



Education Service Unit Coordinating Council

ESUCC Executive Board
Governing Body

Policy Code

ESUCC
6949 South 110th Street
LaVista, NE 68128

Table of Contents

ESUCC Executive Board

Contents

Article

Article 1. Coordinating Council Organization

- 1001. Philosophy - NEW
- 1002. Role of ESUCC
- 1003. General Functions
- 1004. Specific Functions
- 1005. Authority of and Public Statements by Individual Members
- 1006. Members, Officers, and Terms of Office
- 1007. Officers
- 1008. Committees
- 1009. Orienting New Council Members
- 1010. Board Member Employment and Conflicts of Interest
- 1011. Formulation and Adoption of Policies
- 1012. Formulation/Adoption of Administrative Regulations
- 1013. Suspension of Policies and Regulations
- 1014. Control of Funds
- 1015. Meetings
- 1016. Time and Place of Meetings
- 1017. Participation by the Public
- 1018. Agenda Construction and Meeting Materials
- 1019. Minutes
- 1020. Annual Organizational Meeting
- 1021. Meeting Conduct and Quorum
- 1022. Voting
- 1023. Budget Hearing
- 1024. Relationship with Attorney - NEW
- 1025. Governmental Relations - NEW

Article 2. ~~Public Relations and Administration~~

- 2001. ~~Communication with the Public – DELETE~~
- 2001. Relations with Other State Government
- 2002. Relation with Private Schools
- 2003. Concept of Administration
- 2004. ESUCC Executive Director
- 2005. Distance Education Director

- 2006. Project Directors
- 2007. ESUCC Staff
- 2008. Staff Member Conflict of Interest
- 2009. Line of Responsibility
- 2010. Control and Communications System
- ~~2010. Project Evaluation and Planning~~
- 2011. Executive Director Evaluation Policy - approved 100219
- 2012. Budget Document
- 2013. Public Review of Budget
- 2014. Budget Administration
- 2015. Grants
- 2016. Project/Program Contracts

Article 3 Services and Operations

- 3001. Master Service Agreement
- 3002. Funds Management
- 3003. Financial Report
- 3004. Depository
- 3005. Annual Financial Report
- 3006. Periodic Audit
- 3007. Purchasing
- 3008. Fiscal Management for Purchasing and Procurement Using Federal Funds
- ~~3009. Procurement, Suspension, and Debarment Draft~~
- ~~3010. Sale or Disposal of ESUCC Property Draft~~
- ~~3011. Purchasing (Credit Card) Program~~
- ~~3012. Sale or Disposal of ESUCC Property~~
- 3013. Electronic Signatures, Records, and Document Retention - NEW
- 3014. ESUPDO and Affiliate Groups
- 3015. Distance Education Project
- 3016. Instructional Materials (IMAT) Project
- 3017. Cooperative Purchasing Project
- 3018. ~~MyElearning~~
- 3019. Special Education Projects Project

Article 4 Human Resources

- 4001. Purpose
- 4002. Employee Classifications
- 4003. Job Descriptions
- 4004. Selection and Assignment of Employees
- 4005. Employment of Family Members
- 4006. At-Will Employees
- 4007. Personnel Records
- 4008. Separation of Employment
- 4009. Resignation/Termination

- 4010. Compensation
- 4011. Reimbursements
- 4012. Employee Benefits Compensation
- 4013. Leave Time
- 4014. Workers' Compensation
- 4015. Tort Claims
- 4016. Outside Employment/Non-ESUCC Employment
- 4017. Anti-Discrimination and Harassment
- 4018. Staff Use of Social Media and Other Digital Communication Resources
- 4019. De Minimis Use of Public Resources

Article 5 Equity and Legal Compliance

- 5001. Password Security - **Draft - Kraig and Scott**
- 5002. Intellectual Property and Copyright Policy - Approved 2/2/2016 - update
- 5003. Personally Identifiable Student Data Items Maintained for School Services Draft - All
- 5004. Personally Identifiable Student Records (FERPA)

ESUCC Executive Board

2019-2021

Board President

Larianne Polk
Cell 402-720-4977
ESU No. 7
2657 44th Avenue
Columbus, NE 68601-8537
402-564-5753
Fax 563-1121
lpolk@esu7.org

Past President

Paul Calvert
Cell: 712-389-8670
ESU No. 15
344 Main
Trenton, NE 69044-0398
308-334-5160
Fax 334-5581
p.calvert@esu15.org

President-Elect

Dan Schnoes
Cell: 402-719-8181
ESU No. 3
6949 South 110th St
Omaha, NE 68128-5722
402-597-4802
Fax 597-4898
dschnoes@esu3.org

Treasurer

Geraldine Erickson
Cell 402-822-0047
ESU No. 17
207 North Main
Ainsworth, NE 69210
402-387-1420
Fax 402-387-1028
gerickson17@esu17.org

Secretary

Bill Heimann
Cell [402-525-1211](tel:402-525-1211)
ESU No. 1
211 Tenth Street
Wakefield, NE 68784
402-287-2061
402-287-2065
bheimann@esu1.org

Article 1

Council Organization

Article 1. Coordinating Council Organization

1001. ~~Role of the ESUCC~~ Philosophy Statement - See “Bold Step” information - PURPOSE is to enable ESUs to work together effectively, efficiently, and equitably to accomplish common goals and deliver high value to the state’s education system.

Value Proposition: The ESUCC provides advocacy, leadership, structure, support and guidance for Nebraska’s seventeen ESUs and their respective schools.

1002. Role of ESUCC

The ESUCC was created to coordinate statewide activities of Nebraska's ESUs. The governing body for the ESUCC consists of an administrator representative from each ESU. The statutory description of and the duties of the ESUCC can be found in Nebraska Revised Statutes Sections 79-1245 through 79-1249. According to Section 79-1246:

The ESUCC shall work toward statewide coordination to provide the most cost-effective services for the students, teachers, and school districts in each educational service unit. The council's duties include, but are not limited to:

- (a) Preparation of strategic plans to assure the cost-efficient and equitable delivery of services across the state;
- (b) Administration of statewide initiatives and provision of statewide services; and
- (c) Coordination of distance education.

~~Prior to the creation of the ESUCC, the legislature passed LB 1208 in 2006, which created the Distance Education Council (DEC). The duties and responsibilities of the DEC were transferred to the ESUCC in 2007.~~

~~In its current organizational form, the ESUCC uses a master services agreement to document each ESU's participation in the cooperative projects of the ESUCC. The ESUCC Board has direct control over each project, with ESU 17 providing staffing services for ESUCC through a staffing services agreement.~~

~~Move to Under MSA~~

Adopted On: October 9, 2014

Reviewed On:

1003. General Functions

General functions of the ESUCC include:

1. Set major directions reflecting guidelines of law, expectations of ESUs and Statewide projects.
2. Provide for financial resources necessary to provide projects/programs.
3. Provide for implementation and evaluation of the statewide projects/programs in terms of the Board's stated goals and to recommend initiation of desired or needed changes.
4. [To work with the Nebraska Department of Education as stated in Rule 84 to collaborate the needs of statewide initiatives. \(Moved from "Specific Functions"\)](#)

Adopted On: October 9, 2014

Reviewed On:

1004. Specific Functions

Specific functions retained by the ESUCC Board include but are not limited to the following:

1. To work with ESU No. 17 on all appointments and dismissals of staff, to determine salaries and working conditions of employees, and to establish procedures for the development of personnel policy.
2. To determine facility needs, as necessary to meet the working needs of all personnel working for the ESUCC.
3. To adopt an annual budget which provides a detailed plan of income and expenditures.
4. To work with Department of Education as stated in Rule 84 to collaborate the needs of statewide initiatives.
5. [To work with the Nebraska Department of Education as stated in Rule 84 to collaborate the needs of statewide initiatives. \(Moved from "Specific Functions"\)](#)

Adopted On: October 9, 2014

Reviewed On:

1005. Authority of and Public Statements by Individual Members

ESUCC members have authority to take official action only when acting as a Board in legal session or as authorized by the Board in legal session.

All business of the Board will be conducted through its meetings. No committee of the Board, member of the Board, or staff member of the ESUCC shall have the power to act for the Board or to give the impression of acting on behalf of the Board or ESUCC without specific approval authorized by the Board.

The Board shall not be bound in any way by any action or statement on the part of any individual Board member or committee of the Board unless that person or committee is specifically authorized to bind the Board.

Adopted On: October 9, 2014

Reviewed On:

1006. Members, Officers and Terms of Office

ESUCC members consist of one ESU administrator from each ESU. Each member shall serve on the Board during the duration of his/her employment as an ESU Administrator.

The officers of the ESUCC shall be the President, the Past-President, the President-Elect, the Treasurer and the Secretary, who shall be members of the Council/Board.

Adopted On: October 9, 2014

Reviewed On:

1007. ~~President, President-Elect, Past President~~ Officers

President:

The Board will biennially elect one of its members to serve as its president. The President of the Board shall preside over all regular and special meetings of the ESUCC Board. He/she shall sign contracts or any other instruments, which the Board has authorized to be executed; and in general he/she shall perform all duties incident to the office of President and such duties as may be prescribed by the Board.

President-Elect:

The Board will biennially elect one of its members to serve as its president-elect. In the absence of the President or in the event of his/her inability to act, the president-elect shall perform the duties of the president, and when so acting, shall have all the powers and be subject to all the restrictions upon the president. The president-elect shall perform such other duties as from time to time, may be assigned to him/her by the Board.

Past President:

Past President of the ESUCC will mentor the President in his/her duties so that his/her transition into the position will go smoothly without any undue disorder. The Past President may perform the duties of the President in the absence of the President and the President-elect.

If the President, Past President and President-elect are absent from a meeting, the Board members present will designate the chair for the meeting.

Treasurer:

The Board will biennially elect one of its members to serve as its treasurer. His/her duties shall be:

1. Custodian of all funds of the ESUCC Board.
2. Attend or be represented at all meetings of the ESUCC Board.
3. Submit in writing a monthly report of the state of finances.
4. Ensure that money paid out by the ESUCC has been approved by the Board or appropriate staff member per policy or Board directive.

Secretary:

The Board will biennially elect one of its members to serve as its secretary.

The ESUCC Secretary may sign contracts or any other instruments, which the ESUCC Board has authorized to be executed and in general perform all duties incident to the office of ESUCC Secretary and such duties as may be prescribed by the ESUCC Board.

Adopted On: October 9, 2014

Reviewed On:

1008. Committees

Committees shall not have legislative or administrative functions, except as specifically authorized by the Board. All matters except those of routine or emergency nature may be referred to a committee before action by the Board.

The Board will have Standing Committees. The Board may have additional temporary, special, or ad hoc committees which shall be appointed established by the President. upon recommendation of the Board and/or Executive Director.

The President, with input from ~~upon recommendation of~~ the Board members and/or Executive Director, shall appoint the members and chair of each committee.

Summaries of all committee meetings shall be reported to the Board for its information, recording and possible action, as directed by the Board.

Standing Committees

Executive Committee - Consists of President, Past-President, President-Elect, Treasurer, and Secretary. Review issues regarding the presentation and tracking of the General Fund Budget.

[Information Services Committee – Reviews any technology related issues including but not limited to BlendEd initiative and those PD affiliates \(Technology and Learning with Technology \(TLT\) and Network Operations Committee \(NOC\)](#)

[Educational Resources Committee - Review efforts by Professional Development Organization \(PDO\) and other professional development issues. Reviews statewide initiatives \(SRS, Project para, ILCD\) as well as other Special Education issues in state.](#)

[Legal Committee – Review issues regarding federal, state, and local legislation or regulations, NSBA and NASB resolutions, and issues of interest regarding other governmental bodies. Reviews the progress and future needs of Nebraska Coop Project. Reviews and recommends ESUCC Policy.](#)

Special Appointments

Members of the Board may be appointed to represent the Board on joint committees with other agencies or as advisors to other agencies. The President or Executive Director as designee will make such special appointments, and may authorize the Committees or other administrative staff member to make appointments, unless otherwise designated by the Board.

Adopted On: October 9, 2014

Reviewed On:

1009. Orienting New Council Members

The Executive Director and the Board will assist each new member in understanding the Board's functions, policies, procedures, and operation of the ESUCC.

Adopted On: October 9, 2014

Reviewed On:

1010. Board Member Employment and Conflicts of Interest

No member of the Board shall be employed by the ESUCC.

Members of the Board shall comply with the rules and procedures set forth in the Nebraska Political Accountability and Disclosure Act (the "Act") and ESUCC policy in connection with employing family members, having an interest in a contract with the ESUCC, or otherwise having a conflict of interest with the ESUCC. The Act is the governing law and trumps any conflicts created by these policies. Any questions regarding conflicts of interest should be directed to the Executive Director, who may then confer with legal counsel and/or the Board.

Adopted On: October 9, 2014

Reviewed On:

1011. Formulation and Adoption of Policies

All Board policies shall be adopted or amended at a public meeting and recorded in the minutes of the Board. All current policies will be posted on the ESUCC website and updated as added or amended by the Board so that the public and employees may be notified of such changes.

At the direction of the Board, the Executive Director will prepare a policy in the wording and codification with which they are to be entered into the official policy manual and present them for the approval of the Board.

Adopted On: October 9, 2014

Reviewed On:

1012. Formulation/Adoption of Administrative Regulations

The Board delegates to the Executive Director the authority to create specific regulations or procedures to guide ESUCC staff in the successful completion of their duties. These administrative regulations must be in every respect consistent with the policies adopted by the Board. The Board will formulate and adopt administrative regulations when specific state laws require Board adoption, and they may do so at any time or when the Executive Director recommends Board adoption.

Adopted On: October 9, 2014

Reviewed On:

1013. Suspension of Policies and Regulations

The Board may suspend any policy, regulation or procedure upon a vote of members of the Board.

Adopted On: October 9, 2014

Reviewed On:

1014. Control of Funds

The ESUCC will maintain fiscal operational procedures to ensure that public funds are expended for the purposes for which they were appropriated, in alignment ~~in such manner that will ensure the greatest return~~ toward the goals of the ESUCC.

Adopted On: October 9, 2014

Reviewed On:

1015. Meetings

1. Open Meetings

The formation of policy is public business and will be conducted openly.

2. Types of Meetings

- a. Regular Meetings: The council shall generally hold its regular meetings as adopted in an annual schedule of meetings.
- b. Special and Emergency Meetings: Special and emergency meetings may be called as provided by law.
- c. Work sessions and retreats. The council may schedule informal work sessions between regular meetings in order to provide council members and administrators with the opportunity to plan, research, and engage in discussion without taking immediate action. Work sessions and retreats will be conducted in open session. -This was moved from below (#4).
- d. Topics for discussion and study will be announced publicly.

3. Notice

The council shall give reasonable advance publicized notice of the time and place of each of its meetings. Such notice shall be transmitted to all members of the council and to the public. Notice of regular and special meetings shall be posted (a) on the council's website, (b) on the premises of the administration office of the ESUCC and (c) on the official Nebraska government website, at least 48 hours before the announced beginning of the meeting. Such notice shall contain a statement that the agenda shall be readily available for public inspection at the administration office of the ESUCC during the normal business hours. In addition, the executive director is authorized, but not required, to publish the notice of any meeting on the website of any member ESU or in a newspaper of general circulation within the council and the educational service units if, in the opinion of the executive director, it is convenient and useful to do so.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes of the meeting, and that any formal action taken in such meeting shall pertain only to the emergency. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day.

4. Minutes

- a. The council shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.
- b. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the council in open session, and the record shall state how each member voted, or if the member was absent or not voting.
- c. The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public record and open to public inspection during normal business hours.

5. Committees

The provisions of this policy shall apply to Committee and Subcommittee meetings at which a quorum of the Board members attend, or if the committee or subcommittee holds hearings, makes policy or takes formal action on behalf of the Board.

1016. Time and Place of Meetings

Regular meetings ordinarily will be held on the first Wednesday of the month unless advertised differently. Date, time and place of meetings are at the discretion of the Board.

Official notification of meetings is by delivery of the agenda, but the Administrative Assistant will also keep a long-term schedule of future meetings.

Notice of special meetings must be delivered in writing to each member of the Board in a reasonable time before the meeting. Notice by electronic means, such as e-mail or SMS/text messaging, shall constitute written notice pursuant to this policy. In case of emergency, the President shall have power to call a special meeting on less than 48-hours' notice.

A Board member shall be considered notified under this policy if the ESUCC has made reasonable effort to notify by delivering notice in writing via email to each Board member.

Adopted On: October 9, 2014

Reviewed On:

1017. Participation by the Public

All meetings of the Board shall be held in accordance with the Nebraska Open Meetings Act.

The Board shall make available at the meeting, for examination by members of the public, at least one copy of all reproducible written material to be discussed or received in open session of the meeting.

The Board may make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, photographing, or recording its meetings. The Board may not forbid public participation at all meetings, but the Board is not required to allow citizens to speak at each meeting.

The Board shall not require members of the public to identify themselves as a condition for admission to the meeting, nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda.

Individuals who wish to address the Board shall be governed by these and any other such rules and regulations adopted by the Board:

1. Fill out a Request to be Heard form and provide it to the person or persons designated to assist the Board in collection of such forms.
2. In seeking the floor, individuals will state their name and place of residence and indicate whether they speak for themselves or for an organization.
3. The Board will generally allow a total of 30 minutes for the presentation of all public comments. Individuals may speak only one time, and must limit comments to around 5 minutes. If there are more than 6 individuals who wish to address the board, the 30 minutes will be divided equally among the number of speakers. These time limits may be changed by a majority vote of the Board members in attendance to extend the time for a specific item or speaker.

Adopted On: October 9, 2014

Reviewed On:

1018. Agenda Construction and Meeting Materials

The Executive Director, in cooperation with the President of the Board, shall prepare an agenda prior to each Board meeting. Individuals who wish to have items considered for addition to the agenda for a regularly-scheduled Board meeting must contact the President or Executive Director at least one week prior to the Board meeting with their request.

The regular order of business for ESUCC Board meetings shall generally be as follows, but the order may be amended at any time as deemed appropriate by the Board:

1. Roll Call
2. Approval of Minutes
3. Executive Reports
 - a. Executive Director
 - b. Executive Committee
 - c. Treasurer's Report
4. Project and Committee Reports
5. Other as necessary

Support Materials

In addition to the agenda, the Executive Director shall prepare such supplementary reports, summaries or other support materials which aid the Board in the conduct of its meeting or as required by the items to be addressed on the agenda. A copy of such materials will be available for public inspection at the meeting.

Display of Meeting Material

When space and technology permit and at the request of the Board, reports and other written material to be discussed may be conveniently displayed.

Adopted On: October 9, 2014

Reviewed On:

1019. Minutes

Minutes of each meeting will be approved with corrections as necessary at the next regular meeting of the ESUCC. Minutes, along with all reports or documents cited in the minutes, become the official record of the proceedings of the Board. A concise summary of the minutes and the list of claims will be published as required by law. A copy of all minutes will be maintained and available for public inspection in the office of the Executive Director.

It will be the duty of the Executive Director to make arrangements for the taking of minutes for Board meetings.

It will be that designee's duty to make sure they record the following actions of the meeting:

- Kind of meeting, "regular," "adjourned," "special," or otherwise stated
- Name of the organization or assembly
- Date, time and geographic location of meeting
- Time of Call to order
- Roll Call
- Changes to agenda (if any)
- Whether the minutes of the previous meeting were read and approved, or approved as corrected, and the date of the meeting if other than a regular business meeting
- All action taken by the ESUCC Board, including the wording of all motions, and the roll call vote on each motion
- The wording of the motion, time of entrance, and time of exit from any executive session of the Board
- Time of adjournment

The minutes will be permanently kept on file with ESUCC Executive Director.

Adopted On: October 9, 2014

Reviewed On:

1020. Annual Organizational Meeting

An organizational meeting of the ESUCC shall be held ~~on the first Wednesday of May~~ [in July or August](#) each year for the purpose of seating any new members and electing officers.

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

1. After new members **recite the oath of office**, ~~are sworn in by the Board's legal counsel or other designee~~, the Board will elect from its members a President, Vice

President-Elect, Secretary, and Treasurer, all of whom will assume office at the organizational meeting.

2. The Board's legal counsel or other designee will act as chair for the election of a President.
3. The President will assume the chair immediately upon his or her election.

~~The Board may then consider items including, but not limited to:~~

- ~~1. The adoption of an order of business to guide in the preparation of future agendas and conduct of meetings.~~
- ~~2. Review of existing temporary committees or special appointments involving Board members.~~
- ~~3. Any other such items as have been properly noticed and placed on the agenda.~~

Adopted On: October 9, 2014

Reviewed On:

1021. Meeting Conduct & Quorum

A majority of the Board shall constitute a quorum at any meeting of the Board. Action by the Board regarding the business of the ESUCC may be taken only when a quorum is in attendance.

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 and notify the Board Secretary or Executive Director when they are unable to attend.

Adopted On: October 9, 2014

Reviewed On:

1022. Voting

Board members present shall vote on decisions requiring Board action based on the following:

1. All motions must be voted on with a roll call vote.
2. Each member present must vote on all matters unless excused by the chair or required to abstain because of possible conflict of interest.
3. Voting by proxy is not allowed.

Adopted On: October 9, 2014

Reviewed On:

1023. Budget Hearing

The ESUCC shall each year conduct a public hearing on its proposed budget statement.

Adopted On: October 9, 2014

Reviewed On:

1024. Relationship with Attorney

The ESU Coordinating Council (ESUCC) Board shall choose an attorney in dealing with legal issues.

The Executive Director and the board president shall have the authority to contact the board's attorney on behalf of the ESUCC Board. Members of the staff may have access to the Board's legal counsel only at the specific direction of the Administrator. Individual board members other than the president may not contact the attorney on behalf of the board without the approval of the Executive Director, board president or a majority of the board. 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.

The Executive Director will, to the extent permitted by law, keep the board informed of matters in which the attorney is involved.

Adopted on:

Reviewed on:

1025. Legislative and Governmental Relations

The board may contract with an outside entity that will assist member ESUs in strategically planning legislative initiatives that support the mission of the ESUCC and its member service units.

Adopted on:

Reviewed On:

Chapter 1—Article 2

Public Relations

~~2000-1. Communication With The Public~~

~~The Educational Service Unit Coordinating Council ("ESUCC") is committed to the principle of open, honest, responsible, two-way communication with its internal and external publics. In line with this commitment, the Board directs the Executive Director to conduct a comprehensive and ongoing community engagement program.~~

Adopted On: October 9, 2014

Reviewed On:

2001. Relation With Other State Government

The ESUCC intends that its positions on proposed legislation be effectively communicated to the Nebraska Legislature. The Board may also direct the Executive Director to prepare legislation for introduction on its behalf.

The Executive Director is responsible for relations with the Nebraska Legislature and will be designated to serve as the registered lobbyist for the ESUCC. The lobbyist will annually prepare a legislative work plan that will describe the procedures to be followed in carrying out the lobbying effort during the legislative session.

Adopted On: October 9, 2014

Reviewed On:

2002. Relation With Private Schools

The ESUCC recognizes the need for and the worth of cooperative relationships with other schools, colleges and educational organizations, including private and parochial schools. It encourages members of the ESUCC to work with their counterparts in such organizations on educational matters within the framework established by the statutes, state regulations and Board policy.

Adopted On: October 9, 2014

Reviewed On:

2003. Concept of Administration

The ESUCC system is responsible for the direction, coordination and management of staff in their efforts to reach educational goals adopted by the ESUCC within the guidelines established by Board policy, law and employee agreements.

To demonstrate leadership, to resolve the inevitable problems, and to overcome obstacles which will arise both inside the ESUCC and in its relations with the community, the Board expects the administration to specialize in

1. decision making and communication;
2. planning, organizing, implementing and evaluating; and
3. coordinating and guiding the various centers of authority and responsibility within the ESUCC and the community so as to enable people to do things together for education that they might not be able to do separately.

Adopted On: October 9, 2014

Reviewed On:

2004. ESUCC Executive Director

The administration of the ESUCC in all of its aspects, except as otherwise provided by law, is delegated to the Executive Director who shall carry out the executive and administrative functions in accordance with the policies adopted by the ESUCC. The execution of all decisions made by the Board concerning the internal operation of the ESUCC shall be delegated to the Executive Director.

The Executive Director is responsible for relations with our Legislative and Government Relations specialist and the Nebraska Legislature. ~~and will may be designated to serve as the registered lobbyist for the ESUCC. The lobbyist will annually prepare a legislative work plan that will describe the procedures to be followed in carrying out the lobbying effort during the legislative session.~~

All grants shall be reviewed by the Executive Director. ~~(move under Executive Director Duties and responsibilities)~~

All contracts shall be reviewed/signed by the Executive Director. ~~(move under Executive Director Duties and responsibilities)~~

~~Duties and Function of the Executive Director~~

~~The Executive Director is the chief executive officer of ESUCC. As chief executive officer, the Executive Director is delegated the authority and responsibility for the overall administration of ESUCC in all of its aspects. The Executive Director shall carry out the executive and administrative functions in accordance with Board policies and directives in compliance with law.~~

~~The Executive Director is delegated the authority and responsibility for the efficient execution of all decisions made by the ESUCC concerning the internal operation of the ESUCC. The Executive Director shall further perform duties which are specifically designated in the policies as duties of the Executive Director, duties assigned to the Executive Director by the ESUCC,~~

~~duties that are established in the Executive Director employment contract and job description, and duties that are mandated by law as the responsibility of the Executive Director.~~

Adopted On: October 9, 2014
Reviewed On:

2005. Distance Education Director

The Board will appoint a distance education director or contract with an ESU to provide such services under the direction of the Board.

The general duties of the Distance Education Director shall be contained in the job description maintained by ESUCC.

Adopted On: October 9, 2014
Reviewed On:

2006. Project Directors

The ESUCC shall have Project Directors organized and structured in such a way as to provide effective and efficient implementation of ESUCC policies, administrative rules and regulations. Project Directors may be appointed by the ESUCC or may be employed via contracting with ESUs.

Adopted On: October 9, 2014
Reviewed On:

2007. ESUCC Staff

Every administrative position and all other staff positions shall have a written job description developed by the Executive Director, or at the direction of the Executive Director, in coordination with anyone the Executive Director deems appropriate. The Executive Director is responsible for maintaining updated job descriptions for all ESUCC staff members.

Adopted On: October 9, 2014
Reviewed On:

2008. Staff Member Conflict of Interest

Any employee who meets the conditions set forth in this policy shall be deemed to have a business or financial conflict of interest.

1. Definitions. For the purposes of this policy:

- a. Business with which an employee is associated shall include the following:
 - i. A business in which the employee or a member of his or her immediate family is a partner, a limited liability company, or serves as a director or an officer.
 - ii. A business in which the employee or a member of his or her immediate family is a stockholder in a closed corporation with stock worth one thousand dollars or more, or the employee or his or her immediate family owns more than a five percent equity interest or is a stockholder of publicly traded stock worth more than ten thousand dollars or more at fair market value, or which represents more than ten percent equity interest. This shall not apply to publicly traded stock under a trading account if the employee reports the name and address of the company and stockbroker.
 - iii. A business association shall be defined to include an individual as a partner, limited liability company member, director or officer, or a business in which the individual or member of the immediate family is a stockholder.
- b. Immediate family member or member of the immediate family shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes

2. Contracts with the ESUCC.

- a. No employee or member of his or her immediate family shall enter into a contract valued at two thousand dollars or more, in any one year, with the ESUCC unless the contract is awarded through an open and public process that (1) includes prior public notice and (2) allows the public to inspect during the ESUCC's regular business hours the proposals considered and the contract awarded.
- b. The existence of any conflict of interest in any contract in which the employee has an interest and in which the ESUCC is a party, or the failure to make public the employee's interest known, may render a contract null and void.
- c. The prohibition of a conflict of interest or requirement for public notice shall apply when the employee, or his or her immediate family has a business association with the business involved in the contract or will receive a direct pecuniary fee or commission as a result of the contract.

3. Employing Members of the Immediate Family.

- a. An employee may employ or recommend or supervise the employment of an immediate family member if:

- i. The employee does not abuse his or her position.
 - 1. Abuse of official position shall include, but not be limited to, employing an immediate family member:
 - 2. who is not qualified for and able to perform the duties of the position;
 - 3. for any unreasonably high salary;
 - 4. who is not required to perform the duties of the position.
 - ii. The employee makes a reasonable solicitation and consideration of applications for employment.
 - iii. The employee makes a full disclosure on the record to the governing body of the ESUCC and to the secretary of the Council.
 - iv. The Council approves the employment or supervisory position.
 - b. The employee shall not terminate the employment of another employee so as to make funds or a position available for the purpose of hiring an immediate family member
4. Gifts, Loans, Contributions, Rewards, or Promises of Future Employment
- a. No employee shall offer or give to the following persons anything of value, including a gift, loan, contribution, reward, or promise of future employment, based upon an agreement that a vote, official action, or judgment would be influenced thereby:
 - i. a public official, public employee, or candidate.
 - ii. a member of the immediate family of an individual listed in Subparagraph 'a' above.
 - iii. a business with which an individual listed in Subparagraph (1) or (2) above is associated.
 - b. No employee shall solicit or accept anything of value, including a gift, loan, contribution, reward, or promise of future employment based on an agreement that the vote, official action, or judgment of the employee would thereby be influenced.
 - c. An employee shall not use or authorize the use of his or her public employment or any confidential information received through the public employment to obtain financial gain, other than compensation provided by law, for himself or herself or a member of his or her immediate family, or a business with which he or she is associated.
 - d. An employee shall not use or authorize the use of personnel, resources, property, or funds under that person's official care and control other than in accordance with prescribed constitutional, statutory, and regulatory procedures or use such items for personal financial gain, other than compensation provided by law.
5. Conflict of Interest Relating to Campaigning or Political Issues
- a. Except as provided below, an employee shall not authorize the use of ESUCC personnel, property, resources, or funds 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.

- b. This does not prohibit an employee from discussing and voting upon a resolution supporting or opposing a ballot question.
 - c. This does not prohibit an employee under the direct supervision of a public official from responding to specific inquiries by the press or the public as to the board's opinion regarding a ballot question or from providing information in response to a request for information.
 - d. An employee may present his or her personal opinion regarding a ballot question or respond to a request for information related to a ballot question; but in so doing, the person should clearly state that the information being presented is his or her personal opinion and is not to be considered the official position or opinion of the ESUCC. However, this shall not be done during a time that the individual is engaged in his or her official duties.
6. Conflict. To the extent that there is a conflict between this policy and the Nebraska Political Accountability and Disclosure Act ("Act"), the Act shall control.

Adopted On: October 9, 2014
Revised on: September 7, 2018
Reviewed On:

2009. Line of Responsibility

The main operational line of the organization for the ESUCC shall be developed by the Executive Director and approved by the ESUCC Board. ~~runs from the Executive Director's Office through the main projects, e.g., BlendEd; NE Coop Purchasing; Special Education/SRS, etc. If, for any reason, it is necessary to define an order of rank in the absence of the Executive Director, then the ESUCC Executive Committee will establish a line of responsibility and chain of command.~~

The ESUCC hereby delegates authority to the Executive Director and authorizes and directs that any actions to be taken or powers or duties to be exercised or performed by the Executive Director as required by or set forth in law, policy, regulation, handbook, may be delegated or assigned by the Executive Director to another ESU administrator, ESUCC staff member, or anyone else who in the Executive Director's discretion is deemed appropriate to perform the action, power, or duty as the Executive Director's designee.

Adopted On: October 9, 2014
Reviewed On:

20010. Control and Communications System

The Executive Director is directed to establish and maintain a system for preserving and making accessible the policies adopted by the ESUCC and the administrative rules and regulations

needed to put them into effect. An updated copy of all such policies, rules, and regulations shall be kept current in the office of the Executive Director and also maintained digitally.

Adopted On: October 9, 2014

Reviewed On:

2010. ~~Project Evaluation and Planning~~

~~The Executive Director shall implement a process of long range planning and evaluation of Board and ESUCC goals, involving the Board, staff, and the public as appropriate. From time to time the Board will discuss its long range planning and evaluate its goals in collaboration with the Executive Director.~~

~~Adopted On: October 9, 2014~~

~~Reviewed On:~~

2011. Executive Director Evaluation Policy

The Educational Service Unit Coordinating Council recognizes the importance of evaluation for the purpose of improving job performance and for meeting job performance goals. The Executive Director Evaluation promotes focused professional activity and professional growth, which, in turn, improves competency leading to improved outcomes. Therefore, the Executive Director will be appraised using the written evaluation plan and procedures approved by the ESU Coordinating Council.

The ESU Coordinating Council will conduct an evaluation of the job performance of the Executive Director according to applicable law. The ESU Coordinating Council will follow timelines and procedures set by the ESUCC Executive Committee.

The Executive Director will provide a self-evaluation.

Specific annual goals or initiative areas will be reviewed as part of the annual Executive Director's evaluation.

The ESUCC Executive Committee will develop a written summary of Coordinating Council's-submitted evaluations, including any strengths, deficiencies, and growth opportunities of the Executive Director, and place it in the Executive Director's personnel file to be incorporated into the next cycle of evaluations.

Approved On: 100219

2012. Budget Document

The ESUCC Executive Director is responsible for assembling the annual budget document. The budget shall be prepared on printed forms as provided by the Nebraska Department of

Education and the auditor of public accounts. The Board shall adopt the budget after the public hearing, and the Executive Director shall ensure that it is submitted to the proper authorities in accordance with Nebraska statute.

Adopted On: October 9, 2014

Reviewed On:

2013. Public Review of Budget

At a legally constituted meeting, the Board shall hold a public hearing on the budget statement subsequent to publication.

Notice shall include the place and time of the public hearing and a summary of the proposed budget statement. Distribution of the information will be made through posting at the office of the Executive Director, meeting host site, and ESUCC website.

Short forms or summaries of the budget document will be available to the public from the time of the official notice of the hearing until and including the hearing itself.

The proposed annual budget statement shall be presented to the public with recommended expenditures, anticipated receipts and a summary of significant changes from the previous budget. The public shall be given an opportunity to comment on the proposed budget.

Adopted On: October 9, 2014

Reviewed On:

2014. Budget Administration (move to Article 2)

The ESUCC annual budget, as adopted, shall become the spending plan for the ESUCC. The Executive Director, ESU No. 17 Administrator, or designee is authorized to commit expenditures as approved by ESUCC policies, regulations and procedures and in accordance with the budget document. The Executive Director and/or ESU No. 17 Administrator are authorized to sign documents in the exercise of the necessary course of business activities.

Adopted On: October 9, 2014

Reviewed On:

2015. Grants

Project/Program administrators are responsible for establishing and maintaining financial records to ensure all grant requirements and ESUCC business practices are followed. ~~It shall be the responsibility of the Administrative Assistant to provide support to the project/program administrator to ensure:~~

- ~~1. All financial records are documented and a complete audit trail is maintained;~~
- ~~2. All ESUCC accounting reports are submitted properly;~~

- ~~3. The ESUCC is requesting and receiving all the funds approved under the grant and that all financial reports are completed and submitted to the appropriate agency in a timely manner. Move to Executive Assistant Job Description~~

The project/program administrator is responsible for carrying out the program in accordance with the guidelines accompanying the special grant as well as all program reports.

~~All grants shall be reviewed by the Executive Director. (move under Executive Director Duties and responsibilities)~~

Adopted On: October 9, 2014

Reviewed On:

2016. Project/Program Contracts

Project/Program administrators are responsible for establishing and maintaining financial records to ensure all contract requirements and ESUCC business practices are followed. ~~It shall be the responsibility of the Administrative Assistant to provide support to the project/program administrator to ensure all financial records are documented and a complete audit trail is maintained.~~

~~All contracts shall be reviewed/signed by the Executive Director. (move under Executive Director Duties and responsibilities)~~

Adopted On: October 9, 2014

Reviewed On:

Article 3~~Chapter 2~~

Services and Operations~~Projects~~

3001. Master Services Agreement

The ESUCC will determine annually the various services and rates that ESUs will be charged through the Master Service Agreement.

In its current organizational form, the ESUCC uses a master services agreement to document each ESU's participation in the cooperative projects of the ESUCC. The ESUCC Board has direct control over each project, with ESU 17 providing staffing services for ESUCC through a staffing services agreement.

Adopted On: October 9, 2014
Reviewed On:

3002. Funds Management

The Board is responsible for the control of all funds of the ESUCC. Funds available to the Executive Director shall be carefully monitored by the Treasurer and the President to ensure that they are expended for the purposes for which they were appropriated and that the ESUCC receives an appropriate return for its expenditures. All receipts shall be accounted for and reported monthly to the Executive Director. Monthly financial reports shall be provided to and reviewed by the Board.

Any checks and other monetary instruments issued by ESUCC which remain outstanding after issuance shall be reviewed and assessed under the Nebraska Uniform Disposition of Unclaimed Property Act. The Executive Director will make a reasonable effort to resolve outstanding checks even if they are not subject to the Act.

Adopted On: October 9, 2014
Reviewed On:

3003. Financial Report

It is the responsibility of the treasurer, with the assistance of the Executive Director, to gather relevant data and present to the board monthly.

Adopted On: October 9, 2014
Reviewed On:

3004. Depository

The Business Manager of the ESUCC shall deposit funds in depositories designated from time to time by the ESUCC Board.

Adopted On: October 9, 2014

Reviewed On:

3005. Annual Financial Report

The Executive Director shall ensure that the Nebraska Department of Education annual financial report and all other financial reports are filed according to state law.

Adopted On: October 9, 2014

Reviewed On:

3006. Periodic Audit

The ESUCC shall retain a certified public accountant to perform an annual audit of all financial records which are maintained directly or indirectly in the administration or management of the ESUCC and its projects.

~~Due to the small size of ESUCC staff and economic constraints, the ESUCC does not fully comply with generally accepted accounting principles (GAAP).~~

The ESUCC shall cause the original copy of each audit to be filed in the office of the Auditor of Public Accounts. The ESUCC shall also provide copies of audits to members of the Board.

Adopted On: October 9, 2014

Reviewed On:

3007. Purchasing

Purchase orders will be written solely under the direction of the Executive Director. The process and procedure of purchasing professional services for the ESUCC will be determined in the sole discretion of the Board or as delegated to the Executive Director.

1. Contract Signing Authority

The Executive Director is authorized to sign documents in the exercise of the necessary course of business activities to the full extent authorized by law.

2. Soliciting Prices

It shall be the general policy of the ESUCC to ask for bids or quotes on large orders of supplies and equipment, new construction, or repair and renovation, if such estimated amount shall exceed \$10,000, or as otherwise required by statute. When in the judgment

of the ESUCC Board there is no apparent benefit in obtaining bids or quotes, the Board may waive the requirement as permitted by law. The bidding requirement shall not be waived for capital construction. Bids will be awarded to the lowest responsible bidder. The ESUCC reserves the right to reject any or all bids. The Executive Director or his designee shall prepare a notice to be submitted to companies for bids on items of supplies and equipment. It shall also be the general policy of the ESUCC to review the needs for bids, quotations or prices periodically on all outside services or contracts.

3. Performance Guarantees

Vendors shall meet the specifications requested by the ESUCC which may include but are not limited to:

- a. Functional requirements and performance guarantees;
- b. Warranty; and
- c. Required service.

Vendors not satisfactorily meeting requirements as established by the ESUCC may be removed from the vendor list indefinitely or for a period of time to be recommended by the Business Manager and approved by the Executive Director. Nothing in any ESUCC policy shall be construed to guarantee any contract with any vendor.

4. Requisitions

The Executive Director, in conjunction with any staff member the Executive Director deems appropriate, shall develop procedures and instructions by which staff will request goods and services. ~~Requisitions for the purchase of goods or supplies shall be submitted to the Administrative Assistant.~~

~~All requests shall be made in writing or via an electronic submission unless they are of an emergency nature. If emergency situations arise, purchases may be initiated by verbal request. Written confirmation requisitions must follow all verbal requests.~~

~~Requisitions are to be sent to the Administrative Assistant who shall submit the requests to the Executive Director or the Executive Director's designee for purchase.~~

~~-(Move to Regulations)-~~

Adopted On: October 9, 2014

Reviewed On:

3008. Fiscal Management for Purchasing and Procurement Using Federal Funds

I. Applicability of Policy

- A. This policy applies only to non-construction related purchases undertaken with federal funds which are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education

Department and General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy conflicts or is otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal law, the mandatory provisions of the laws shall control.

- B. All other non-construction purchases will be governed by the Board's general purchasing policy, which can be found earlier in this subsection. In the event of a conflict between state and federal law, the more stringent requirement shall apply.
- C. This procurement policy shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. The ESUCC's goal is to fully implement all required procurement rules, regulations and policies set forth in 2 CFR 200, 7 CFR parts 210, 3016 and 3019, and by the Nebraska Department of Education.

II. Procurement System

The ESUCC maintains the following purchasing procedures.

A. Responsibilities for Purchasing

The authority to make purchases shall be governed by the ESUCC's purchasing policy, which can be found elsewhere in this section. Except as otherwise provided in the ESUCC's purchasing policy, the acquisition of services, equipment, and supplies shall be centralized in the administration office under the supervision of the Executive Director of schools, who shall be responsible for developing and administering the purchasing program of the school ESUCC. Purchases or commitments of ESUCC funds that are not authorized by this policy will be the responsibility of the person making the commitment.

B. Methods of Purchasing

The type of purchase procedures required depends on the cost of the item(s) being purchased.

1. Purchases up to \$10,000 (Micro-Purchases)

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the annual aggregate amount of which does not exceed \$3,500. Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent ESUCC staff determine that the cost of the purchase is reasonable. For purposes of this policy "reasonable" means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the ESUCC distributes micro-purchases equitably among qualified suppliers. The ESUCC will follow its standard policy on purchasing, which can be found earlier in this subsection.

2. Purchases between \$10,000 and \$250,000 (Small Purchase Procedures)

Small purchases are purchases that, in the aggregate amount, is more than \$3,500 and less than \$150,000 annually. For small purchases, price or rate quotes shall be obtained in advance from a reasonable number of qualified sources as detailed in the ESUCC's standard policies on purchasing and on bid letting and contracts, which can be found earlier in this subsection.

3. Purchases Over \$250,000

a) Sealed Bids (Formal Advertising)

For purchases over \$150,000, the ESUCC will generally follow the bidding process outlined in the board's policy on Bidding for Construction, Remodeling, Repair or Site Improvement.

b) Contract/Price Analysis

The ESUCC performs a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. The ESUCC will make an independent estimate of costs prior to receiving bids or proposals.

c) Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

The item is available only from a single source;

The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the ESUCC; or

After solicitation of a number of sources, competition is determined inadequate.

Noncompetitive proposals may only be solicited with the approval of the Executive Director or the board. Sufficient and appropriate documentation that justifies the sole sourcing decision must be maintained by the Executive Director or designee.

A cost or price analysis will be performed for noncompetitive proposals when the price exceeds \$150,000.

C. Use of Purchase (Debit & Credit) Cards

ESUCC use of purchase cards is subject to the policy on purchase cards which can be found elsewhere in this subsection.

D. Federal Procurement System Standards

The ESUCC's procurement transactions will be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319.

The ESUCC will maintain and follow general procurement standards consistent with 2 C.F.R. §200.318.

E. Debarment and Suspension

The ESUCC awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The ESUCC may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the ESUCC verifies that the vendor with whom the ESUCC intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II(1) and 2 C.F.R. §§ 180.220 and 180.300.

The ESUCC will verify debarment or suspension by revising the excluded parties list on SAM.gov, collecting a certification through the bidding process, and/or by including a debarment and suspension provision in the bid and contract documents. The Executive Director or his/her designee shall be responsible for such verification.

F. Settlements of Issues Arising Out of Procurements

The ESUCC alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the ESUCC of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

III. Conflict of Interest and Code of Conduct

A. Board and staff member conflicts of interest are governed by the ESUCC conflict of interest policies.

B. Purchases covered by this policy are subject to the following additional provisions.

1. Employees, officers, and agents engaged in the selection, award, and/or administration of ESUCC contracts which are prohibited from engaging in such actions if a real or apparent conflict of interest is present.
2. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
3. The board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.

C. Favors and Gifts

The officers, employees, and agents of the ESUCC may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, with the limited exception of unsolicited items of nominal value.

D. Enforcement

Disciplinary Actions will be applied for violations of such standards by officers, employees, or agents of the ESUCC at the board's discretion.

E. Property Management Systems

1. Property Classifications

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the ESUCC for financial statement purposes, or \$5,000.

Supplies means all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the ESUCC for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. §200.94.

Computing Devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. §200.20.

Capital Assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and

Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. §200.12.

2. Inventory Procedure

Newly purchased property shall be received and inspected by the staff member who ordered it to ensure that that it matches the purchase order, invoice, or contract and that it is in acceptable condition.

Equipment, Computing Devices, and Capital Assets must be tagged with an identification number, manufacturer, model, name of individual who tagged the item, and date tagged).

3. Inventory Records

For equipment, computing devices, and capital assets purchased with federal funds, the following information is maintained in the property management system:

Serial number;

ESUCC identification number;

Manufacturer;

Model;

Date tagged and individual who tagged it;

Source of funding for the property;

Who holds title;

Acquisition date and cost of the property;

Percentage of federal participation in the project costs for the federal award under which the property was acquired;

Location, use and condition of the property; and

Any ultimate disposition data including the date of disposal and sale price of the property.

The inventory list shall be adjusted by the Executive Director of schools or his/her designee for property that is sold, lost, stolen, cannot be repaired, or that cannot be located.

4. Physical Inventory

A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

The Executive Director or his/her designee will ensure that the physical inventory is performed. The physical inventory will generally occur during the months of June or July, but may be conducted during other time periods with the approval of the Executive Director.

5. Maintenance

In accordance with 2 C.F.R. 313(d)(4), the ESUCC maintains adequate maintenance procedures to ensure that property is kept in good condition.

6. Lost or Stolen Items

The ESUCC maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property.

7. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the ESUCC will not encumber the property for any non-federal program use without prior approval of the federal awarding agency and the pass-through entity.

8. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Executive Director or his/her designee will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions.

If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency.

9. Other Contract Matters.

a) Required Terms

The non-Federal entity's contracts must contain the applicable provisions required by section 200.326 and described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

b) Contracting with Certain Vendors

Pursuant to the standards contained in 2 C.F.R. § 200.321, the ESUCC will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible consistent with state law.

To the maximum extent practicable, the school food program shall purchase domestic commodities or products produced in US or processed in US substantially using agricultural commodities produced in US.

c) Record Keeping

(1) Record Retention

The ESUCC maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The ESUCC also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Schedule 10 (Local School Districts) and Schedule 24 (Local Agencies General Records) of the Nebraska Records Management Division as approved by the Nebraska Secretary of State/State Records Administrator requires the District to maintain records regarding federal awards for a minimum of six (6) years. Consequently, the District shall retain records for a minimum of six (6) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

Records will be destroyed in compliance with Schedule 10, Schedule 24, and State law. This includes the completion of a Records Disposition Report.

(2) Maintenance of Procurement Records

The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

Retention of procurement records shall be in accordance with applicable law and Board policy.

d) Privacy

The District has protections in place to ensure that the personal information of both students and employees is protected. These include the use of passwords that are changed on a regular basis; staff training on the requirements of the Family Educational Rights and Privacy Act (FERPA) and State confidentiality requirements; and training on identifying whether an individual requesting access to records has the right to the documentation.

Adopted on: September 7, 2018

Revised on: _____

Reviewed on: _____

3009. Procurement, Suspension, and Debarment - Draft

Governed by Federal Procurement Regulations

For purposes of federal procurement and contracts utilizing federal funds, the ESU Coordinating Council (ESUCC) awards contracts only to responsible vendors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. The ESUCC may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the ESUCC verifies that the vendor with whom the ESUCC intends to do business with is not excluded or disqualified.

3010. Sale or Disposal of ESUCC Property - Draft

In selling school property, whether real or personal, the board of education shall be mindful of its financial obligation to the taxpayers of the school district. The board may sell school property in the manner it deems most appropriate for the particular property (e.g., by taking bids, by auction, or by selling the property for a specified price). The board shall take action at a regular meeting to approve the sale or disposal of property by a vote of the members before selling or disposing of it.

Adopted on: September 7, 2018

Reviewed on:

3011: Purchasing (Credit) Card Program

The ESUCC approves the use of a purchasing card (credit card) program for the purchase of goods and services for and on behalf of the ESUCC. The ESUCC shall determine the type of purchasing card or cards to be used in the program and shall contract with a third-party provider as provided by law.

Authorized Purchases. Authorized users have standing authority to use the purchasing card to charge actual, necessary, and reasonable travel expenses. Otherwise, the purchasing card may only be used to purchase goods and services approved by the board or the Executive Director or designee. ~~in which case the maximum amount that may be charged in a single day is \$500.00.~~

Unauthorized Purchases. In no event shall the purchasing card be used for personal purchases, purchases that are not ESUCC related, alcohol purchases, or purchases that

are not allowed by law. Such unauthorized use shall result in discipline, up to and including the end of employment. Individuals who make unauthorized purchases shall reimburse the ESUCC for the expense within ten days of the purchase or the discovery of the unauthorized purchase, whichever occurs first.

Authorized Users. The following individuals and individuals holding the following titles may be assigned an individual purchasing card and/or authorized to use an ESUCC purchasing card: Executive Director, Technology Director, Coop Director. The ESUCC may take action at any meeting to authorize additional users or to revoke or suspend user privileges. Such action shall be recorded in the minutes. ~~The ESUCC shall also maintain a purchasing card in the name of the ESUCC. The named individuals may purchase ESUCC related goods and services with the ESUCC credit card only with authorization from the ESUCC Executive Director.~~

Documentation. Individuals seeking reimbursement for a purchasing card purchase shall submit an itemized receipt ***and*** a purchasing card receipt to the ESUCC. The itemized receipt shall include the name of the business, contact information, the date, a description of each item sufficient to give the ESUCC reasonable notice of the item purchased, and the price. ***A non-itemized credit card receipt alone is not sufficient.*** Designated ESUCC personnel shall maintain the documentation [as](#) ~~for at least 10 years or as otherwise~~ required by Schedule 24 – Local Agencies (General Records) maintained by the Nebraska Records Management Division. Individuals shall maintain copies of any documentation submitted to the ESUCC.

Suspension or Termination of Privileges. The ESUCC or the Executive Director (or his or her designee) (1) ***shall*** temporarily or permanently suspend the purchasing card privileges of any individual who does not submit an itemized receipt for each purchasing card purchase, and (2) ***may*** temporarily or permanently suspend the purchasing card privileges of any individual for any other reason. The individual's purchasing card account shall be immediately closed and he or she shall return the purchasing card to the Executive Director or the ESUCC. Purchases that are not accompanied by the required documentation shall be considered unauthorized, and the individual making the purchase shall reimburse the ESUCC within 10 days of the purchase or the discovery of the non-itemized purchase, whichever occurs first.

Reward Points or Rebates. Any reward points, rebates, or other benefits received from the third-party purchasing card company are and shall remain the property of the ESUCC.

Move to regulations

Purchase Review Procedures. The Executive Director, or his or her designee, and Council Treasurer shall conduct independent reviews of credit card expenses, or a sample thereof, on a monthly basis. Any unlawful or unauthorized expenditure or other discrepancy shall be brought to the attention of the offending individual, if any, and the ESUCC. The Executive Director, or his or her designee, shall provide the ESUCC at each regular meeting with the documentation submitted pursuant to this policy or a summary of that documentation with a description of each item sufficient to give the

ESUCC reasonable notice of the items purchased. Any unlawful or unauthorized purchase shall be addressed as provided in this policy or as otherwise allowed by law.

Move to Regulations

Adopted On: October 9, 2014

Revised On: September 7, 2018

Reviewed On:

3012. Sale or Disposal of ESUCC Property - Draft

In selling school property, whether real or personal, the board of education shall be mindful of its financial obligation to the taxpayers of the school district. The board may sell school property in the manner it deems most appropriate for the particular property (e.g., by taking bids, by auction, or by selling the property for a specified price). The board shall take action at a regular meeting to approve the sale or disposal of property by a vote of the members before selling or disposing of it.

Adopted on: September 7, 2018

Reviewed on:

3013. Electronic Signatures, Records, and Document Retention

Electronic Records with Electronic Signatures

Electronic records with electronic signatures that are created or received by ESUCC shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. ESUCC shall utilize available technology to implement reliable methods for generating and managing electronic records containing electronic signatures.

Any electronic record containing an electronic signature filed with or issued by ESUCC may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and ESUCC agrees to accept or send such communication electronically; and
2. If a non-electronic signature is required on the record or communication by any statute, rule, or other applicable law or by the Nebraska Department of Education or other state agency, the signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by ESUCC may be permitted in

accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by his/her name and title;
2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed; and
4. The electronic signature conforms to all other provisions of this policy.

Acceptance, Use, and Issuance of Electronic Records with Electronic Signatures

ESUCC shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records with electronic signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the ESUCC can:

- (a) Verify the attribution of a signature to a specific individual;
- (b) Detect changes or errors in the information contained in a record submitted electronically;
- (c) Protect and prevent access, alteration, manipulation or use by an unauthorized person; and
- (d) Provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

ESUCC shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

ESUCC shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with ESUCC business.

ESUCC may receive and accept as original, electronic records with electronic signatures so long as the communication, on its face, appears to be authentic.

3014. ESUPDO and Affiliate Groups

The ESU Professional Development Organization ("ESUPDO") provides statewide training for ESU employees statewide. ESUPDO consists of ~~five~~ four affiliate groups comprised of ESU employees across the seventeen ESUs.

These groups are:

- Staff Development Affiliate (SDA)
- Teaching and Learning Through Technology (TLT)
 - ~~Technology Affiliate Group (TAG)~~
 - ~~Instructional Operations Committee (I-Mat)~~
 - ~~BlendEd~~
- Network Operations Committee (NOC)
 - ~~Instructional Operations Committee (I-Mat)~~
 - ESU Special Populations Directors (ESPD)

Adopted On: October 9, 2014

Reviewed On:

3015. Distance Education [Project](#)

The Distance Education project works to build, improve and maintain the state's distance education network. As part of its statutory responsibilities, ESUCC is charged with the following tasks related to distance education:

1. Providing public access to lists of qualified distance education courses;
2. Collecting and providing school schedules for participating educational entities;
3. Facilitation of scheduling for qualified distance education courses;
4. Brokering of qualified distance education courses to be purchased by educational entities;
5. Assessment of distance education needs and evaluation of distance education services;
6. Compliance with technical standards as set forth by the Nebraska Information Technology Commission and academic standards as set forth by the State Department of Education related to distance education;
7. Establishment of a system for scheduling courses brokered by the council and for choosing receiving educational entities when the demand for a course exceeds the capacity as determined by either the technology available or the course provider;
8. Administration of learning management systems, either through the staff of the council or by delegation to an appropriate educational entity with the funding for such systems provided by participating educational entities; and
9. Coordination with educational service units and postsecondary educational institutions to provide assistance for instructional design for both two-way interactive video distance education courses and the offering of graduate credit courses in distance education.

The Educational Service Unit Coordinating Council shall only provide assistance in brokering or scheduling courses to educational entities that have access to Network Nebraska.

The ESUCC Board contracts with ESU 17 to provide staffing for Distance Education, which staffing includes a Distance Education Director. The Distance Education Director is the immediate supervisor of all other staff assigned to Distance Education and is charged with

general operation of all programs of the Distance Education project. The Distance Education Director reports to the Executive Director and, ultimately, to the Board.

Adopted On: October 9, 2014

Reviewed On:

3016. Instructional Materials (IMat) [Project](#)

The Instructional Materials (IMat) project provides statewide coordination for the purchase of instructional materials. As technology moves forward so does the IMat project. Currently, videos are available in physical formats including VHS, DVD, and CD. Additionally, media materials are being digitized and made available as “media on demand” through Discovery Education “Power Media Plus”. This digital format is opening up media materials, once difficult to obtain, to schools across the state. Additionally, the project works to match media to specific standards and is making media searchable for the most appropriate classroom use.

The ESUCC Board contracts with ESU 17 to provide staffing for IMat. Staff assigned to the IMat project report directly to the Executive Director.

Adopted On: October 9, 2014

Reviewed On:

3017 Cooperative Purchasing [Project](#)

General. Nebraska ESU Cooperative Purchasing provides cooperating purchasing services to Educational Service Units and their member schools throughout the state of Nebraska. The service is offered by the Nebraska ESU Coordinating Council (the “ESUCC”) and Nebraska’s seventeen (17) ESUs in a joint effort.

ESUCC Cooperative Purchasing is authorized to coordinate purchases for public school districts, nonpublic school systems, other ESUs, and other public agencies, including any county, city, village, school district, or agency of the state government, any drainage district, sanitary and improvement district, or other municipal corporation or political subdivision of the State of Nebraska.

Staffing and Supervision. The Board contracts with ESU No. 17 to provide staffing for Cooperative Purchasing, which staffing includes a Coop Director. The Coop Director is the immediate supervisor of all other staff assigned to the Coop and is charged with general operation of all Coop programs. The Coop Director reports to the Executive Director and, ultimately, to the Board. A full time Programs Assistant to the Coop Director and a portion of time from the ESUCC Business Manager who both report to the Coop Director while performing tasks for the ESUCC Coop project.

Intent. The ESUCC intends to provide to each ESU, serviced school district, and other members the infrastructure to make Coop purchases at the local level, including ordering, payment, and receipt of goods and services directly from the vendor(s).

Role of ESUCC. ESUCC contracts for the "eprocurement system," currently Equal Level, to allow school districts to make Coop purchases individually and the sourcing solution currently lonwave.

Role of Coop. The Coop lets, receives, and awards bids from vendors wishing to provide goods and services to ESUs and school districts. Those bids are then aggregated into local school district, ESU, and statewide purchasing catalogs, either in print or digitally available to all entities purchasing through the Coop procurement system.

Role of ESUs. ESUs, like school districts, may utilize the purchasing system to procure goods and services for the purpose of providing services to school districts. However, ESUs should not aggregate, place, receive, pay for, accept, decline, warehouse, or provide any other such services for Coop purchases made by school districts.

Role of School Districts. School districts are responsible for making their own purchases of goods and services through the procurement system. This includes placing orders; paying; accepting or rejecting; storing; and using goods and services purchased through the procurement system. School districts are responsible for accepting conforming goods and services and rejecting non conforming goods and services as permitted by law.

School districts exercise all rights guaranteed to them as a "Buyer" under the Nebraska Uniform Commercial Code and any other rights and protections guaranteed by state and federal law.

Adopted On: October 9, 2014

Reviewed On:

~~3018. MyE Learning~~

~~LMS is a statewide project that makes an online learning management system available to educational service units, school districts, teachers, and students. The mission of MyE is "to implement an asynchronous web-based learning management system to ensure statewide accessibility to: 1) expanded educational opportunities for all K-12 students; and 2) timely delivery of staff development opportunities."~~

~~The ESUCC Board contracts with ESU 17 to provide staffing for the MyE project. MyE staff report directly to the Executive Director.~~

Adopted On: ~~October 9, 2014~~

Reviewed On:

3019. Special Education Projects Project

The ESUCC's SPED Project administers the software for the creation and management of special education forms and records. The SPED project also provides certain special education services and training for special education teachers and other staff members employed by educational institutions within the State of Nebraska.

The three projects under Special Education Projects are:

Student Records Systems (SRS)

~~Improving Learning for Children with Disabilities (ILCD)~~

Project PARA

Student Records System (SRS) is an online special education record keeping system. SRS's goal is to create electronic versions of all special education documents required by Rule 51, including IEP, MDT, IFSP and all required notices. The SRS is a highly secured system that organizes and stores documents and provides easy access to files from anywhere via the internet. SRS training is provided across the state for district staff and college and university staff.

~~**Improving Learning for Children with Learning Disabilities** (ILCD) is a state self-assessment Project that gathers information for federal reporting requirements. The ILCD Project utilizes parent, teacher and administration survey assessments. The survey results can be accessed via the ILCD Website. ESUCC project staff are charged with purchasing, distributing and scanning surveys. ESUCC staff also provide technical assistance for the ILCD website and survey design.~~

Project PARA is a web-based method for school districts to provide introductory training for their paraeducators. The Project assists schools in meeting the paraeducator training requirements of No Child Left Behind, Rule 11 and IDEA. Project PARA is a collaborative effort between the University of Nebraska, the Nebraska Department of Education and ESUCC.

The ESUCC Board contracts with ESU 17 to provide staffing for the SPED Project. Staff members assigned to the SPED Project report directly to the Executive Director.

Adopted On: October 9, 2014

Reviewed On:

~~Chapter 4~~ [Article 4](#)

Human Resources

4001. Purpose

In order to support the ESUCC and its mission to work toward statewide coordination to provide the most cost-effective services for the students, teachers, and school districts in each ESU.

The Executive Director, in consultation with the Board, will interview and recommend individuals for employment by ESU 17 for assignment to ESUCC projects. ESU 17 provides staffing services to ESUCC pursuant to contract and will serve as ESUCC's Human Resources Division.

ESU No. 17 provides leadership and coordination for the following functions:

1. Personnel;
2. Employee Benefits;
3. Risk Management; and
4. Employee Relations.

Adopted On: October 9, 2014

Reviewed On:

4002. Employee Classifications

The ESUCC and ESU No. 17 classify employees into two general categories:

1. Certificated employees are employees performing duties requiring a certificate issued or license accepted by the Commissioner of Education.
2. Classified employees are employees with regular work assignments whose job classifications do not require a certificate issued by the Commissioner of Education. Classified employees are at-will employees, unless otherwise designated.

Adopted On: October 9, 2014

Reviewed On:

4003. Job Descriptions

Job descriptions for the various employment positions are developed and maintained by the Executive Director and ESU No. 17.

Employees must maintain all licensure or certification required by the position as a condition of continued employment. The employee must immediately report the loss or suspension of

licensure or certification to their immediate supervisor and the appropriate staff member in Human Resources.

Adopted On: October 9, 2014

Reviewed On:

4004. Selection and Assignment of Employees

The process for the selection and assignment of staff is the responsibility of the ESUCC and ESU No. 17. It shall be the duty of the Executive Director and ESU No. 17 Administrator or designee to assure that all persons meet the qualifications established by law and the ESUCC for the position.

The selection procedure is uniformly applied to every candidate. There shall be no discrimination against any employee or applicant for employment by reason of race, color, national origin, religion, marital status, sex, age, disability.

Adopted On: October 9, 2014

Reviewed On:

4005. Employment Family Members

A member of the Board or an employee with supervisory responsibilities may employ, recommend, or supervise the employment of an immediate family member only if:

1. He or she does not abuse his or her official position. Abuse of an official position includes, but is not limited to, employing an immediate family member:
 - a. Who is not the most qualified for and able to perform the duties of the position;
 - b. For an unreasonably high salary; or
 - c. Who is not required to perform the duties of the position.
2. He or she makes a full disclosure to the Board by issuing a written disclosure to the Executive Director and Secretary of the Board; and
3. The Board approves the employment or supervisory position.

No immediate family member of a Board member or of an employee with supervisory responsibilities shall be employed by the ESUCC, or by ESU No. 17 for work contracted with ESUCC:

1. Without first having made a reasonable solicitation and consideration of applications for such employment;
2. Who is not qualified for and able to perform the duties of the position;
3. For an unreasonably high salary; and
4. Who is not required to perform the duties of the position.

Neither the Board nor an employee with supervisory responsibilities shall terminate the employment of an employee so as to make funds or a position available for the purpose of hiring an immediate family member.

This policy shall not apply to an immediate family member of a member of the Board or an employee with supervisory responsibilities who was previously employed in a position with the ESUCC prior to the election or appointment of the Board member or of the supervisory employee. Prior to or as soon as reasonably possible after the official date a Board member takes office or an employee assumes supervisory responsibilities, such Board member or employee shall make a full disclosure of any immediate family member employed in a position subject to this policy.

Adopted On: October 9, 2014

Reviewed On:

4006 - At-Will Employees

The ESUCC contracts with ESU 17 for staffing services. The relationship between any ESUCC staff member and the ESUCC is at-will. The ESUCC can ask to have a staff member removed from an ESUCC project at any time, with or without cause, and with or without notice to the affected employee.

No employee or representative of the ESUCC has the power or authority to offer a staff member an employment contract for a specified period of time, to modify the nature of the staff member's relationship with ESUCC or ESU 17, or to make any agreements that are contrary to the policies of ESUCC or ESU 17.

Adopted On: October 9, 2014

Reviewed On:

4007. Personnel Records

ESUCC staff members should consult the policies and employment handbooks of ESU 17 regarding access to and maintenance of personnel records.

Adopted On: October 9, 2014

Reviewed On:

4008. Separation of Employment

The Executive Director and/or ESU No. 17 Administrator or designee will process all retirements, resignations, cancellations, contract amendments, non-renewals and terminations of employment. The ESUCC Executive Director and/or ESU No. 17 Administrator will make recommendations for appropriate action to the [ESU No. 17](#) Board, if needed.

Adopted On: October 9, 2014

Reviewed On:

4009. Resignation/Termination

1. Resignation

Staff members who wish to resign from the ESUCC must submit a letter of resignation to the Executive Director and ESU No. 17 Administrator.

a. Resignation of Certificated Employees

The ESUCC and ESU No. 17 may refuse to accept the resignation of a certificated employee, including a resignation given mid-year and a resignation given for the following school year or after execution of a contract or renewal letter.

b. Resignation of Classified

Classified employees are at-will employees. Classified employees are expected to give two weeks' notice to Executive Director and/or ESU No. 17 Administrator prior to resignation.

2. Termination from Assignment to ESUCC Projects

The Board and/or the Executive Director may terminate a staff member's assignment to ESUCC projects upon providing notice to ESU 17 pursuant to those parties' staffing services agreement. Staff members who are removed from ESUCC projects have no right to prior notice from the ESUCC or its Executive Director and are not entitled to a hearing before the Board or any form of due process related to their removal.

3. Termination of Employment

Any supervisor considering recommending employment termination shall consult with the Executive Director and ESU No. 17 Administrator or designee on procedural matters.

Adopted On: October 9, 2014

Reviewed On:

4010. Compensation

Compensation of ESUCC employees may be established by the Board, Executive Director and/or ESU No. 17 Administrator pursuant to the staffing services agreement between ESUCC and ESU No. 17.

~~Employees required to work on an extended time basis may be compensated by taking corresponding amount of time off of their regular contracted time or by receiving financial remuneration, as selected by the board and permitted by contract. Financial remuneration shall be awarded on an hourly basis with the rate per hour being that which the employee receives per hour under the employee's contract.~~ The length of the workday shall be considered as eight hours, or as otherwise assigned. The regular workweek will run from 12:00 AM Sunday through 11:59 PM Saturday.

ESUCC staff members who are "non-exempt" under the Fair Labor Standards Act and who work more than 40 hours in a workweek will be paid at the rate of time-and-one-half (1½) times their regular rate of pay for all overtime hours, or will be provided compensatory time. All overtime

must be approved in advance by the Executive Director. Scheduled holidays, vacation days, time off for jury duty, and time off for sickness, emergencies or other personal reasons will not be considered hours worked for overtime purposes.

The ESUCC may grant compensatory time in lieu of overtime pay at a rate of one and one-half (1½) hours off for each hour of overtime the staff member worked. Staff members may accrue a maximum of 240 hours of compensatory time, which represents 160 hours of actual overtime worked. When a staff member has accrued 240 hours of compensatory time, the ESUCC shall pay him/her at the rate of one and one-half (1½) times his/her regular rate of pay for each additional hour of overtime. A staff member who asks to use compensatory time may be permitted to use it within a reasonable period after the request if its use does not unduly disrupt the operations of the ESUCC and its projects.

Upon termination of employment, an employee shall be paid for unused compensatory time at a rate of compensation not less than: (1) the average regular hourly rate paid to the employee during the last three years of his/her employment, or (2) the final regular hourly rate paid to the employee, whichever is higher. Compensatory time is paid at the higher of these regular rate computations and not at one and one-half the regular rate of pay.

Adopted On: October 9, 2014

Reviewed On:

4011. Reimbursements

The ESUCC Board or its Executive Director may require a staff member to attend relevant professional meetings, training, and other such events as the Board deems appropriate. The Board may reimburse the staff member for his/her actual expenses incurred in attending such meetings as permitted by law and approved by the Board.

To receive reimbursement for travel or business related expenditures, ESUCC staff members must submit all forms required by the Executive Director or as established by policy and procedure. Requests for reimbursement shall be made as soon as reasonably possible after they are incurred, but the board may refuse to reimburse a staff member, as permitted by law, for expenses which were accrued more than ~~six (6)~~ three (3) months after submission for reimbursement. To the extent an individual staff member's contract states otherwise, the contract will control.

Payment for all expenditures outside of payroll will be issued per board approval and payment timeline. on the first and third Wednesday of every month unless payment falls on a holiday in which event the payments will be issued the next working day of ESU No. 17. Travel reimbursement will be based on the IRS's mileage reimbursement allowance. An itemized receipt, meaning a receipt with totals for each reimbursable item and not just a receipt showing the total expenditure, must accompany all other reimbursements. No reimbursements will be issued for above the IRS per diem amount unless authorized by ESUCC Executive Director.

The following expenses will not be reimbursed:

- Alcoholic beverages
- Expenses for additional parties' travel
- Entertainment
- Damage to personal vehicles, clothing, or other items
- Towing charges, in the event such charges are incurred because of the fault or negligence of the ESUCC employee
- Services to gain entry to a locked vehicle

This list is not all inclusive. Staff members should use prudent judgment and remember that all travel expenses are subject to public review and denial for reimbursement by ESUCC and should be able to sustain the test of public and ESUCC review.

Move to administrative regulation

Adopted On: October 9, 2014

Reviewed On:

4012. Employee Benefits Compensation

The costs of the various employee benefits are borne by the ESUCC and/or ESU No.17, the employee, or jointly as determined by the applicable agreement.

ESU No. 17 serves as the official ESUCC representative with the insurance carriers and other benefit programs for employees employed pursuant to the staffing services agreement.

ESUCC employees may be entitled to the following benefit options based on their position within ESUCC and pursuant to the staffing services agreement:

1. Health
2. Dental
3. Disability
4. Vision
5. Accident
6. Flexible Benefit Plan
7. Retirement, so long as the employee meets the requirements of the Nebraska School Employees Retirement System
8. Early retirement incentives as may be established by ESU No. 17 or the Board applicable to the particular employee

Adopted On: October 9, 2014

Reviewed On:

4013. Leave Time

Employees must follow the ESU No. 17 handbook on acceptable leave procedures. Employees employed directly by the ESUCC are permitted leave time as decided by the Board.

The type and number of leave days for which an employee is eligible are denoted in each employee's yearly contract.

Adopted On: October 9, 2014

Reviewed On:

4014. Workers' Compensation

Employees are required to report any work-related injury and/or work-related medical condition to the Executive Director and ESU No. 17 Administrator immediately and complete all appropriate paperwork.

Adopted On: October 9, 2014

Reviewed On:

4015. Tort Claims

Tort claims must be filed with and received by the ESUCC Executive Director.

Adopted On: October 9, 2014

Reviewed On:

4016. Outside Employment / Non-ESUCC Employment

Employees shall not perform duties unrelated to ESUCC employment during their regularly assigned schedule and duties. In addition, employees shall not engage in employment which conflicts with their duties for the ESUCC. Any ESUCC employee who takes [similar](#) employment outside of ESUCC must notify the Executive Director in writing and receive permission from the Executive Director before accepting such outside employment.

Employees who suffer a non-ESUCC work-related injury are required to notify the Executive Director of ESUCC and Administrator of ESU 17 of the injury.

Adopted On: October 9, 2014

Reviewed On:

4017. Anti-Discrimination and Harassment

The ESUCC is committed to providing a workplace and learning environment free of discrimination and harassment for employees. Accordingly, discrimination or harassment is prohibited. In addition, the ESUCC will endeavor to protect employees from reported discrimination or harassment in the workplace by other non-employees. Discrimination or

harassment based on a person's race, color, religion, national origin, sex, disability, age, marital status, veteran status is specifically prohibited.

Adopted On: October 9, 2014

Reviewed On:

4018. Staff Social Media Use

Social media is an important tool for communicating, keeping up-to-date with current developments in education, and for conducting research to enhance management, teaching, and learning skills. The ESUCC also uses social media accounts to provide information to ESUCC stakeholders. This policy is intended to ensure (1) appropriate use of social media by staff and (2) appropriate control of social media accounts belonging to or affiliated with the ESUCC. Staff should also refer to the ESUCC's policy on Staff Computer and Internet Usage.

1. Personal Versus ESUCC-Affiliated Social Media Use

a. Personal Social Media Use

The ESUCC will not require staff members or applicants for employment to provide the ESUCC with their username and password to personal social media accounts.

The ESUCC will not require staff to add anyone to the list of contacts associated with the staff member's personal social media accounts or require a staff member to change the settings on his or her personal social media accounts so that others can or cannot view their accounts.

Staff members whose personal social media use interferes with the orderly operation of the ESUCC or who use social media in ways that are not protected by the First Amendment may be subject to discipline by the ESUCC.

Staff members who wish to begin using or to continue using the ESUCC name, programs, logos, or likeness as part of any social media profile must notify the Executive Director of the use, and must secure the Executive Director's permission to do so.

b. ESUCC-Affiliated Social Media Use

Any social media account which purports to be "the official" account of the ESUCC or any of its projects or affiliates (e.g., @ESUCCcoop) will be considered to be an account that is used exclusively for the ESUCC's business purpose. Staff members may not use "official" accounts for personal use.

~~Staff may be required to provide the Executive Director with the username and password to ESUCC-affiliated social media accounts.~~

~~Staff may be required to interact with specified individuals on ESUGG-affiliated social media accounts.~~

~~When staff use ESUGG-affiliated social media accounts to comment on ESUGG-related matters, they do not do so as private citizens and are therefore not entitled to First Amendment protections.~~

~~2.) Staff Expectations in Use of Social Media—Applicable to Both Personal and ESUGG-Affiliated Use~~

~~a) General Use and Conditions~~

~~Staff must comply with all ESUGG policies, contract provisions, and applicable rules of professional conduct in their social media usage. They must comply with the board's policy on professional boundaries between staff and students at all times and in both physical and digital environments.~~

~~Staff must obtain the consent of the Executive Director prior to posting any student-related information in order to make sure that the publication does not violate the Federal Education Records Privacy Act or any other laws. Staff must also comply with all applicable state and federal record retention requirements, even with regard to personal social media usage.~~

~~Staff must comply with all applicable laws prohibiting the use or disclosure of impermissible content, such as copyright laws, accountability and disclosure laws, and any other law governing the use of resources of a political subdivision. Questions about appropriate content should be referred to the Executive Director.~~

~~b) Acceptable Use~~

~~Staff may use social media for educational and training purposes.~~

~~Staff may use social media for ESUGG-related communication with fellow educators, students, parents, and patrons.~~

~~c) Unacceptable Use~~

~~Staff shall not access obscene or pornographic material while at work or on any network owned or operated by any educational entity, on ESUGG-owned device or on ESUGG-affiliated social media accounts.~~

~~Staff shall not engage in any illegal activities, including the downloading and reproduction of copyrighted materials.~~

~~3) ESUGG-Affiliated Digital Content~~

~~a) General Use and Conditions for ESUGG-Affiliated Accounts~~

~~Staff must obtain the permission of their supervising administration prior to creating, publishing, or using any ESUGG-affiliated web pages, microblogs, social media pages or handles, or any other digital content which represents itself to be ESUGG-related, or which could be reasonably understood to be ESUGG-related. This includes any content which identifies the ESUGG ESUGG by name in the account name or which uses the ESUGG's mascot name or image.~~

~~Staff must provide administrators with the username and password for all ESUGG-affiliated accounts and must only publish content appropriate for the ESUGG setting. Staff may not provide the username and password to ESUGG-affiliated accounts to any unauthorized individual, including students and volunteers.~~

~~b) Moderation of Third Party Content~~

~~The purpose of ESUGG-related social media accounts is to disseminate information. No ESUGG-related or ESUGG-affiliated social media account covered by this policy shall permit comments by the public unless otherwise approved by the Executive Director. All comment functions for applications such as Facebook and Instagram must be turned to "off" without this approval.~~

~~In the event the Executive Director permits content created by anyone other than the administrator of the account to appear on the account's pages, such as comments made by students, parents, and patrons, the account administrator must monitor the content to ensure it complies with this policy. Posts, comments, or any other content made on the account's pages may be removed when the content meets any of the following conditions:~~

- ~~● Is obscene, lewd, or appeals to prurient interests;~~
- ~~● Contains information relating to a student matter or personnel matter which is protected under or prohibited by state or federal law;~~
- ~~● Contains threatening, harassing, or discriminatory words or phrases;~~
- ~~● Incites or is reasonably anticipated to incite violence, illegal activity, or a material and substantial disruption to ESUGG operations or activities; or~~
- ~~● Contains any other threat to the safety of students and staff.~~

~~Every account administrator must keep a copy of any removed content and must provide a copy to the Executive Director along with written notification for the reason the post has been removed. All questions about the appropriateness of removal must be directed to the Executive Director.~~

~~Adopted On: September 7, 2018~~

4019. De Minimis Use of Public Resources.

Incidental or De Minimis Use of Public Resources

The ESUCC prohibits its members and employees from using public resources for personal or political purposes as prohibited in the Nebraska Political Accountability and Disclosure Act ("Act"). However, the board recognizes that incidental or de minimis uses of public resources are sometimes necessary and within reason. The purpose of this policy is to comply with the Act and to authorize certain uses of public resources as permitted by the Act.

The following uses of public resources are permitted as incidental or de minimis:

- Limited communication with family members or other non-district employees for personal purposes, such as e-mails or text messages with a spouse using district hardware, software, internet, accounts, or other public resources so long as this communication does not distract from or interfere with employees performing their official duties, with interference determined in the sole and unfettered discretion of an employee's supervising administrator;
- Traveling to or from the person's home when the primary purpose serves the interests of the district. If an employee is unsure whether the primary purpose serves the interests of the district, the employee should obtain the approval of his or her supervising administrator, who is authorized to make that determination under this policy;
- Making a limited number of copies of personal documents when the person cannot make alternative arrangements;
- Using personal social media accounts or accessing appropriate websites which are consistent with the district's digital citizenship curriculum while off duty;
- Using district-owned computer programs, such as Word, Excel, Adobe, and others for personal purposes while off duty;
- Any other uses contained in the collective bargaining agreement or individual contract of the employee;
- Other uses by employees authorized by the Executive Director or the Executive Director's designee. The board intends to allow the Executive Director to authorize such uses on a case-by-case basis to the maximum extent permitted by the Act; and
- Other uses by the Executive Director or Council members authorized by the ESUCC president. The ESUCC intends to allow the Council president to authorize such uses on a case-by-case basis to the maximum extent permitted by the Act

All uses pursuant to this policy must be (1) consistent with other ESUCC policies, (2) consistent with the provisions of Title 92, Nebraska Administrative Code, Chapter 27 (Nebraska Department of Education "Rule 27"), and (3) reported as compensation in accordance with the Internal Revenue Code of 1986, as amended, and taxes, if any, are paid. It is the responsibility of each board member or employee to account for their own tax liability, and the district will not indemnify or account for any personal use of public resources by the Council member or employee.

All of the provisions of Rule 27 will apply to non-certificated staff for the purposes of this policy. In addition, employees may not use the ESUCC's internet, computers, or other technology to access obscene or pornographic material, sext, or engage in any illegal activities.

Adopted On: September 7, 2018

Reviewed On:

Chapter 6 [Article 5](#)

[Equity/Legal Compliance](#)

5001. Password Security - Need to write

Adopted On:

Reviewed On:

5002. Intellectual Property, Copyrights, and Licenses for Works Created for ESUCC

ESUCC assigns its employees and/or collaborates with ESUs for the creation of works for the benefit of ESUCC. These works include but are not limited to educational programs, software programs, presentations, and many other print and digital resources. To the extent these works are created by ESUCC employees, in whole or in part, they are works for hire and all legally applicable copyright and intellectual property rights are the sole and exclusive property of ESUCC. The board of each ESU has authorized and given unrestricted license to ESUCC for the full use and replication rights associated with any work created by employees of any Nebraska ESU for the benefit of ESUCC which are not works for hire belonging solely to ESUCC, those works, including the right to license the works for use by other entities consistent with the following paragraph and the authority granted to ESUCC by law.

These rights and protections apply for any uses of the works, including uses consistent with and in addition to the purpose for which they were created. The rights and protections extend to uses in Nebraska and any other state or country. The ESUCC's employees, agents, and representatives have no authority and cannot authorize the use of these works by any other person or entity. Any person or entity in Nebraska or outside of Nebraska wishing to implement, replicate, or in any other way use any of these works can only do so by affirmative vote of the ESUCC board and pursuant to written permission from the ESUCC.

Adopted On: February 2, 2017

Reviewed on:

5003. Personally Identifiable Student Data Items Maintained for School Services

1. Personally Identifiable Student Data - Personally identifiable student data generated by ESU Coordinating Council (ESUCC) for students referred and/or services provided on

behalf of contracting school districts will be considered confidential and determined to be the property of the resident school district will be released only when appropriate release of information forms with required signature(s) are received. This policy covers both paper and electronic data collected and released.

2. Notification to Schools - Each school district shall be notified as to the nature and types of student data being collected and maintained in ESUCC files.
3. Permission to Request and Release - ESUCC shall obtain from the parent/guardian or other authorized representatives, written permission for ESUCC to request and release confidential information from other sources.
4. Disposition of Student Records - Five years after the special education data is no longer needed to provide educational services, ESUCC shall return to the school district of residence of the student, all data items which have been received or generated by ESUCC or destroyed upon written request of the school district.

Adopted On:

Reviewed On:

5004. Personally Identifiable Student Records (FERPA) (Move to Article 5)

The Family Educational Rights and Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

Personally identifiable student educational records generated by ESU Coordinating Council (ESUCC) employees for students referred and/or services provided on behalf of contracting school districts will be considered confidential and determined to be the property of the resident school district. Educational records will only be released when appropriate release of information forms with required signature(s) are received and approved by your department director. This covers both paper and electronic records collected and released.

Adopted On: September 6, 2018

Reviewed On: