

# **Educational Service Unit Coordinating Council**



## **POLICY MANUAL**

ESUCC  
6949 South 110<sup>th</sup> Street  
LaVista, NE 68128

<b>Article 1</b>	<b>4</b>
<b>Education Service Unit Coordinating Council Organization</b>	<b>4</b>
1001. Philosophy of ESUCC	5
1002. Duties and Functions of ESUCC	6
1003. Authority of ESUCC Board Members	8
1004. Members, Officers and Terms of Office	9
1005. Officers	10
1006. Annual Organizational Meeting	12
1007. Committees	13
1008. Standing Committees	14
1009. Special Appointments	15
1010. Board Member Employment and Conflicts of Interest	16
1011. Formulation and Adoption of Policies	17
1012. Formulation/Adoption of Administrative Regulations	18
1013. Suspension of Policies and Regulations	19
1014. Meetings	20
1015. Time and Place of Meetings	22
1016. Participation by the Public	23
1017. Agenda Construction	24
1018. Quorum	25
1019. Voting	26
1020. Relationship with Attorney	27
1021. Legislative and Governmental Relations	28
1022. Relation With Nebraska Legislature	29
1023. Relation With Nonpublic Schools	30
<b>Article 3</b>	<b>31</b>
<b>Services and Operations</b>	<b>31</b>
3001. Master Services Agreement	32
3002. Funds Management	33
3003. Financial Report	34
3004. Depository	35
3005. Annual Financial Report	36
3006. Periodic Audit	37
3007. Purchasing	38
3008. Credit Card Purchasing Program	41
3009. Electronic Signatures, Records, and Document Retention	42
3010. ESUPDO Affiliate Groups	43
3011. Distance Education Project	44
3012. Conflict of Interest and Code of Conduct	45
3013. Cooperative Purchasing Project	46
3014. Coffee Act Policy (Reimbursable Expenses)	47

3015. Disposal of Property	49
3016. Chain of Command	50
<b>Article 4</b>	<b>51</b>
<b>Human Resources</b>	<b>51</b>
4001. Purpose	52
4002. Employee Classifications	53
4003. Job Descriptions	54
4004. Selection and Assignment of Employees	55
4007. Personnel Records	56
4008. Separation of Employment	57
4009. Compensation	58
4011. Reimbursements	59
4012. Employee Benefits Compensation	60
4013. Leave Time	61
4014. Workers' Compensation	62
4015. Tort Claims	63
4016. Outside Employment / Non-ESUCC Employment	64
4017. Anti-Discrimination and Harassment	65
4018. Staff Social Media Use	66
4019. De Minimis Use of Public Resources	67
4020. Equal Opportunity Employment	68
4021. Drug-Free Workplace	69
4022. Notification of Arrest	70
4023. Weapons	71
4024. FMLA	72
4025. Military and Family Military Leave	73
4026. Adoption Leave	74
4027. Jury Duty Leave	75
4028. Subpoena to Testify Leave	76
4029. Non-Discrimination	77
4030. Chief Executive Officer Evaluation	82
4031. ESUCC Employee Evaluations	83
<b>Article 5</b>	<b>85</b>
<b>Technology</b>	<b>85</b>
5001. Information Security Policy	86
5002. Intellectual Property, Copyrights, and Licenses for Works Created for ESUCC	87
5003. Personally Identifiable Student Data Items Maintained for School Services	88

# **Article 1**

## **Education Service Unit Coordinating Council Organization**

## **1001. Philosophy of ESUCC**

The Education Service Unit Coordinating Council will work to enable Educational Service Units to work together effectively, efficiently, and equitably to accomplish common goals and deliver high value to the State of Nebraska's education system. The ESUCC provides advocacy, leadership, structure, support and guidance for Nebraska's seventeen ESUs and their respective schools.

Legal Reference:	Neb. Rev. Stat. § 79-1245.
Date of Adoption:	November 20, 2024

## **1002. Duties and Functions of ESUCC**

The ESUCC is required by various statutes to perform certain functions for the benefit of ESU's and School Districts across the State of Nebraska. The ESUCC may also undertake other endeavors for the benefit of Nebraska schools and students. As a result, it is difficult to list all of the duties and functions of the ESUCC. With that being said, the ESUCC's duties and functions will generally fit within one of the following three categories:

### **A. Statutory Duties and Functions**

**The ESUCC statutes identify the following duties of the ESUCC:**

- (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 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.

### **B. Collaboration with NDE and Other Stakeholders**

The ESUCC shall also support ESU's and work with the Nebraska Department of Education to ensure that the ESU's and ESUCC satisfy the accreditation requirements identified in NDE Rule 84.

### **C. Other Duties Identified by CEO and Board**

In addition to the foregoing, the ESUCC Board will annually approve a budget, approve the hiring of ESUCC staff, accept an audit of the ESUCC, and may pursue other programs and

services that benefit Nebraska’s students, teachers, and school districts in the educational service units. Any such additional programs and services will be approved by the ESUCC Board and Chief Executive Officer.

Legal Reference:	Neb. Rev. Stat. § 79-1248. NDE Rule 84.
Date of Adoption:	November 20, 2024

### **1003. Authority of ESUCC Board Members**

ESUCC Board Members have no individual authority to take official action or bind the ESUCC in any way, unless the ESUCC Board specifically delegates such authority to the individual.

All business of the ESUCC Board will be conducted through Board or Committee 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.

Date of Adoption:	November 20, 2024
-------------------	-------------------

#### **1004. Members, Officers and Terms of Office**

The ESUCC Board shall consist of the ESU Administrator from each ESU. Each Board Member shall serve on the Board during the duration of his/her employment as an ESU Administrator. Members of the Board shall receive no compensation for their services. Members may be reimbursed for the actual and necessary expenses incurred in the performance of their duties, pursuant to law and by a majority vote of the Board.

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 Board.

Legal Reference:	Neb. Rev. Stat. § 79-1245.
Date of Adoption:	November 20, 2024
Date(s) of Review:	September 12, 2025

## **1005. Officers**

The ESUCC operates on a continuous leadership model wherein Board Members progress through a six-year leadership cycle—serving two years each as President-Elect, President, and Past President—ensuring seamless governance transitions through mentorship, institutional knowledge preservation, and deliberate succession planning that maintains organizational stability while fostering leadership development.

### **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 by the Board.

### **President:**

The President of the ESUCC Board shall preside over all regular and special meetings of the ESUCC Board. The President shall sign contracts or any other instruments, which the Board has authorized to be executed; and, in general, shall perform all duties incident to the office of President and such duties as may be prescribed by the Board. The President shall also have the authority to make temporary employment-related decisions regarding the Chief Executive Officer, including the approval to take leaves and such as placement on paid administrative leave.

### **Past President:**

The Past President of the ESUCC will mentor the President so that the transition 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. The Treasurer shall serve as the custodian of all funds of the ESUCC Board, submit in writing a monthly report of the state of finances, and review, along with the CEO, the money paid out by the ESUCC has been approved by the Board or appropriate staff member per policy or Board directive. The Board may assign other duties to the Treasurer as the Board sees fit.

### **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.

### **Removal of Officers**

A Board Member may be removed from an officer position by a majority vote of the Members of the Board. In the event of a vacancy in an officer position, the Board shall elect by a majority vote a successor to serve the remainder of the term.

Legal Reference:	Neb. Rev. Stat. § 79-1245.
Date of Adoption:	November 20, 2024
Date(s) of Revision:	July 23, 2025
Date(s) of Review:	September 12, 2025

## 1006. Annual Organizational Meeting

An organizational meeting of the ESUCC shall be held in July or August each year for the purpose of seating any new Members and electing Officers.

The following procedures will be followed to elect officers and undertake any other business at the annual organizational meeting:

1. After seating new Members (if any), the Board will elect from its Members a President, Vice President-Elect, Secretary, and Treasurer, all of whom will then assume office at the organizational meeting.
2. The ESUCC CEO or other designee will act as chair for the election of a President.
3. The President will assume the chair immediately upon election.
4. The Board will then take up any other matters that need to be addressed during the annual organizational meeting.

Date of Adoption:	November 20, 2024
Date(s) of Review:	September 12, 2025

## 1007. Committees

Committees shall, on their own, have no authority to bind the ESUCC Board or any Board Member, unless specifically authorized by the Board.

All matters, except those of routine or emergency nature, should be referred to the appropriate Committee for consideration before any action by the Board.

The Board will rely upon regular committees (“Standing Committees”) to fulfill designated functions and responsibilities for the benefit of the Board. In addition, the Board may appoint temporary, special, or ad hoc committees. The President has the authority to appoint members to a temporary, special, or ad hoc committee. The ESUCC Board may also create a temporary, special, or ad hoc committee and appoint Members to said committee at a Board Meeting.

Summaries of, and recommendations from, all Committee Meetings will usually be reported to the Board for the benefit of Board Members.

Date of Adoption:	November 20, 2024
Date(s) of Review:	July 23, 2025

## 1008. Standing Committees

The following committees will regularly meet and consist of the Board's Standing Committees, unless otherwise determined by the ESUCC Board:

### Executive Committee

Consists of President, Past-President, President-Elect, Treasurer, and Secretary, and any other Member appointed by the Board. The Executive Committee shall have the following duties and authority: Review and make recommendations to the Board regarding the presentation and tracking of the General Fund Budget.

### Information Services Committee

The Information Services Committee shall have the following duties and authority: Reviews and makes recommendations to the Board regarding any technology related items including but not limited to cybersecurity, ESU Professional Development Organization affiliates (Teaching and Learning with Technology (TLT) and Network Operations Committee (NOC)).

### Educational Resources Committee

The Educational Resources Committee shall have the following duties and authority: Reviews and makes recommendations to the Board regarding efforts by the ESU Professional Development Organization (PDO) and other professional development items. Reviews statewide initiatives (SRS, Project para, ILCD) as well as other Special Education items in the state.

### Legal Committee

The Legal Committee shall have the following duties and authority: Reviews and makes recommendations to the Board regarding items of 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 Cooperative Purchasing Project. Reviews and recommends ESUCC Policy.

Date of Adoption:	November 20, 2024
Date(s) of Review:	July 23, 2025

## 1009. Special Appointments

Members of the Board may be appointed to represent the Board on committees with other agencies or organizations or as advisors to other agencies or organizations. The President shall have the authority to make such special appointments. Any Member appointed to represent the Board on such a committee or organization shall keep the President and Chief Executive Officer informed of the committee or organization's progress and work.

Date of Adoption:	November 20, 2024
-------------------	-------------------

## **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 Chief Executive Officer, who may then confer with legal counsel and/or the Board.

Legal Reference:	Neb. Rev. Stat. §§ 49-1401 through 49-14,142.
Date of Adoption:	November 20, 2024

## **1011. Formulation and Adoption of Policies**

All Board Policies shall be adopted or amended at a regular or special ESUCC Board 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.

The ESUCC Board will typically hold at least two readings before approving or amending Board Policy. However, the ESUCC Board may, at any time, waive multiple readings and adopt or amend Board Policy, effective immediately.

Date of Adoption:	November 20, 2024
-------------------	-------------------

## **1012. Formulation/Adoption of Administrative Regulations**

The Board delegates to the CEO 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 delegates to the Chief Executive Officer the authority to develop and implement regulations or procedures to guide ESUCC staff in the successful completion of their duties. These regulations must be in every respect consistent with the Policies adopted by the Board. In the absence of specific Board Policy, the Chief Executive Officer is authorized to act in a manner consistent with the philosophy, duties, and in the best interest of the ESUCC.

Date of Adoption:	November 20, 2024
-------------------	-------------------

### **1013. Suspension of Policies and Regulations**

The Board may suspend any policy upon a vote of the Members of the Board.

Date of Adoption:	November 20, 2024
-------------------	-------------------

## 1014. Meetings

### Board Meetings

ESUCC Board Meetings will be held and conducted in accordance with the Nebraska Open Meetings Act.

### Types of Meetings

*Regular Meetings, Special Meetings, Workshops, and Retreats:* The Board shall generally hold its regular meetings as adopted in its annual schedule of meetings. Other meetings (including special meetings, workshops, and retreats) of at least a quorum of the Board will follow the same notice and Open Meetings Act requirements as regular meetings. The President, CEO, or at least 9 Members of the Board may call for a special meeting. The President or CEO may call for workshops and/or retreats, when deemed appropriate.

*Emergency Meetings:* Emergency meetings may be called by the President or CEO, and as provided by law.

### Notice of Meetings

The Board shall give reasonable advance publicized notice of the time and place of each of its meetings, which generally will be 48 hours or more in advance of the meeting. Such notice shall be transmitted to all Members and to the public. Notice of regular and special meetings shall be published in a newspaper of general circulation within the area of the ESUCC and, if available, on the newspaper's website. In case of refusal, neglect, or inability of a newspaper to timely publish the notice of a meeting, the Chief Executive Officer may (1) post such notice on the ESUCC's website and (2) post such notice in a conspicuous public place in the ESUCC's jurisdiction. The ESUCC shall keep a written record of such posting. The record of such posting shall be evidence that such posting was done as required and shall be sufficient to fulfill the requirement of publication. Newspapers of general circulation shall be those that serve more than one county. Any such notice shall contain a statement that the agenda shall be readily available for public inspection at the administration office of the ESUCC during normal business hours.

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.

### Weather Delays

In the event of inclement weather which makes it dangerous or unreasonable for Board Members or members of the public to attend a meeting for which notice has already been given, such meeting may be postponed by the President or Chief Executive Officer. The Board will communicate the delay to members of the public by posting notice on the ESUCC's website. When possible, the Chief Executive Officer will communicate the information to local media members to assist in notifying the public of the delay. Notice of the date, time, and location of the postponed meeting will be advertised in accordance with the Board's regular notice provisions.

### Minutes

The Secretary or designee will keep minutes of all meetings showing the time, place, members present and absent, the method(s) and date(s) of the meeting notice and the substance of all matters discussed.

Any action taken on any question or motion duly moved and seconded shall be by roll call vote, either orally or via electronically, of the Board in open session, and the minutes shall reflect how each member voted, or if the member was absent or not voting.

The minutes of all meetings shall be a public record and will be published on the ESUCC's website.

### Committees

Committee Meetings will only be subject to the requirements of this policy if a quorum of the Board members attend the Committee Meeting, or if the Committee holds hearings, makes policy or takes formal action on behalf of the ESUCC Board.

Legal Reference:	Neb. Rev. Stat. § 84-1409, et seq.
Date of Adoption:	November 20, 2024

## 1015. Time and Place of Meetings

Regular meetings will be scheduled and set by the Board in an annual schedule of meetings. In all cases, the date, time and place of meetings are at the sole discretion of the Board.

Board Members will be notified of all regular or special meetings via board meeting minutes, email, or other reliable methods of notice. In the event of an emergency meeting, the Board President and Chief Executive Officer will give notice to Members as soon as practical via the methods the President and Chief Executive Officer deem most likely to reach Board Members on short notice.

It is each Board Member's responsibility and duty to regularly attend Board Meetings. Board Members are expected to be prepared for and participate in Board Meetings.

Date of Adoption:	November 20, 2024
-------------------	-------------------

## 1016. Participation by the Public

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 the open session of the meeting.

The Board President may develop and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, photographing, or recording its meetings.

Each Board Meeting will permit members of the public to speak during public comment. 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 during public comment shall be governed by these and any other such rules and regulations announced by the Board President:

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, address, and any organization they are representing (if any).
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 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 the Board President or a Board Member designee to extend the time for a specific item or speaker.

In addition to public comment, the President may invite designated speakers to make presentations during Board Meetings.

Legal Reference:	Neb. Rev. Stat. § 84-1412.
Date of Adoption:	November 20, 2024

## 1017. Agenda Construction

The Chief Executive Officer, in cooperation with the President of the Board, shall prepare an agenda prior to each Board meeting. Board Members may contact the President or Chief Executive Officer at least one week prior to the Board meeting with a request to add an item to the agenda. The President shall have the final determination over agenda items, except that an agenda item shall be added if at least four (4) Board Members request an agenda item be added to the next agenda.

During Board Meetings, the Board may utilize a “Consent Agenda” for the expeditious approval of routine business matters. The Board’s approval of the Consent Agenda shall be treated as if the Board separately approved each matter contained within the Consent Agenda. During the Consent Agenda, any Board Member may request any item or items be removed from the Consent Agenda and separately addressed.

Legal Reference:	Neb. Rev. Stat. § 84-1411.
Date of Adoption:	November 20, 2024

## 1018. 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. Unless otherwise specifically provided in Policy or law, the majority vote of a quorum of the Board constitutes the approval of the Board.

The Board may vote to adjourn a meeting, though the Board President has the authority to adjourn a meeting without the vote of the Board.

Date of Adoption:	November 20, 2024
-------------------	-------------------

## 1019. Voting

Board members present shall vote on decisions requiring Board action. Unless a Board Member has a conflict of interest or other legal basis to abstain from a vote, Board Members are obligated to cast a vote on any matter before the Board. Votes may be cast either orally or via electronically.

In order to vote on a matter, a Member must move for a vote and a separate Member must second the motion to vote. A vote of the Members shall determine the outcome of the motion and each Member's vote shall be reflected in the meeting minutes. After a vote is cast, the Board will not entertain motions to reconsider a vote at the same meeting. The Board shall not be bound by Robert's Rules of Order and the President shall determine any procedural questions raised during the meeting.

Legal Reference:	Neb. Rev. Stat. § 84-1413.
Date of Adoption:	November 20, 2024

## 1020. Relationship with Attorney

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

The Chief Executive Officer and Board President shall have the authority to contact the Board's attorney on behalf of the Board. ESUCC staff may also contact the Board's legal counsel only at the specific direction of the Chief Executive Officer. Individual Board Members (other than the President) may not contact the attorney on behalf of the Board without the approval of the Chief Executive Officer, Board President or a majority of the Board. Any Board Member who contacts the Board's attorney without Board approval may be personally responsible for any legal fees incurred as a result of the unapproved contact.

The Chief Executive Officer will, to the extent permitted by law and Policy, keep the Board informed of matters in which the attorney is involved.

Date of Adoption:	November 20, 2024
Date(s) of Review:	September 12, 2025

## 1021. 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.

Date of Adoption:	November 20, 2024
-------------------	-------------------

## 1022. Relation With Nebraska Legislature

The ESUCC will communicate its position on relevant legislation to the Nebraska Legislature. The Board may also direct the CEO to prepare proposed legislation for introduction on behalf of the ESUCC and/or Member ESU's (when approved by the ESUCC Board).

The CEO is responsible for advocacy and relations with the Nebraska Legislature and will be designated to serve as one of registered lobbyists for the ESUCC. The Council may, but is not required to, retain the services of other specialists in governmental relations to assist the ESUCC in achieving its mission.

Legal Reference:	Neb. Rev. Stat. § 49-1401, et seq
Date of Adoption:	February 6, 2025

### **1023. Relation With Nonpublic Schools**

The ESUCC recognizes the need for and the worth of cooperative relationships with all Nebraska schools, colleges and educational organizations, including nonpublic schools. The ESUCC will work with those nonpublic organizations on educational matters within the framework established by the statutes, state regulations and Board policy.

Legal Reference:	Neb. Rev. Stat. § 79-1248
Date of Adoption:	February 6, 2025

# **Article 3**

## **Services and Operations**

### **3001. Master Services Agreement**

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

Legal Reference:	Neb. Rev. Stat. § 79-1248
Date of Adoption:	January 14, 2025

## **3002. Funds Management**

The Board is responsible for the control of all funds of the ESUCC. Funds available to the Chief Executive Officer 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 by all ESUCC staff at least monthly to the Chief Executive Officer. Monthly financial reports shall be provided to and reviewed by the Board at each regular ESUCC Board Meeting.

Legal Reference:	Neb. Rev. Stat. § 79-1245
Date of Adoption:	January 14, 2025
Date(s) of Review:	July 23, 2025

### 3003. Financial Report

It is the responsibility of the Chief Executive Officer, with the assistance of the Treasurer, to gather relevant data and present to the at each regularly scheduled board monthly.

Legal Reference:	
Date of Adoption:	January 14, 2025

### **3004. Depository**

The Business Manager of the ESUCC shall deposit funds in depositories designated from time to time by the ESUCC Board. The Business Manager or other authorized staff shall ensure that the Chief Executive Officer and Board President have access to review all depository accounts, transactions, and statements, upon reasonable request.

Legal Reference:	Neb. Rev. Stat. §§ 77-2350 through 77-2350.1
Date of Adoption:	January 14, 2025
Date(s) of Review:	September 12, 2025

### **3005. Annual Financial Report**

The Chief Executive Officer shall ensure that the Nebraska Department of Education annual financial report and all other financial reports are filed according to state law. The Chief Executive Officer shall also ensure that any other required financial reports are completed and filed by any applicable deadlines.

Legal Reference:	NDE Rule 84
Date of Adoption:	January 14, 2025

### **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.

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.

Legal Reference:	Neb. Rev. Stat. § 79-1229 NDE Rule 1
Date of Adoption:	January 14, 2025

## 3007. Purchasing

Purchase orders will be written solely under the direction of the Chief Executive Officer.

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 Chief Executive Officer.

### 1. Contract Signing Authority

The Chief Executive Officer and/or President of the Board are authorized to sign documents in the exercise of the necessary course of business activities to the full extent authorized by law.

### 2. Purchases of Equipment and Supplies

- A. Purchases up to \$20,000 Open Market. The Chief Executive Officer or designee shall be authorized to purchase any single item specifically budgeted up to \$20,000. Official action by the Board shall be requested by the Chief Executive Officer where it is required by law or in those instances where it appears to the CEO to be in the best interests of the ESU. The purchase of items in excess of \$20,000 shall require Board approval.
- B. Purchases from \$20,000 up to \$100,000—Solicit Proposals. The Chief Executive Officer or designee shall typically request the submission of bids, quotes or proposals for purchases, which have a cost from \$20,000 up to \$100,000. The Chief Executive Officer or designee shall endeavor to receive and evaluate all proposals and make a recommendation to the Board for acceptance. The Board reserves the right to reject any and all proposals, to waive any informality in any proposal, and to accept the proposal that it deems best serves the interests of the ESU; which may or may not be the lowest cost proposal. In instances where bids, quotes, or proposals would not be feasible or in the best interest of the ESUCC, the CEO may waive such requirement and report such waiver to the Board.
- C. Purchases of \$100,000 and above—Sealed Bids. The Chief Executive Officer or designee shall advertise for sealed bids for purchases which have a cost of greater than \$100,000.
  - i. Bid instructions and specifications. The Chief Executive Officer or designee shall prepare bid instructions that are clear and complete and conducive to competitive bidding. The bid instructions shall set forth all considerations necessary to bid and be consistent with any guidelines established by the Board.

- ii. Advertisement. The notice to bidders shall be published appropriately in a manner that will allow for competition. Vendors and suppliers shall be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed or made available to all vendors or suppliers who have indicated an interest in bidding.
- iii. Sealed bids. Bids must be submitted in sealed envelopes, addressed to the Board, and plainly marked with the name of the bid and the time of the bid opening.
- iv. Withdrawal of Bids and Late Bids. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered.
- v. Bid Opening. Bids shall be opened at the time specified and all bidders and other persons shall be invited to be present. After the bids have been opened and tabulated, they shall be available for those interested to copy or study. They shall not, however, be removed from the ESU's offices.
- vi. Right to Reject. The Board reserves the right to reject any or all bids and to accept the bid which appears to be in the best interest of the ESU. Each bid notice should carry the notification that the ESU reserves the right to accept or reject any or all bids.
- vii. Right to Waive Bid Formalities. The Board reserves the right to waive any informality in, or reject any or all bids, or any part of any bid, as consistent with law.
- viii. Right to Waive Sealed Bids. In instances where bids, quotes, or proposals would not be feasible or in the best interest of the ESUCC, the CEO may waive such requirement and report such waiver to the Board.

### **3. Purchases or Contracts for Construction, Remodel, or Repair**

Notwithstanding anything to the contrary, every construction, remodel, or repair project involving a building or site improvement shall be governed by the applicable statutory bidding and approval process. In these instances, the Chief Executive Officer shall ensure that the ESUCC follows the statutory bid requirements. The Chief Executive Officer will keep the Board reasonably informed of said bid progress.

### **4. Federal Awards, Grants, and Requirements**

To the extent that any federal grant, award, or other appropriate requires additional bidding and/or reporting obligations for the procurement of any good or service, those federal obligations shall trump anything to the contrary in this Policy.

### **5. Payments to Avoid Late Fees**

Notwithstanding anything to the contrary, the Chief Executive Officer is delegated the authority to pay any invoice, statement, or other charge (including a credit card bill) prior to the Board's approval if the payment would prevent the ESUCC from incurring late fees, penalties, or interest. Prior to such payment, the CEO must notify and receive approval from the Board President. After such payment is made, the ESUCC Board will vote on whether to ratify such payment at the next regular Board meeting.

Legal Reference:	Neb. Rev. Stat. § 49-1401, et seq
Date of Adoption:	January 14, 2025

### 3008. Credit Card Purchasing Program

1. The ESUCC Board authorizes the Chief Executive Officer or designee to one or more financial institutions, card-issuing banks, credit card companies, charge card companies, debit card companies, or third-party merchant banks capable of operating a purchasing card program on behalf of the ESUCC.
2. The ESUCC Board delegates to the Chief Executive Officer or designee: (a) the determination of the type of purchasing card or cards to be utilized in the ESUCC's purchasing card program; and (b) the determination of which employees shall be approved or disapproved to be assigned a purchasing card in the ESUCC's purchasing card program. Annually, the Chief Executive Officer shall submit the approved names to the ESUCC Board.
3. The ESUCC's purchasing card program may only be utilized for the purchase of goods and services for and on behalf of the ESUCC. No officer or employee of the ESUCC shall use a purchasing card for any unauthorized use.
4. An itemized receipt for purposes of tracking expenditures shall accompany all purchasing card purchases. In the event that a receipt does not accompany an authorized cardholder's purchase, the Chief Executive Officer or designee shall temporarily or permanently suspend said cardholder's purchasing card privileges.
5. Upon the termination or suspension of employment of an individual using a purchasing card, the Chief Executive Officer or designee shall immediately close such individual's purchasing card account and said employee shall immediately return the purchasing card.

Legal Reference:	Neb. Rev. Stat. § 13-610
Date of Adoption:	January 14, 2025

### **3009. 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.

Legal Reference:	Neb. Rev. Stat. § 86-611
Date of Adoption:	January 14, 2025

### **3010. ESUPDO Affiliate Groups**

The ESUCC will approve ESUPDO affiliate groups, comprised of ESU employees across the Nebraska ESUs, when the affiliate structure is revised.

Legal Reference:	
Date of Adoption:	January 14, 2025

### 3011. Distance Education Project

The Distance Education project works to build, improve and maintain the state's distance education network.

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, whose 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 Chief Executive Officer and, ultimately, to the Board.

Legal Reference:	
Date of Adoption:	January 14, 2025
Date(s) of Review:	July 23, 2025

### 3012. Conflict of Interest and Code of Conduct

1. Board and staff member conflicts of interest are governed by the ESUCC conflict of interest policies.
2. Purchases covered by this policy are subject to the following additional provisions.
  - a. Employees, officers, and agents engaged in the selection, award, and/or administration of ESUCC contracts which are prohibited from engaging in such actions if the employee, officer, or agent has a real or apparent conflict of interest is present.
  - b. Such a conflict of interest would typically 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 under consideration.
  - c. The Board may determine at its discretion that a financial interest is not substantial enough to give rise to a conflict of interest.
3. Enforcement
  - a. The Chief Executive Officer and/or Board may take appropriate disciplinary authority against any individual who violates this Conflict of Interest Policy.
  - b. Disciplinary Actions will be applied for violations of such standards by officers, employees, or agents of the ESUCC at the board's discretion.

Legal Reference:	Neb. Rev. Stat. § 49-1425 Neb. Rev. Stat. §§ 49-14,101, et seq Neb. Rev. Stat. § 79-818; Neb. Rev. Stat. § 79-544
Date of Adoption:	January 14, 2025

### 3013. 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.

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 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 Chief Executive Officer, with input from the Coop Director, shall determine the staffing needs for any support personnel to the Coop program.

Institutions and entities that participate in the cooperative purchasing program 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. Participating institutions and entities 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. Participating institutions and entities districts are responsible for accepting conforming goods and services and rejecting non-conforming goods and services as permitted by law.

Legal Reference:	
Date of Adoption:	January 14, 2025

### 3014. Coffee Act Policy (Reimbursable Expenses)

1. Workshops. Board members, employees and volunteers of the ESUCC are expected to maintain effectiveness by being well informed on educational and related issues and are encouraged to diligently perform their required duties, attend educational workshops, conferences, training programs, official functions, hearings or meetings which are necessary to perform required duties, sponsored by the ESUCC or State and national educational organizations or which are otherwise in the best interests of the ESUCC.
  - a. Approval to Attend. Staff designated by the ESUCC Chief Executive Officer, as well as Board members, are hereby given prior approval by the ESUCC Board to attend such functions within the State which are sponsored by this ESUCC, the Nebraska Association of School Boards, the Nebraska Council of School Chief Executive Officers, the Nebraska Rural Community Schools Association, Association of Educational Service Agencies, and similar organizations, without additional or further approval by the Board, unless otherwise so determined by the Chief Executive Officer and Board President. Upon approval by the Board or, in the case of in-state functions, by the Chief Executive Officer or designee, Board members are further authorized to attend other similar functions.

Employees and volunteers are authorized to attend such functions upon prior approval by the Chief Executive Officer or designee.

- b. Reimbursement of Expenses. The ESUCC will pay the registration costs, tuition costs, fees or charges for attendance by staff at such approved functions. The ESUCC will pay mileage at the rate allowed by law (the rate established by the Department of Administrative Services) or actual travel expenses if travel is authorized by commercial means. The ESUCC will pay for meals and lodging at a rate not exceeding the applicable federal rate, unless a fully itemized claim is submitted substantiating the costs actually incurred in excess of such rate and such additional expenses are expressly approved by the Board.

For employees and volunteers, the ESUCC will pay costs and make reimbursements in the same manner as provided above for Board member attendance, unless otherwise established by policy, Board action, or contract.

2. Meeting Refreshments. Non-alcoholic beverages may be provided to individuals attending public meetings. Meals may be provided to Board members, employees and volunteers attending joint meetings with other governing bodies. When the Board President or Chief Executive Officer determines it to be in the best interests of the ESUCC and not in the form of a requirement, because of timing or duration of a meeting or ESUCC activity, or other factors, the Board authorizes other nutritional refreshments

to be provided to persons attending public meetings or in other appropriate or necessary situations.

3. Spouses. This policy does not authorize the expenditure of public funds to pay for any expenses incurred by a spouse of a Board member, employee, or volunteer unless the spouse is also a Board member, employee or volunteer or unless the expenditure is otherwise permitted by law.
4. General. Payment or reimbursement for expenses incurred by Board members, employees or volunteers may be allowed to the extent otherwise specifically permitted by law. The authority necessary to carry out the provisions of this policy should be and is hereby delegated from the Board to the designated officials as indicated herein.

Legal Reference:	Neb. Rev. Stat. §§ 13-2201 to 13-2204 Neb. Rev. Stat. § 79-546
Date of Adoption:	January 14, 2025

### 3015. Disposal of Property

The Chief Executive Officer or designee is authorized and directed to dispose of books, furniture, equipment, real estate and other property which is no longer of use to the ESUCC. Items which are of little or no value may be discarded or recycled, as appropriate. Items which are discarded remain the property of the ESU until no longer within its control. As such, employees are not permitted to retrieve discarded items from the trash for personal use without express permission of the Chief Executive Officer or designee, and proper payment where determined appropriate.

Items to be disposed of which have more than minimal value may be sold by private sale, auction, trade-in, or by taking bids and selling to the highest or most responsible bidder. The Board shall approve the sale of any items or related grouping of items which have a value in excess of \$5,000.

The following procedures shall be followed for an auction or when taking bids:

1. The intention to sell shall be publicized on the ESUCC's website and via any other means calculated to notify potential bidders.
2. Real estate will be sold to the highest bidder, except that a minimum acceptable price may be established prior to bidding.
3. Items shall in general be sold to the highest offer or highest bidder. However, where the item or related grouping of items which has a value less than \$5,000, preference may be given to, and a lower offer accepted from, buyers within the following order of priority: an ESU, a school district in Nebraska, another political subdivision within the State of Nebraska, and a charitable organization active within the State of Nebraska.

Items which are offered for sale in an approved manner which are not sold after a reasonable period of time may be considered to have no value and may be disposed of as determined by the Chief Executive Officer or designee and reported to the Board.

Legal Reference:	Neb. Rev. Stat. § 79-10,114
Date of Adoption:	January 14, 2025

### **3016. Chain of Command**

Each staff member of the ESUCC shall report to and follow the directives of the Chief Executive Officer. The Chief Executive Officer may designate staff members to supervise other ESUCC employee(s). In a situation where an ESUCC employee has a question or concern, the employee should address those concerns directly with their immediate supervisor. If the employee and immediate supervisor are unable to resolve a question or concern, the employee and immediate supervisor may then request a meeting with the Chief Executive Officer to discuss the matter. If the employee and Chief Executive Officer are unable to resolve the dispute, then the employee may appeal the Chief Executive Officer's decision to the ESUCC Board or a Committee of the ESUCC Board, as determined by the ESUCC Board President. The ESUCC Board or Committee's decision will be final.

For all staff members employed by ESU 17 and who are contracted by the ESUCC and/or designated by ESU 17 to provide services or support to the ESUCC, those ESU 17 employees shall report and follow the directives of the ESUCC Chief Executive Officer or other person designated by the Chief Executive Officer. Those ESU 17 employees shall also follow the workplace rules, policies, procedures, and expectations of the ESUCC. In a situation where those ESU 17 employees have a question or concern, the employee should address those concerns directly with their immediate supervisor, as designated by the Chief Executive Officer. If the employee and their immediate supervisor are unable to resolve the question or concern, the employee and immediate supervisor may then request a meeting with the Chief Executive Officer to discuss the matter. If the matter is still not resolved, then the employee may appeal the Chief Executive Officer's decision to the ESUCC Board or a Committee of the ESUCC Board, as determined by the ESUCC Board President. Any Committee designation by the Board President shall include the ESU 17 Administrator on the Committee. The ESUCC Board or Committee's decision will be final.

Date of Adoption:	January 14, 2025
-------------------	------------------

# **Article 4**

## **Human Resources**

## 4001. Purpose

ESU 17 provides staffing services to ESUCC pursuant to contract and will serve as ESUCC's Human Resources Division.

ESUCC personnel are employed 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 Board delegates to the CEO the authority to interview and recommend the hiring by ESU #17 of all personnel in order to allow personnel to begin working as soon as the CEO determines that it would be in the best interests of ESUCC. The CEO will keep the ESUCC Executive Committee informed of any potential personnel changes and the possibility of any new hires. The CEO will report on all personnel hires to the ESUCC Board at the next regular board meeting. At that time, the ESUCC Board may affirm the CEO's hiring decisions or reject a hiring decision. If the Board rejects a hiring decision, then the ESUCC shall compensate ESU 17 for the time that the employee actually performed work for the benefit of ESUCC.

Any new job position that would be paid for, in whole or in part, by ESUCC funds must be approved by the ESUCC Board before the CEO may offer the job to any person.

Legal Reference:	Neb. Rev. Stat. § 79-1245, et seq
Date of Adoption:	April 14, 2025

## 4002. Employee Classifications

The ESUCC classifies their staff contracted from ESU 17 into three general categories:

1. Certificated employees are employees performing duties requiring a certificate issued or license accepted by the Commissioner of Education. Certificated employees must maintain all licensure or certification required by the position as a condition of continued employment. The certificated employee must immediately report the loss or suspension of licensure or certification to their immediate supervisor and the appropriate staff member in Human Resources.
2. Professional employees who are exempt under the Fair Labor Standards Act but do not hold a certificate or license accepted by the Commissioner of Education.
3. 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.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

### **4003. Job Descriptions**

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

Job descriptions may be updated as determined by the Chief Executive Officer and ESU 17 Administrator. Each employee must follow the applicable job description and the directives of their supervisor.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

#### **4004. Selection and Assignment of Employees**

The process for the selection and assignment of staff shall be identified in the Interlocal Agreement approved by ESU 17 and the ESUCC Board.

No employee or representative of the ESUCC, other than the ESUCC CEO, 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.

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, or any other protected status.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

## **4007. Personnel Records**

ESUCC assigned staff members from ESU 17 should consult the policies and employment handbooks of ESUCC regarding access to and maintenance of personnel records as designated in the Interlocal Agreement between ESU 17 and the ESUCC.

Legal Reference:	Neb. Rev. Stat. § 79-8,109
Date of Adoption:	April 14, 2025

## **4008. Separation of Employment**

The ESUCC Chief Executive Officer has the authority to notify the ESU 17 of the ESUCC's desire to remove any ESU 17 employee assigned to provide services to the ESUCC. The ESUCC has the authority to process all retirements, resignations, cancellations, contract amendments, non-renewals and terminations of employment for any employee employed by the ESUCC, pursuant to law.

The ESUCC Board President has the authority to notify ESU 17 of the ESUCC Board's desire to remove the ESUCC CEO from the ESUCC.

Legal Reference:	Neb. Rev. Stat. § 79-1234, et seq
Date of Adoption:	April 14, 2025

## 4009. Compensation

Compensation of ESUCC employees may be established by the Chief Executive Officer, except the ESUCC Board will establish the Chief Executive Officer's compensation.

The length of the typical workday shall be 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 at the rate of one and one-half (1 ½) hours of for each hour of overtime the staff member worked. All overtime must be approved in advance by the Chief Executive Officer. Any compensatory time must be used in the same pay period in which it was received. 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.

Upon termination of employment, an employee shall be paid for unused compensatory time at a rate of compensation.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

## 4011. Reimbursements

The ESUCC Board or its Chief Executive Officer 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 or information required by the Chief Executive Officer 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 three (3) months after submission for reimbursement.

Travel reimbursement will usually 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 reimbursement requests. No reimbursements will be issued for above the IRS per diem amount unless authorized by the ESUCC Chief Executive Officer and/or ESUCC Board.

Legal Reference:	Neb. Rev. Stat. § 81-1176
Date of Adoption:	April 14, 2025

## **4012. Employee Benefits Compensation**

The costs of the various employee benefits will be borne by the ESUCC as determined and approved by the ESUCC Board. The ESUCC may contract with ESU No. 17 for other benefits provided to ESU No. 17 staff members assigned to ESUCC projects.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

## 4013. Leave Time

ESUCC employees must follow the applicable handbook and supervisor directives on acceptable leave procedures.

The type and number of leave days for which an ESUCC employee is eligible will be provided and maintained by the Chief Executive Officer or designee.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

#### **4014. Workers' Compensation**

Employees are required to report any work-related injury and/or work-related medical condition to the Chief Executive Officer and ESU No. 17 Administrator immediately (or as soon as reasonably practical) and complete all appropriate paperwork requested by the Chief Executive Officer or ESU No. 17 Administrator.

Legal Reference:	Neb. Rev. Stat. § 48-101, et seq
Date of Adoption:	April 14, 2025

## 4015. Tort Claims

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

Legal Reference:	Neb. Rev. Stat. § 13-905, et seq
Date of Adoption:	April 14, 2025

## **4016. Outside Employment / Non-ESUCC Employment**

Employees shall not perform any outside work or services during their ESUCC working hours. In addition, employees shall not engage in outside employment which conflicts with their duties for or the purpose of the ESUCC (such as working for a competing software program or outside agency that provides comparable services). Any ESUCC employee who considers a secondary job that might conflict with their duties (or give the appearance of conflicting) with the ESUCC must notify the Chief Executive Officer in writing and receive advance written permission from the Chief Executive Officer before accepting such outside employment.

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

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

## **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, military or veteran status, or other protected status, is specifically prohibited.

Any staff member who observes or suspects any harassment, discrimination, or unlawful conduct in the workplace must report and follow the ESUCC's Non-Discrimination Policy 5005.

Legal Reference:	Neb. Rev. Stat. §
Date of Adoption:	April 14, 2025
Date(s) of Revision:	July 23, 2025

## 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 Chief Executive Officer of the use, and must secure the Chief Executive Officer'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.

Legal Reference:	Neb. Rev. Stat. § 79-1245, et seq
Date of Adoption:	April 14, 2025

## 4019. De Minimis Use of Public Resources

The ESUCC prohibits its 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;
- Traveling to or from the person’s home when the primary purpose serves the interests of the ESUCC. If an employee is unsure whether the primary purpose serves the interests of the ESUCC, 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 ESUCC-owned computer programs, such as Word, Excel, Adobe, and others for personal purposes while off duty;
- Other uses by employees authorized by the Chief Executive Officer or designee. The board authorizes the Chief Executive Officer 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 employee to account for their own tax liability, and the ESUCC will not indemnify or account for any personal use of public resources by any Council 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.

Legal Reference:	Neb. Rev. Stat. § 49-1401, et seq
Date of Adoption:	April 14, 2025

## 4020. Equal Opportunity Employment

The ESUCC is an equal opportunity employer. It is the policy of the ESUCC to employ the best qualified applicant for each position without regard to sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, military or veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, and to not fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's sex, disability, race (including skin color, hair texture and protective hairstyles), color, religion, military or veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status.

Legal Reference:	Title VI--34 CFR §100 et seq. Title VII--42 U.S.C. §2000e, et seq. Title IX--20 U.S.C §1681; 34 CFR 106.1 et seq. ADEA--29 U.S.C. §621 et seq. ADA-42 U.S.C. §12101 et seq.; 28 CFR §35.101 et seq. Rehabilitation Act of 1973, Section 504--29 U.S.C. §791, et seq.; 34 CFR §104, et seq. Nebraska Fair Employment Practices Act, Neb. Rev. Stat. §§48-1101 to 48-1126; Neb. Rev. Stat §20-168
Date of Adoption:	April 14, 2025
Date(s) of Revision:	July 23, 2025

## 4021. Drug-Free Workplace

The ESUCC is a drug-free workplace. The drug-free workplace for this purpose includes ESUCC property (and property leased by the ESUCC), ESUCC-utilized vehicles, any place in which ESUCC employees perform duties, and any place in which ESUCC activities are held. The ESUCC recognizes that the use, possession, or being under the influence of illicit drugs or alcohol constitutes a hazard to the positive development of students and employees and a substantial interference with the ESUCC's mission and goals.

Employees are also prohibited from possessing, using or distributing illicit drugs or alcohol, or being under the influence of illicit drugs or alcohol, on any ESUCC property or at any ESUCC sponsored event. Any level of impairment from illicit drugs, alcohol, or inhalants, and the presence of any odor of illicit drugs (such as marijuana) or alcohol in the work place or on duty time shall be a violation of the drug-free workplace. The possession or distribution of a look-alike drug or look-alike controlled substance is also prohibited. In addition, employees are expected to serve as role models for students and will be considered to have violated the ESUCC's expectations in the event the employee commits a criminal drug or alcohol offense off the work place or off duty time. As a condition of employment, ESUCC employees will abide by the ESU's drug-free workplace policy.

Legal Reference:	41 U.S.C. §§ 701 to 707 (Drug-Free Workplace Act of 1988)
Date of Adoption:	April 14, 2025

## 4022. Notification of Arrest

Employees must notify the Chief Executive Officer by the next business day after any of the following occur:

1. Arrest or Criminal Charges. The employee is arrested, ticketed, or issued a criminal charge where:

- a. The maximum penalty for the crime equals or exceeds six months incarceration;
- b. The crime relates to abuse, neglect or endangerment of a minor, a minor was allegedly a victim or a witness, or the crime involves alleged sexual misconduct;
- c. Conviction would impact performance of employee's job responsibilities, including offenses that:
  - i. Would impact the responsibility to be a role model for students or relations with other employees of the ESUCC or schools served by the ESUCC; or
  - ii. Would impact the employee's ability to operate a motor vehicle if the employee at times needs to travel during duty time.
- d. The arrest or the alleged criminal activity occurred while the employee was on duty, on property of the ESUCC or a school, or in an ESUCC utilized vehicle, or at a ESUCC-supervised activity or ESUCC-sponsored function.

2. Certificate or License. The employee becomes aware that a complaint has been filed against the employee that could affect a certificate or license required for the employee's position. This includes proceedings of the Nebraska Department of Education related to an alleged violation of the NDE Standards of Conduct and Ethics, Chapter 27, and proceedings of the Health and Human Services related to an alleged violation of the professional standards of conduct for the employee's position.

3. Child Abuse. The employee becomes aware that a report of child abuse or neglect has been made against the employee. employees must give full disclosure of any child abuse or neglect investigation that resulted in an "inconclusive" determination that occurred at any time.

Employees must give full disclosure of the existence and nature of the above proceedings and must also promptly notify the Chief Executive Officer of the disposition of the proceedings. The failure to notify as required under this policy may subject the employee to disciplinary action, up to and including termination of employment.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	April 14, 2025

## 4023. Weapons

ESUCC employees shall not bring or possess a weapon in any facility or in any vehicle owned or under the control of ESUCC or, while on duty, on any school property or at any ESUCC or school activity. This prohibition includes employees with a permit to carry a concealed handgun. Possession of a weapon includes, without limitation, a weapon in an employee's personal possession or control, including a weapon in an employee's motor vehicle, desk, locker, backpack or purse. Any employee found to be in violation of this policy shall be subject to disciplinary action, up to and including termination.

Legal Reference:	Neb. Rev. Stat. § 69-2441
Date of Adoption:	April 14, 2025

## 4024. FMLA

Family and medical leaves shall be allowed under the terms and conditions of the Family and Medical Leave Act of 1993 (FMLA) as amended.

A “leave year” for purposes of the FMLA shall be a “rolling” twelve-month period, measured backward from the date of any FMLA usage.

Substitution of accrued paid leaves for otherwise unpaid FMLA leaves may be required at the discretion of the Chief Executive Officer or the ESUCC Board. The employee may also have paid leave run concurrently with unpaid FMLA leave entitlement, provided the employee meets applicable eligibility requirements.

Employees may be required to submit medical certifications to support a request for FMLA leave because of a serious health condition, or a sick leave, when such leave is for a duration in excess of five successive days, and in such other cases as deemed appropriate by the Chief Executive Officer or the ESUCC Board based on the nature of the illness or other circumstances surrounding the leave. Second and third medical opinions may, in the Chief Executive Officer or the Board’s discretion, be required. Employees shall be required to report periodically, at such times as requested by the Chief Executive Officer or the Board, on their intent to return to work from FMLA leaves and other leaves. Employees may be required to submit a fitness-for-duty certification from their health care provider as a condition of returning to work from a FMLA leave taken because of the employee’s serious health condition when a certification is deemed appropriate by the Chief Executive Officer or the Board based upon the nature of the illness or other circumstances surrounding the leave.

Legal Reference:	29 USC Sections 2611 to 2618 29 CFR Part 82
Date of Adoption:	April 14, 2025

## **4025. Military and Family Military Leave**

Military leave and family military leave will be granted to the extent required by state and federal law.

Employees requesting military leave must notify the Chief Executive Officer as soon as they receive notification of activation. Employees are to attach a copy of their orders to a leave request form when they prepare the request for military leave.

Employees requesting to take family military leave under the Nebraska statutes must notify the Chief Executive Officer at least 14 days in advance of taking such a leave if the leave will be for 5 or more consecutive days, consult with their supervisor to schedule the leave so as to not unduly disrupt operations of the ESUCC. For leaves of less than 5 days, the employee is to notify the Chief Executive Officer of the leave request as soon as practicable.

Family military leave under the FMLA will be provided in accordance with that law and subject to the provisions of the Board policy pertaining to FMLA leave.

Legal Reference:	Neb. Rev. Stat. §§ 55-160 to 55-166 Neb. Rev. Stat. §§ 55-501 to 55-507 29 U.S.C. §§ 2611, et seq.; 29 CFR Part 825 (FMLA) 38 U.S.C. §§ 4301 to 4333; 20 CFR Part 1002 (USERRA)
Date of Adoption:	April 14, 2025

## 4026. Adoption Leave

Adoption leave will be permitted to be taken by an adoptive parent for the same time and on the same terms as an employee is permitted to take a leave of absence upon the birth of the employee's child.

The adoptive parent leave of absence begins following the commencement of the parent-child relationship. The parent-child relationship commences, for purposes of adoption leave, when the child is placed with the employee for purposes of adoption. The employee shall be deemed to have waived any adoptive leave days not taken following the commencement of the parent-child relationship, except as the Administrator and the employee may otherwise agree. Advance notice of an anticipated adoption shall be provided by the employee to the Administrator as early as possible.

Legal Reference:	Neb. Rev. Stat. § 48-234
Date of Adoption:	April 14, 2025

## **4027. Jury Duty Leave**

An ESUCC employee who is summoned for jury service must promptly notify the employee's immediate supervisor. The employee will be allowed time off for jury duty. There will be no loss of salary or deduction in leave time for time spent in jury services. The ESUCC may, at its discretion, reduce salary by an amount equal to any compensation, other than expenses, paid by the court for jury duty.

If an employee reports for jury duty in the morning and is then dismissed from jury duty for the remainder of the day, the employee is to report for work and resume duties for the balance of the day, except as may be otherwise arranged by the employee's immediate supervisor.

Legal Reference:	Neb. Rev. Stat. § 25-1640
Date of Adoption:	April 14, 2025

## **4028. Subpoena to Testify Leave**

An ESUCC employee must promptly notify the employee's immediate supervisor when the employee receives a lawfully issued subpoena to testify in court or to give a deposition that may require an absence from duty.

In the event the subpoena involves a job-related matter in which the employee is testifying on behalf of the ESUCC, the absence will be treated similar to a jury duty leave.

In the event the subpoena involves a personal matter, the employee will be required to use available leave days. A subpoena will be considered to involve a personal matter whenever the employee or a family member or friend of the employee is a party to the legal proceeding, unless the employee's involvement in the legal matter is solely due to actions taken in connection with the employee's work duties, the actions of the employee were not inappropriate, and the ESUCC is not an opposing party in the legal matter.

Legal Reference:	Neb. Rev. Stat. § 25-1223
Date of Adoption:	April 14, 2025

## **4029. Non-Discrimination**

### **A. Policy of Non-Discrimination**

ESUCC does not discriminate on the basis of any protected status in its programs and activities. Reasonable accommodations will be provided to employees with disabilities and to those who are pregnant, have given birth, or have a related medical condition, as required by law. Complaints or concerns involving discrimination should be addressed to:

ESUCC Chief Executive Officer, 6949 S. 110th Street, LaVista, NE 68128 (402) 597-4843.

Complaints or concerns involving discrimination or needs for accommodation or access should be addressed to the appropriate Coordinator.

For further information about anti-discrimination laws and regulations, or to file a complaint of discrimination with the Office of Civil Rights in the U.S. Department of Education (OCR), please contact the the Assistant Secretary for Civil Rights of the United States Department of Education at One Petticoat Lane, 1010 Walnut Street, 3<sup>rd</sup> Floor, Suite 320, Kansas City, Missouri 64106, (816) 268-0550 (voice), Fax (816) 268-0599, (800) 877-8339 (telecommunications device for the deaf), or [ocr.kansascity@ed.gov](mailto:ocr.kansascity@ed.gov).

ESUCC is committed to offering employment and educational opportunities to its employees in a climate free of discrimination. Accordingly, unlawful discrimination, harassment and retaliation of any kind by ESUCC employees, including co-workers, non-employees (such as volunteers), third parties, and others is strictly prohibited and will not be tolerated.

### **B. Harassment**

Harassment is a form of discrimination and includes verbal, non-verbal, written, graphic, or physical conduct relating to any protected status that is sufficiently serious to deny, interferes with, or limits a person's ability to participate in or benefit from an educational or work program or activity, including, but not limited to:

1. Conduct that is sufficiently severe or pervasive to create an intimidating, hostile, or abusive educational or work environment, or
2. Requiring an individual to endure the offensive conduct as a condition of continued employment or educational programs or activities, including the receipt of aids, benefits, and services.

Educational programs and activities include all academic, educational, and other programs of the ESUCC, whether those programs take place in an ESU facility, in an ESUCC vehicle, at a class or training program sponsored by the ESUCC at another location, or elsewhere.

Discriminatory harassment because of any protected status may include, but is not limited to:

1. Name-calling,
2. Teasing or taunting,

3. Insults, slurs, or derogatory names or remarks,
4. Demeaning jokes,
5. Inappropriate gestures,
6. Graffiti or inappropriate written or electronic material,
7. Visual displays, such as cartoons, posters, or electronic images,
8. Threats or intimidating or hostile conduct,
9. Physical acts of aggression, assault, or violence, or
10. Criminal offenses.

If ESUCC knows or reasonably should know about possible harassment, including violence, ESUCC will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred and take appropriate interim measures, if necessary. If ESUCC determines that unlawful harassment occurred, ESUCC will take prompt and effective action to eliminate the harassment, prevent its recurrence, and remedy its effects, if appropriate. If harassment or violence that occurs off ESUCC property creates a hostile environment at ESUCC, ESUCC will follow this policy and grievance procedure, within the scope of its authority.

All ESUCC employees are expected to take prompt and appropriate actions to report and prevent discrimination, harassment, and retaliation by others. Employees who witness or become aware of possible discrimination, including harassment and retaliation, must immediately report the conduct to his or her supervisor or the compliance coordinator designated to handle complaints of discrimination.

#### C. Anti-retaliation

ESUCC prohibits retaliation, intimidation, threats, coercion, or discrimination against any person for opposing discrimination, including harassment, or for participating in ESUCC's discrimination complaint process or making a complaint, testifying, assisting, or participating in any manner, in an investigation, proceeding, or hearing. Retaliation is a form of discrimination.

ESUCC will take immediate steps to stop retaliation and prevent its recurrence against the alleged victim and any person associated with the alleged victim. These steps will include, but are not limited to, notifying employees, and others, that they are protected from retaliation, ensuring that they know how to report future complaints, and initiating follow-up contact with the complainant to determine if any additional acts of discrimination, harassment, or retaliation have occurred. If retaliation occurs, ESUCC will take prompt and strong responsive action, and those found in violation of this policy may be subject to discipline up to termination, if applicable.

#### D. General Grievance (or Complaint) Procedures

Employees or others should initially report all instances of discrimination, harassment or retaliation to their immediate supervisor or to the Compliance Coordinator designated to handle complaints of discrimination. If the employee or other person is uncomfortable in presenting the problem to the supervisor or if the supervisor or other person is the problem, the employee or any other person may report the alleged discrimination, harassment or retaliation ("discrimination") to the Compliance Coordinator.

If the Compliance Coordinator is the person alleged to have committed the discriminatory act,

then the complaint should be submitted to the President of the ESUCC Board.

Under no circumstances will a person filing a complaint or grievance involving discrimination be retaliated against for filing the complaint or grievance.

*1. Level 1 (Investigation and Findings)*

The Compliance Coordinator will review and evaluate each grievance, complaint, or report to determine if such grievance, complaint or report alleges sexual harassment under Title IX. If such a grievance, complaint or report alleges sexual harassment under Title IX, then the Compliance Coordinator will follow the Title IX Grievance Procedures. For all other grievances, complaints or reports, the Compliance Coordinator will follow the General Grievance Procedures. Once ESUCC receives a grievance, complaint or report alleging discrimination, harassment, or retaliation, or becomes aware of possible discriminatory conduct, ESUCC will conduct a prompt, adequate, reliable, thorough, and impartial investigation to determine whether unlawful harassment occurred. If necessary, ESUCC will take immediate, interim action or measures to protect the alleged victim and prevent further potential discrimination, harassment, or retaliation during the pending investigation. The alleged victim will be notified of his or her options to avoid contact with the alleged harasser, such as changing a class or prohibiting the alleged harasser from having any contact with the alleged victim pending the result of ESUCC's investigation. ESUCC will minimize any burden on the alleged victim when taking interim measures to protect the alleged victim.

ESUCC will promptly investigate all complaints of discrimination, even if an outside entity or law enforcement agency is investigating a complaint involving the same facts and allegations. ESUCC will not wait for the conclusion or outcome of a criminal investigation or proceeding to begin an investigation required by this grievance procedure.

ESUCC will aim to complete its investigation within a reasonably prompt time frame after receiving a complaint or report.

ESUCC's investigation will include, but is not limited to:

- a. An evaluation of all relevant information and documentation relating to the alleged discriminatory conduct.
- b. For allegations involving harassment, some of the factors ESU will consider include: 1) the nature of the conduct and whether the conduct was unwelcome, 2) the surrounding circumstances, expectations, and relationships, 3) the degree to which the conduct affected one or more students' education, 4) the type, frequency, and duration of the conduct, 5) the identity of and relationship between the alleged harasser and the suspect or suspects of the harassment, 6) the number of individuals involved, 7) the age (and sex, if applicable) of the alleged harasser and the alleged victim(s) of the harassment, 8) the location of the incidents and the context in which they occurred, 9) the totality of the circumstances, and 10) other relevant evidence.

- c. A review of the evidence using a “preponderance of the evidence” standard (based on the evidence, is it more likely than not that discrimination, harassment, or retaliation occurred?)

The Compliance Coordinator (or designated investigator) will complete an investigative report, which will include:

- a. A summary of the facts,
- b. Findings regarding whether discrimination, harassment or other inappropriate conduct occurred, and
- c. If a finding is made that discrimination, harassment or other inappropriate conduct occurred, the recommended remedy or remedies necessary to eliminate discrimination, harassment or other inappropriate conduct.

If someone other than the Compliance Coordinator conducted the investigation, the Compliance Coordinator will review, approve, and sign the investigative report. ESUCC will ensure that prompt, appropriate, and effective remedies are provided if a finding of discrimination, harassment, or retaliation is made. ESUCC will maintain relevant documentation obtained during the investigation and documentation supportive of the findings and any subsequent determinations, including the investigative report, witness statements, interview summaries, and any transcripts or audio recordings, pertaining to the investigative and appeal proceedings.

ESUCC will send concurrently to the parties written notification of the decision (findings and any remedy) regarding the complaint within one (1) week after the investigation is completed.

## *2. Level 2 (Appeal to the Board)*

If the party is not satisfied with the Coordinator’s determination, he or she may file an appeal in writing with the Board within five (5) working days after receiving the Coordinator’s determination. The Board President will review the appeal, the Coordinator’s determination, the investigative documentation and decision. The Board President will then decide whether to forward the grievance to the other ESUCC Board Members, a Committee of the ESUCC Board, or may affirm, reverse, or dismiss the grievance.

## *E. Confidentiality*

The identity of the complainant will be kept confidential to the extent required by state and federal law. ESUCC will notify the complainant of the anti-retaliation provisions of applicable laws and that ESUCC will take steps to prevent retaliation and will take prompt and strong responsive actions if retaliation occurs.

If a complainant requests confidentiality or asks that the complaint not be pursued, ESUCC will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or the request not to pursue an investigation, as long as doing so does not prevent ESUCC from responding effectively to the harassment and preventing harassment of other students. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged

perpetrator, ESUCC will inform the complainant that its ability to respond may be limited. Even if ESUCC cannot take disciplinary action against the alleged harasser, ESUCC will pursue other steps to limit the effects of the alleged harassment and prevent its recurrence, if warranted.

F. Title IX Grievance (or Complaint) Procedures for Sexual Harassment

The CEO shall develop procedures for Title IX complaints and shall ensure those procedures align with Title IX regulations and guidance from state and federal authorities. Those procedures shall be provided to employees when a suspected Title IX violation has occurred.

Legal Reference:	<p>Title VI, 42 U.S.C. Sec. 2000d, Title VII, 42 U.S.C. Sec. 2000e, Title IX; 20 U.S.C. Sec. 1681, and the Nebraska Fair Employment Practices Act, Neb. Rev. Stat. Sec. 48-1101 et seq.</p> <p>Age Discrimination in Employment Act (ADEA), the Older Workers Benefit Protection Act (OWBPA), 29 U.S.C. Sec. 621 et seq., and the Nebraska Age Discrimination in Employment Act, Neb. Rev. Stat. Sec. 48-1001 et seq.;</p> <p>Americans with Disabilities Act (ADA), 42 U.S.C. Sec. 12101 et seq.</p> <p>Section 504 of the Rehabilitation Act of 1973 (Section 504)</p> <p>Pregnancy Discrimination Act, 42 U.S.C. Sec. 2000e(k)</p> <p>Uniform Service Employment and Reemployment Rights Act (USERRA), 38 U.S.C. Sec. 4301 et seq.</p> <p>Neb. Rev. Stat. Sec. 79-2,115, et seq</p>
Date of Adoption:	May 6, 2025

## 4030. Chief Executive Officer Evaluation

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 Chief Executive Officer Evaluation promotes focused professional activity and professional growth, which, in turn, improves competency leading to improved outcomes. Therefore, the Chief Executive Officer will be appraised using the written evaluation plan and procedures approved by the ESU Coordinating Council.

The ESU Coordinating Council will conduct an annual evaluation of the job performance of the Chief Executive Officer and will follow timelines and procedures set by the ESUCC Executive Committee.

The Chief Executive Officer will provide a self-evaluation.

Specific annual goals or initiative areas will be reviewed as part of the annual Chief Executive Officer'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 Chief Executive Officer, and place it in the Chief Executive Officer's personnel file to be incorporated into the next cycle of evaluations.

The purpose of evaluating the CEO is not to micromanage the organization, but to provide oversight and public assurance that the policies are being effectively implemented. The evaluation process offers the ESUCC Board the avenue to strengthen communication with the CEO and is an ongoing process to enable the ESUCC Board the occasion to provide formal feedback for professional growth.

Legal Reference:	Neb. Rev. Stat. § 79-1247
Date of Adoption:	July 23, 2025

## 4031. ESUCC Employee Evaluations

The Board delegates to the CEO the responsibility of developing, organizing and implementing a system-wide program for evaluating ESUCC employees. The CEO shall develop effective evaluation procedures and instruments. The evaluation process is to be conducted in such a manner as to be consistent with and advance the mission and goals of ESUCC.

This evaluation policy is intended to set forth expectations for the administration and not to give rights to employees. As such, a failure to complete observations or evaluations of the designated duration and frequency shall not give the employee rights with regard to continued employment. Such failures, however, are to be considered in evaluating the responsible evaluator's performance.

1. Communication of Evaluation Process. Annual communication of the evaluation process to those being evaluated shall be made by providing a copy of the evaluation instrument to the staff at least one time each year.
2. Duration and frequency of observations and written evaluations. The duration and frequency of observations and written evaluations are to be as follows:
  - a. Probationary Employees.
    - i. Probationary employee for purposes of this evaluation policy means an employee who has served under a contract with the ESUCC for up to two successive years.
    - ii. Formal observations of probationary employees are to be based upon actual observations, including artifact observations, for up to one hour.
    - iii. Probationary employees are to be formally observed and evaluated at least one time per year.
  - b. Permanent Employees.
    - i. Permanent employee for purposes of this evaluation policy means an employee who has served under a contract with the ESUCC for at least two successive years.
    - ii. Formal observations of probationary employees are to be based upon actual observations, including artifact observations, for up to one hour.
    - iii. Permanent employees are to be formally observed and evaluated at least once every two years.
  - c. Employees' Responsibility. Employees are expected to inform the responsible evaluator of opportunities for observation or activities that would be conducive to an evaluation and to make themselves readily available to be evaluated. In the event the responsible evaluator has not initiated the evaluation process nearing the time within which an evaluation is to be completed, the employee has a responsibility to notify the responsible evaluator such that the evaluation can be completed when due.

- d. Informal Observations and Evaluations. Informal observations and evaluations may be conducted as the evaluator determines to be appropriate.
  - e. Additional Observations and Evaluations. The duration and frequency of observations and written evaluations is specified as a minimum expectation for the evaluators. Observations and evaluations of greater frequency or number than required may be conducted and made at the request of the employee or at the discretion of the evaluator.
3. Communication of Deficiencies. The evaluation process is to include documented communication to the evaluated employee specifying deficiencies, specific means for the correction of the noted deficiency, and an adequate timeline for implementing the concrete suggestions for improvement.

Employees may be assigned responsibility to provide suggestions for improvement plans or job growth strategies and shall have the duty of complying with such requests. Further, in the event improvement plans or other similar performance measures are implemented, employees shall have the duty to comply with such plans.

Employees are expected to be cooperative, professional, and to exhibit a willingness to improve performance and to accept constructive criticisms and suggestions of the evaluator.

4. Responses to Evaluations. Employees will be given seven calendar days from receipt of an evaluation in which to give a written response to the evaluation.
5. Plan for Training Evaluators. All evaluators shall be trained to use the evaluation system. Training sessions in the use of the evaluation system will be provided by the CEO or designee to all evaluators prior to their participation in evaluations. Refresher training is to be conducted as the CEO determines to be needed.

Legal Reference:	
Date of Adoption:	July 23, 2025

# **Article 5**

## **Technology**

## 5001. Information Security Policy

ESUCC will have an Information Security Program (ISP) which ensures availability, confidentiality, and integrity of ESUCC Technology Resources. The ISP will comply and align with other ESUCC policies and shall be based on the ESUCC Information Security Standards. The ESUCC Technology Division shall develop, maintain, and apply the ESUCC Information Security Standards, which are accessible on a need-to-know and protected basis.

The CEO shall designate an individual responsible to oversee, manage and implement the ISP. The CEO's designee shall review the ESUCC ISP annually, and update it as necessary.

To protect all Technology Resources of the ESUCC, this Policy and the ESUCC ISP applies to all faculty, staff, students, visitors, vendors, and contractors, and to all systems that access, store, or transmit ESUCC data. The principles of least privilege, least functionality, and defense in depth, shall be applied.

Legal Reference:	Neb. Rev. Stat. § 48-3510
Date of Adoption:	May 6, 2025

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

Any work created by any ESUCC staff member (including educational programs, software programs, and presentations) shall be considered a work for hire, and all legally applicable copyright and intellectual property rights will be considered and deemed the sole and exclusive property of ESUCC.

The ESUCC's employees, agents, and representatives have no authority and cannot authorize the use of these works by any other person or entity without the prior approval of the CEO or Board President. Any person or entity in Nebraska or outside of Nebraska wishing to implement, replicate, or in any other way use any works created or developed by the ESUCC staff can only do so by affirmative vote of the ESUCC board and pursuant to written permission from the ESUCC.

Legal Reference:	17 U.S.C. § 101, et seq
Date of Adoption:	May 6, 2025

### **5003. Personally Identifiable Student Data Items Maintained for School Services**

1. Personally Identifiable Student Data - Personally identifiable student data obtained or secured 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, or as otherwise permitted by law. This policy covers both paper and electronic data collected and released.
2. 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.

Legal Reference:	20 U.S.C. § 1232g
Date of Adoption:	May 6, 2025