment Opportunity requirements.

The board shall pass a resolution for re-adoption of all existing policies, regulations, and handbooks for the governance of the district.

Approved: March 14, 2011    Reviewed: January 13, 2016    Revised: August 14, 2017

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

Cross Reference:            201.01 Board Powers and Responsibilities  
                                      201.02 Board Membership-Elections/Appointment

## **PRESIDENT**

It shall be the responsibility of the board president to lead a well -organized board in an efficient and effective manner. The board 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 committees whose appointment is not otherwise determined.

Approved: March 14, 2011   Revised: January 13, 2014   Reviewed: January 13, 2016

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

Cross Reference:           201.01 Board Powers and Responsibilities

## **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.

Approved: March 14, 2011    Reviewed: January 13, 2016

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

Cross Reference:            201.01 Board Powers and Responsibilities





## 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 advisory only. Each committee will have a chairperson appointed by the president. In addition to appointing the three members to the Committee on American Civics at the annual board organizational meeting in January for one year, the board may wish to appoint additional committees on topics such as

- a. curriculum, instruction and assessment,
- b. personnel and community relations,
- c. facilities and finance,
- d. technology and equipment,
- e. transportation,
- f. negotiations, and
- g. policy.

The Committee on American Civics shall:

1. Hold no fewer than two public meetings annually, at least one when public testimony is accepted;
2. Keep minutes of each meeting showing the time and place of the meeting, which members were present or absent, and the substance and details of all matters discussed;
3. Examine and ensure that the social studies curriculum used in the district is aligned with the social studies standards adopted by the Nebraska Department of Education and teaches foundational knowledge in civics, history, economics, financial literacy, and geography;
4. Review and approve the social studies curriculum to ensure that it stresses the services of the men and women who played a crucial role in the achievement of national independence, establishment of our constitutional government, and preservation of the union and includes the incorporation of multicultural education to instill a pride and respect for the nation's institutions and not be merely a recital of events and dates;
5. Ensure that any curriculum recommended or approved by the committee on American civics is made readily accessible to the public and contains a reference to this section;
6. Ensure that the district develops and utilizes formative, interim, and summative assessments to measure student mastery of the social studies standards adopted by the Nebraska Department of Education;
7. Ensure that the social studies curriculum in the district incorporates one or more of the following for each student:
  - a. naturalization test used by United States Citizenship and Immigration Services prior to the completion of eighth grade and again prior to the completion of twelfth grade with the individual score from each test for each student made available to a parent or guardian of such student; or





### **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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 84-1408 to 1414

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

### **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 believes 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 expenses for the school district.

Approved: March 14, 2011   Revised: January 13, 2014   Reviewed: January 13, 2016

Legal Reference:           Neb. Statute 79-513

Cross Reference:           201.01 Board Powers and Responsibilities

### **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 unless otherwise scheduled by the board.

The board shall generally 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.

All actions taken by the board shall occur in open session by a roll call vote of the board with a record of the voting kept for the minutes. The voting requirements may be met by using an electronic voting device which allows the vote of each board member to be readily seen by the public.

Approved: March 14, 2011

Revised: September 12, 2016

Legal Reference:           Neb. Statute 79-554  
  79-560  
  79-561  
  84-1412

Cross Reference:           203.01 Board Organizational Meeting

SPECIAL BOARD MEETINGS

Special meetings may be called by the superintendent, 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 emergency meeting was called may be discussed and decided in the emergency meeting. The board shall strictly adhere to the agenda for the emergency meeting and action on other issues shall be reserved for the next regular or special board meeting. Emergency meetings may be held by means of electronic or telecommunication equipment

Legal Reference:                   Neb. Statute 79-554  
  79-555  
  84-712  
  84-1408 to 1414



### **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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 84-1408 to1414

Cross Reference:            204.05 Open Meetings

## **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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 84-1408 to 1410

Cross Reference:            204.06 Closed Sessions



## **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, stating the purpose for 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 reason for the closed session, the roll call vote to enter closed session, and the time the closed session began and ended.

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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 84-1410

Cross Reference:            204.05 Open Meetings

**MEETING NOTICE**

Reasonable advance public notice shall be given for meetings and work sessions held by the board in a local newspaper designated and recorded in the board minutes and, if available, on the newspaper's web site. The board may also, but is not required to, post notice of the meeting in public places throughout the district. Public notice shall indicate the meeting's time, place and date, and shall include a statement that the agenda shall be readily available for public inspection at the district office. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting and a copy kept readily available for public inspection at the principle 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 superintendent. 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. Public notice of emergency meetings shall be given as soon as practical and possible in light of the situation. Reasonable efforts shall be made to notify news media who have requested notification of meetings.

It shall be the responsibility of the superintendent to give public notice of board meetings and work sessions. The superintendent 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

## **QUORUM**

Action by the board regarding the business of the school district may be taken only when a quorum, a majority of the board members, is in attendance at the board meeting.

While board members are encouraged to attend board meetings, a simple majority of the members shall constitute a quorum and are sufficient number to transact business of the school corporation. The adjournment of a meeting may be executed without a quorum.

An affirmative vote of a majority of the votes cast shall be sufficient to pass a motion or take action unless law or board policy specifically requires a vote of a greater number. It is the responsibility of each board member to attend board meetings.

A Approved: March 14, 2011      Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 79-554; 79-562

Cross Reference:          204 School Board Meetings

## **RULES OF ORDER**

It shall be the responsibility of each board member to follow the rules of order stated in this policy at each meeting, and it shall be the responsibility of the presiding officer to conduct the board meeting within these rules.

The board shall conduct an orderly meeting.

The purpose of modified rules adopted by the board are:

- To establish guidelines by which the business of the governing board can be conducted in a regular and internally consistent manner;
- To organize the meetings so all necessary matters can be brought to the board and decisions of the board can be made in an orderly and reasonable manner;
- To ensure members of the board, concentrating on the substantive issues at hand, have the necessary information to make decisions, and to ensure adequate discussion of decisions to be made; and,
- To ensure meetings and actions of the board are conducted so as to be informative to the staff and the public, and to produce a clear record of actions taken and decisions made.

Approved: March 14, 2011   Revised: January 13, 2014   Reviewed: January 13, 2016

Legal Reference:           Neb. Statute 84-1408 to 1414; 79-570, 571

Cross Reference:           204 School Board Meetings; NASB Policy Reference Manual

AGENDA

The tentative agenda for each board meeting shall state the topics for discussion and action at the board meeting. It shall be kept continuously current and shall be readily available for public inspection at the district office during normal business hours. The agenda shall be placed on the district's website at least twenty-four hours before the meeting.

The tentative agenda and supporting documents should, if possible, be sent to the board members three days 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 made available at the time of the public notice. All action items need to be on the agenda, but all agenda items do not need to be action items. 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 presented by the president and 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. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the board.

Legal Reference:                   Neb. Statute 84-712  
  84-1408 to 1414

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

Approved 3-16-22    Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

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 record when and where the meeting notice was published. They shall also 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. In addition, they shall 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 placed on the district's website at such time as they are available and shall there for at least six months. 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.

Legal Reference:           Neb. Statute 79-577  
  79-580  
  84-712  
  84-1408 to 1414

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

## **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.

Any written or printed materials to be circulated for a meeting of the school board must be submitted to the superintendent by the Wednesday preceding a Monday night meeting. This material will be transmitted to the members of the board for their consideration.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 84-1408 to 1414

Cross Reference:         201.07 Board Member Liability  
                                 403.05 Public Complaints about Employees

PUBLIC PARTICIPATION AT BOARD MEETINGS:  
INTERNAL BOARD POLICIES – METHODS OF OPERATION

Attend

Members of the public shall be permitted to attend and to speak at board meetings. They will not be required to identify themselves as a condition for admission to the meeting. The board may allow advisors, consultants, and other persons who are not board members to appear at the meeting via telephone or other similar means.

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

Hear

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

Record

Members of the public may use recording devices (tape recorder, video camera, etc.) to record any part of a meeting of a public body, except for closed sessions. No recording, other than note taking, shall be done without informing the president in advance. The president shall control the placement of the recording device so the device does not obstruct the view of board members or other members of the public attending the meeting and does not otherwise interfere with the meeting.

Access to Written Materials

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

Speak

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

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



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

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

Speakers will be permitted to address the board consistent with free speech rights. However, offensive language, defamatory remarks, and hostile conduct will not be tolerated. Further, charges or complaints against a school employee shall not be made for the first time at a public board meeting without having followed the school's complaint procedure.

Approved: March 14, 2011   Revised: January 13, 2014   Reviewed: January 13, 2016

**Legal Reference:**

§§ 79-570; 79-571; § 84-1411; § 84-1412

Homer Community School

### VIRTUAL CONFERENCING DURING AN EMERGENCY

If the District is included at least in part within the jurisdiction of an emergency declared by the Governor under the Emergency Management Act, the District may hold a meeting by virtual conferencing. The District shall give reasonable advance publicized notice including information regarding access for the public and news media. In addition to any formal action taken relating to the emergency, the District 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.

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.

The secretary 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.

The nature of the emergency shall be stated in the minutes. Complete minutes of the meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available

Legal Reference:                      Neb. Statute 84-1411

## **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.

Approved: March 14, 2011    Reviewed: January 13, 2016

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 10.004.01 A1

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

### **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 second regular meeting after the meeting allowing public discussion. The policy may be adopted by a majority vote of a quorum of the board. The policy will be effective on the later 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 the third regular meeting following the emergency action, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.

Approved: March 14, 2011   Revised: January 13, 2014   Reviewed: January 13, 2016

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 10.004.01 A1

Cross Reference:       201.01 Board Powers and Responsibilities

**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.

Upon request or recommendation of any board member or other interested party, the board may waive second reading of any item, upon approval by a majority of the board members present.

Approved: March 14, 2011 Reviewed: January 13, 2016

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 10.004.01 A1

### **POLICY COMMUNICATION**

A board policy manual shall be housed in the school and district office. Each board member shall have access to the board policy manual on the district's website and be provided with a personal copy upon request. The board's policy manual is a public record and shall be open for inspection at the administrative offices of the district.

It shall be the responsibility of the superintendent to ensure copies of new and revised policy statements are distributed to the custodians of board policy manuals no later than the first regular board meeting following the policy's adoption. Copies of changes in board policy shall also be included in or attached to the minutes of the meetings in which the final action was taken to adopt the new or changed policy.

Approved: March 14, 2011   Revised: January 13, 2014   Reviewed: January 13, 2016

Legal Reference:           Neb. Statute 84-712 et seq.; 84-1408 to 1414

Cross Reference:           302.04 Superintendent Duties

### **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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 79-526

Cross Reference:            201.01 Board Powers and Responsibilities

**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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 79-526

Cross Reference:            302.04 Superintendent Duties





BOARD POLICY AND TEMPORARY WAIVERS OF NDE RULES

The Board understands that due to local, state or national emergency situations, the Nebraska Department of Education may occasionally issue temporary waivers of NDE Rules and Regulations. In the case of contradictions between waivers and existing board policy, all temporary waivers of NDE Rules and Regulations shall also apply to and have priority over respective district policies for the duration of their active status.



### **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 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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Cross Reference:            201.02 Board Membership-Elections/Appointment

**BOARD ASSOCIATION MEMBERSHIP**

Participation in board member associations are beneficial to the board. The board shall maintain an active membership in the Nebraska Association of School Boards and in organizations the board determines will be of benefit to the board and the school district.

Approved: March 14, 2011    Reviewed: January 13, 2016

Legal Reference:            Neb. Statute 79-512

Cross Reference:            206.03 Board Member Development Opportunities

**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.

Approved: March 14, 2011    Reviewed: January 13, 2016

Cross Reference:            206.02 Board Association Membership

