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MEMORANDUM

We have attached the 2000 series policies that deal with Board Issues.

Policy No. 2001. Role of the Board of Education. This policy outlines the board's role which is (1) to establish a mission, goals, and policies; (2) to establish and maintain school facilities; (3) to select a superintendent; (4) to adopt a fiscally responsible budget; and (5) to evaluate programs.

Policy No. 2002. Organization of the Board. This policy establishes the organization and functions of the various board members, including the authority to sign all warrants and checks drawing on depository funds of the district. The Nebraska State Auditor takes the position that only the president may utilize the president's own facsimile signature, although we dispute the Auditor's reading of the statutes and therefore authorize the vice president or secretary to utilize the facsimiles to sign checks and warrants.

The policy addresses voting on the various officer roles, including what happens in the event no board member is elected to serve due to board splits, failure of a nominee to obtain a "second," and failure of any member to volunteer to serve. You will have to select between two options for ties between two members.

The policy also addresses board vacancies and states that the January meeting will be used as the meeting for selecting officers and addressing other board organization items.

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Finally, under the Committees section, we have listed the statutory required Committee on Americanism. Be sure to form the committee at the beginning of each school year.

Policy No. 2003. Development and Education of Board Members. This policy discusses board member orientation, training, and continuing education.

Policy No. 2004. Oath of Office. Nebraska state law does not technically require school districts other than Class VI school districts to administer the oath. However, we know many schools do administer the oath. For those districts who want to require the oath, you should understand the risks. Certain aspects of the oath are almost certainly unconstitutional. For that reason, our policy is written as a permissive oath. Board members wanting to take it in oral or written form can do so. Board members who do not want to take it are not required to do so.

Policy No. 2005. Conflict of Interest. Policy 2005 addresses conflicts of interest for board members, including board members' obligations under the Political Accountability and Disclosure Act. Board members should carefully review this policy, particularly if they are married to a school district employee or if they do any business with the district.

Nebraska state statute prohibits a school board member from being employed as a teacher by the district in which he or she serves on the board. See NEB. REV. STAT. § 79-544. This prohibition would include serving as an administrator, school nurse, or any other position which requires a certificate from the Nebraska Department of Education. Because we have a freestanding policy regarding employment of board members, we have simply inserted a cross-reference to that policy here.

Policy No. 2006. Complaint Procedure. This policy outlines the general complaint procedure for all district patrons and staff, including board members, unless another policy or contract such as a collective bargaining agreement applies a separate grievance procedure.

It is important to note that we have combined several required complaint procedures into this general complaint procedure policy, such as Section 504 (prohibiting disability discrimination) and Title IX

(prohibiting sex discrimination). Our hope is that having one complaint procedure will make it much easier to follow the correct steps in each complaint, regardless of the nature of the complaint. We have included a reference to the Office of Civil Rights, as well, which is required by many of these federal laws.

We often suggest that board members keep extra copies of this policy readily available to provide to patrons who contact you to lodge general complaints about teachers, coaches, or administrators. Board members should be very familiar and comfortable with this policy and attempt to follow it with fidelity in all cases.

Policy No. 2007. Reimbursement and Miscellaneous Expenditures. The policy permits district staff and board members to seek reimbursement for attending continuing education, training, and development activities, provided such expenses are permitted by law. This policy will be useful for school districts explaining to the State Auditor why such reimbursements were paid.

The Nebraska Political Subdivision Miscellaneous Expenditures Act allows board to award a "plaque, certificate of achievement, or item of value" to employees, board members, or volunteers. However, the board must set a dollar limit on the value of the award. We have set the value at \$100 – you may change it to reflect your board's practice. However, you may not change the amount more than once in any twelve-month period.

Finally, the last provision states that recognition dinners will be limited to a \$50 per person cost, which comes directly from state statute. You cannot increase this number.

Policy No. 2008. Open Meetings. The Open Meetings Act requires a public body to identify "in its minutes" the method it will use to advertise its meetings. When you pass this policy, you should include the method of notice in that meeting's minutes, rather than just saying, "Policy 2008 passed."

This policy contains two options, A and B, to choose from for purposes of publishing notice of meetings. Option A states the board will post notice of its meetings at three prominent locations within the district. Option B states the board will post notice of its meetings on the

school's website. We understand many boards elect to post notice in your local newspaper. We fully understand the desire and possibly political pressure to continue supporting the local media. However, as publication frequency of local papers continues to decrease, we recommend that your primary method of publication is not in your local paper. For example, if you designate the local paper with a weekly publication schedule, that means you may have 7 days to wait before you can hold a special meeting. Sometimes, that significantly impedes the board from taking action quickly. Instead, in both options we have a permissive posting in the local paper so that you can continue to use that method to notify the public and support local media, but the primary method of publication for purposes of the Open Meetings Act is on your website or at locations within the district. If you prefer another method, contact us and we would be happy to help you line up the policy with your practice.

The policy also contains a separate method of publication for meetings which are delayed by weather. We always suggest that you publish notice of weather delayed meetings in the same method you regularly publish notice. However, sometimes you need to have your meeting sooner for purposes of paying bills, making payroll, etc. This at least gives the board the option to have a meeting the next day to make up for the missed meeting as long as you provide at least 24 hours notice.

Policy No. 2009. Public Participation at Board Meetings.

This policy covers public comment and participation at board meetings, including public comment and board materials available to patrons attending meetings. The Nebraska Open Meetings Act specifically provides that boards are not required to allow for public comment at every meeting. The Attorney General suggests that boards allow a time for public comment at least four times per year. We prefer to have our policies set for minimum requirements so that boards have the most possible flexibility. Therefore, you may adopt this policy as it is, even if you allow for public comment more frequently.

We have also attached a sheet of instructions for members of the public who wish to speak for your use during public comment at board meetings. The rules sheet sets forth limits on the time for public comment and sets some other general rules. You should review this document and revise it to reflect your practice. You should then have

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extra copies of this document available at meetings where you will allow the public to comment.

Policy No. 2010. Preparation for Board Meetings. This policy sets out the general way that your board prepares for its meetings. In our experience, the vast majority of schools have the superintendent set the agenda in consultation with the board president. If that is not the way your board prepares its agendas, please contact us so that we can revise this policy to reflect your practice. This policy also makes it clear that members of the public have no entitlement to be placed on the agenda. You should refer angry callers who demand to be placed on the board's next meeting agenda to this policy, and politely invite them to speak the next time your board has scheduled public comment.

Policy No. 2011. Membership in Organizations. This policy simply states that the board may hold memberships in various organizations. This policy is useful in answering questions from the state auditor or patrons about why you are paying membership dues in organizations such as the Nebraska Rural Community Schools Association, the Nebraska School Boards Association, or the National Association of School Boards. Some boards add a list of approved organizations to this policy annually or on an as-needed basis, as well. You are not required to list all of the organizations of which the board is a member, but you can do so.

Policy No. 2012. Code of Ethics. We have drafted this policy based on input from numerous calls and questions from frustrated board members, administrators, and patrons. This policy attempts to capture what we believe it means to be a healthy, productive board of education. The board should carefully review this policy to be sure that this is consistent with its beliefs and practices. Once the board has adopted its code of ethics, you should review it frequently and include it in new board member training to remind both new and incumbent board members of the ethical obligations they have placed upon themselves. Candidates for the board should be provided with a copy of this policy after they file for office and new board members should be reminded of this policy after they are elected.

Policy No. 2013. Violation of Board Ethics. Unfortunately, there is very little legally that a board can do to impose consequences on one of its members who violates the code of ethics. We urge board

members to use their personal relationships and shared cultural expectations to enforce the code of ethics informally. We do occasionally have board contact us for guidance on more formal methods to use in communicating to a board member and/or to the community that a breach of ethics has occurred. This policy sets out the steps that a board could take in those instances.

Boardsmanship training is one of the most urgent needs that we see in Nebraska school districts. We have worked with many boards on an individualized basis to address specific needs in addition to general Boardsmanship issues. We encourage boards who are struggling with ethical breaches to obtain additional training before resorting to the strategies outlined in this policy.

Policy No. 2014. Relationship with School Attorney. This policy gives the superintendent and the board president the authority to contact the school attorney and to give permission for others to contact the attorney. A few boards have been unpleasantly surprised when they received a bill for legal advice from an attorney who was contacted by an individual board member without permission. This policy provides that any board member who contacts the school attorney without board approval may be personally responsible for any legal fees incurred as a result of the unapproved contact. Our general practice is to politely decline to speak to any member of the board who does not have the authority to speak with us. This provision can be a powerful incentive for an unscrupulous board member to be honest about having permission to speak with the attorney.

The policy also states that the board shall choose an attorney to assist it. This is not a legal requirement, but we do find that many boards “choose” an attorney. While Nebraska law does permit boards to use attorneys for legal needs, you are not required to pick only one and formally choose at a certain meeting each year. For example, if your board uses KSB and a local attorney on some issues, it is perfectly permissible to authorize the superintendent to contact either on an as-needed basis, without designating only one.

Policy No. 2015. Student Member of the Board. For those boards who have a student member, this policy authorizes the practice and provides guidelines for the student member’s participation. Note that the policy states the decision will be made at the board’s regular

“May” meeting or “any other meeting” as determined by the board. You should change this to reflect your practice. This policy is not required, so if you do not allow student members, you could simply elect not to pass this policy as part of your policy manual or could change it to say the board does not authorize student members. We would be happy to help with any changes you’d like to make.

Policy No. 2016: Participation in Insurance Program by Board Members. School board members are statutorily allowed to participate in the school district’s health and life insurance coverages, provided that the board members are required to pay the entire premium. If the board permits its members to participate in the insurance coverage, it must report at least quarterly at a board meeting the board members who have elected to obtain the coverage.