

## Section 1 ESU Name and Mission

### A. ESU Name

The legal name of our educational service unit is “Educational Service Unit No. 17 of the State of Nebraska.” It may also be referred to as ESU 17, either with or without a number designation (No. or #).

Legal Reference:	§ 79-1202
Date of Adoption:	<u>August 13, 2018</u>

### B. Mission

The mission of ESU 17 is to provide innovation, leadership and services for each member school district so they are successful in reaching their targeted educational goals.

Legal Reference:	§ 79-1204
Date of Adoption:	<u>August 13th</u> , 2018

### C. Statutory Role

The statutory role of ESU 17 is to serve as an educational service provider in Nebraska’s system of elementary and secondary education. ESU 17 shall:

1. Act primarily as a service agency in providing core services and services identified and requested by member school districts;
2. Provide for economy, efficiency, and cost-effectiveness in the cooperative delivery of educational services;
3. Provide educational services through leadership, research, and development in elementary and secondary education;
4. Act in a cooperative and supportive role with the State Department of Education and school districts in development and implementation of long-range plans, strategies, and goals for the enhancement of educational opportunities in elementary and secondary education;
5. Serve, when appropriate and as funds become available, as a repository, clearinghouse, and administrator of federal, state, and private funds on behalf of school districts which choose to participate in special programs, projects, or grants in order to enhance the quality of education in Nebraska schools.
6. Provide core services to member school districts:
  - a. In order of priority, the core services are: (i) staff development which shall include access to staff development related to improving the achievement of students in poverty and students with diverse backgrounds; (ii)

- technology, including distance education services; and (iii) instructional materials services;
  - b. Core services shall improve teaching and student learning by focusing on enhancing school improvement efforts, meeting statewide requirements, and achieving statewide goals in the state's system of elementary and secondary education;
  - c. Core services shall provide schools with access to services that: (i) ESU 17 and its member school districts have identified as necessary services; (ii) are difficult, if not impossible, for most individual school districts to effectively and efficiently provide with their own personnel and financial resources; (iii) can be efficiently provided by ESU 17 to its member school districts; and (iv) can be adequately funded to ensure that the service is provided equitably to the public school districts.
  - d. Core services shall be designed so that the effectiveness and efficiency of the service can be evaluated on a statewide basis; and
  - e. Core services shall be provided by ESU 17 in a manner that minimizes the costs of administration or service delivery to member school districts. 7
1. 7Meet minimum accreditation standards set by the State Board of Education that will:
    - a. Provide for accountability to taxpayers;
    - b. Assure that educational service units are assisting and cooperating with school districts to provide for equitable and adequate educational opportunities statewide; and
    - c. Assure a level of quality in educational programs and services provided to school districts by the educational service units.
  8. In fulfilling its role and mission, ESU 17 may contract to provide services to:
    - a. Nonmember public school districts;
    - b. Nonpublic school systems;
    - c. Other educational service units; and
    - d. Other political subdivisions, under the Interlocal Cooperation Act and the Joint Public Agency Act.
  9. ESU 17 will not regulate school districts unless specifically provided pursuant to law.

Legal Reference:	§ 79-1204; NDE Rule 84.001.03-.06
Date of Adoption:	August 13th, 2018

D. Principal Office

The principal office of the ESU shall be: 207 North Main Street, Ainsworth, Nebraska.

Legal Reference:	§ 79-1220
Date of Adoption:	August 13th, 2018

E. Boundaries

The boundaries of ESU 17 are set and adjusted by the State Board of Education. A current copy of the boundaries of the ESU shall be kept in the principal office.

Any joint school district located in two or more counties shall be considered a part of the ESU in which the greater number of school-age children of such joint school district reside.

Legal Reference:	§ 79-1205; 79-1217(4)	
Date of Adoption:	August 13, 2018	

**Section 2 ESU Board**

A. Board's Name and Role

The ESU is governed by a board legally known as the “Board of Educational Service Unit No. 17.” The Board is responsible for the general control and direction of ESU 17.

Legal Reference:	§ 79-1217
Date of Adoption:	August 13th , 2018

B. Duties and Function of the Board

The Board functions as a policy-forming and legislative body, and in some circumstances, as a quasi-judicial body. The general duties and functions of the Board are as follows:

1. Policies: Adopt policies governing the organization and operation of the ESU that are appropriate to serve the role and mission of ESU 17 and meet requirements of law. The Board policies will be available for review upon request at the administrative office of the ESU. The Board may act to suspend policies for a specified purpose and limited time by a majority vote of the Board.
2. Personnel: Appoint and fix the compensation and duties of the Administrator and evaluate the Administrator's performance. The method for selecting the Administrator shall be determined by the Board and may include the use of Administrator Selection Services or committee(s) created by the Board for the sole purpose of identifying candidates for the position. With the advice of the Administrator, the Board shall also employ and fix the compensation and duties of professional and classified staff. The Board shall be responsible for taking action on personnel grievances and personnel contracts required pursuant to law or Board policy.

3. Budget: Provide for the preparation and adoption of the annual budget for the operations of the ESU, which shall include an itemized list of contemplated expenditures and expected revenue.
4. Services: Exercise final authority with regard to the determination of services to be provided to member school districts and contracted services to be provided to other schools or entities. The Board shall determine the participation of the ESU in providing supplementary educational services.
5. Purchases and Contracts: Approve purchases and contracts for which Board action is required pursuant to law or Board policy.
6. Audit: Cause a complete and comprehensive annual audit to be made of the books, accounts, records, and affairs of the ESU. The audits shall be conducted annually, except that the Auditor of Public Accounts may determine an audit of less frequency to be appropriate but not less than once in any three-year period. The Board may contract with the Auditor of Public Accounts or select a licensed public accountant or certified public accountant or firm of such accountants to conduct the audit and shall be responsible for the cost of the audit pursuant to the contract. Such audit shall be conducted in the same manner as audits of county officers. The original copy of the audit shall be filed in the office of the Auditor of Public Accounts.
7. Fulfill Mission: Take any other lawful and appropriate action to fulfill the ESU's mission.

Legal Reference:	§§ 79-1217 to 79-1224, § 79-1229 NDE Rule 84, section 3.04F
Date of Adoption:	August 13th, 2018

### **Section 3      ESU Board Members**

#### **A.      Election Districts**

After each decennial census the Board shall divide the territory of the educational service unit into at least five and up to twelve numbered election districts that are compact and contiguous and substantially equal in population. There are 8 election districts in ESU 17.

Board members are elected to represent the geographical boundaries of the educational service unit. One member is elected to represent each election district for the term provided by law.

Legal Reference:	§ 32-515; § 79-1217; § 79-1217.01
Date of Adoption:	August 13th, 2018

B. Filling Vacancies

Whenever a vacancy occurs on the Board, the remaining members of the Board shall appoint an individual residing within the election district for which the vacancy exists who meets the qualifications for the office to fill such vacancy for the balance of the unexpired term.

A “vacancy” may occur when, unless excused by a majority of the remaining members of the Board, a member is absent from the geographical boundaries of ESU \_\_\_ for a continuous period of sixty days at one time or from more than two consecutive regular meetings of the Board.

Legal Reference:	79-1217(2)
Date of Adoption:	August 13th, 2018

C. Role of Individual Board Members

The role of individual Board members is to express their position by voting on issues presented at duly called meetings of the Board. The Board of ESU 17 functions only when it takes official action at a duly called meeting of the Board. Individual Board members and individual Board officers can not bind ESU 17 or its Board to a contract or obligation and may not speak on behalf of the Board except when acting upon specific authority given by the Board.

Legal Reference:	<i>Busboom v. Southeast Nebraska Technical Community College</i> , 194 Neb. 448 (1975); <i>Markay v. School District No. 18</i> , 58 Neb. 479 (1899).
Date of Adoption:	August 13th, 2018

D. Orientation of New Board Members

The Board and the administrative staff shall assist each new member-elect to understand the Board’s functions, policies and procedures and operations of the ESU both before and after the member takes office. Each member-elect will be:

1. Given selected material on the functions of the Board and the ESU.
2. Invited to meet with the Administrator and other administrative personnel to discuss services they perform.
3. Invited to attend Board meetings.
4. Given copies of the policies and administrative regulations and other pertinent materials.

Legal Reference:	
Date of Adoption:	August 13th , 2018

E. Oath of Office

Board members before taking office shall take and sign the following oath or affirmation:

I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservations, or for purpose or evasions; and that I will faithfully and impartially perform the duties of the office of member of the Board of Educational Service Unit No. 17, according to law, to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence; and that during such time that I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence. So help me God.

Legal Reference:	§ 11-101 to § 11-101.03
Date of Adoption:	August 13th , 2018

F. Code of Ethics for Board Members

Board members of ESU 17, like all public officers in the State, “stand in a fiduciary relationship to the people whom they have been elected or appointed to serve. As fiduciaries and trustees of the public weal they are under an inescapable obligation to serve the public with the highest fidelity. In discharging the duties of their office they are required to display such intelligence and skill as they are capable of, to be diligent and conscientious, to exercise their discretion not arbitrarily but reasonably, and above all to display good faith, honesty and integrity. They must be impervious to corrupting influences and they must transact their business frankly and openly in the light of public scrutiny so that the public may know and be able to judge them and their work fairly. These obligations are . . . assumed by them as a matter of law upon their entering public office.”

To assure that the entire Board acts in accordance with the foregoing legal responsibilities and to ensure the effective functioning of the Board, each Board member will sign a Board-approved Code of Ethics for ESU 17 Board Members. The Code of Ethics is to be signed upon assumption of office and at each annual reorganization meeting.

Legal Reference:	<i>Nebraska Legislature on behalf of the State of Nebraska v. C. David Hergert</i> , 271 Neb. 976, 1011 (2006)
Related Policy:	Conflict of Interest Policies
Date of Adoption:	August 13th, 2018

G. Compensation of Board Members

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 Board may permit its members to participate in the ESU’s hospitalization, medical, surgical, accident, sickness, or term life insurance coverage or any one or more of such coverages. A Board member electing to participate in the insurance program of the ESU shall pay both the employee and the employer portions of the premium for such coverage.

If the Board opts to permit its members to participate in insurance coverage, the Administrator shall report quarterly at a Board meeting the board members who have elected such coverage. Such a report shall be made available in the ESU office for review by the public upon request.

Legal Reference:	§ 79-1217(3); § 79-1232
Related Policy:	Coffee Act Policy (Reimbursable Expenses)
Date of Adoption:	August 13th, 2018

**Section 4 Board Officers**

A. Officer Positions

The Board shall elect one of its members as president, one as vice president, and one as secretary. The Board shall employ a treasurer who shall be paid a salary to be fixed by the board.

Legal Reference:	§ 79-1218
Date of Adoption:	August 13th, 2018

B. President

The duties and responsibilities of the President include, but are not necessarily limited to, the following:

1. Call meetings of the Board.
2. Preside at all meetings of the Board.

3. Appoint board members to committees.
4. Serve as ex-officio member of all committees, unless such would create a violation of the open meetings law.
5. Send correspondence connected to the position of President.
6. Vote on any issue that may come before the Board.
7. Sign checks for payment listing upon the treasury for claims allowed by the Board.
8. Perform such other duties as required by law or by action of the Board.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 13th, 2018

C. Vice President

The Vice President is to assume all duties and responsibilities of the President when the President is absent.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 13th, 2018

D. Secretary

The duties and responsibilities of the Secretary include, but are not necessarily limited to, the following:

1. Assure that accurate records of all Board meetings are prepared and maintained.
2. Assure that all Board members are notified of all meetings of the Board.
3. Assure that required reports to county, state, and federal officials are prepared and submitted on a timely basis.
4. Be responsible for correspondence for and in the name of ESU 17 as authorized by the Board.
5. Sign all orders on the treasury for the payment of authorized claims.
6. Act as custodian of all documents, title papers, and records of the Board.
7. Assure that all legal notices are published.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 13th, 2018

E. Treasurer



The Board shall employ a Treasurer who shall be paid a salary to be fixed by the Board. The duties and responsibilities of the Treasurer include, but are not necessarily limited to, the following:

1. Be the custodian of all funds of the Board.
2. Attend all meetings of the Board.
3. Prepare and submit to the Board a written monthly report of the state of ESU 17 finances.
4. Pay out money of the Board only upon a check for payment listing signed by the President, or in the President's absence, by the Vice President, and countersigned by the secretary.
5. Assure that funds are placed in depositories approved by the Board and secured as required by law.
6. Assure that accurate accounts of all receipts and disbursements are kept.
7. Assure that accurate reports on the state of finances and other financial reports and statements as required by state and federal statute and board policy are prepared and submitted to the appropriate authority on a timely basis.

The treasurer shall give bond or evidence of equivalent insurance coverage, payable to the Board, in such sum as the Board shall determine conditioned for the faithful performance of the duties as treasurer of the Board and for the safekeeping and proper disbursement of all funds of the Board collected or received by the treasurer. Such bond shall be signed by a corporate surety company or insurance company authorized to do business within this state. Such bond or insurance coverage may be enlarged at any time the Board deems such enlargement necessary or advisable. The cost of such bond or insurance coverage shall be paid out of funds of the Board.

Legal Reference:	§ 79-1218; § 79-1221
Date of Adoption:	August 13th , 2018

F. Recording Secretary

The Board may employ a recording secretary who shall be paid compensation to be fixed by the Board. The duties of the recording secretary will include:

1. Notify members of the Board of all regular and special meetings.
2. Publish legal notices.
3. Keep accurate records of all Board meetings.
4. Act as custodian of all documents and records of the meeting of the Board.
5. Perform other duties as directed by the Board.

Legal Reference:	
Date of Adoption:	<u>August 13th</u> , 2018

G. Removal from Officer Position

A Board member may be removed from an officer position by a two-thirds (2/3rds) vote of the members of the Board.

Legal Reference:	
Date of Adoption:	<u>August 13th</u> , 2018

H. Filling Vacancy in Officer Position

In the event of a vacancy in an officer position, the Board shall elect a successor to serve the remainder of the officer’s term as officer.

Legal Reference:	
Date of Adoption:	<u>August 13th</u> , 2018

**Section 5 Board Committees**

A. Committees

Committees may be created by the President of the Board or by a majority vote of the Board.

Unless otherwise specifically provided, at the time of appointment, all Committees are hereby intended to be and shall operate as a “subcommittee” within the definition of Neb. Rev. Stat. § 84-1409(1)(b). As such, no meeting of any Committee may include a quorum of the Board. In addition, no Committee may hold hearings, make policy, or take formal action on behalf of the Board.

B. Appointments

The President shall appoint members of committees. However, the entire Board may by a majority vote take action in the first instance to make committee appointments, and may remove any existing committee members and appoint replacement members.

Legal Reference:	
Date of Adoption:	August 13th , 2018

B. Standing Committees

The standing committees may include: Budget/Finance, Negotiations, and Policy. Actions of and recommendations from committees are subject to approval of the Board, except as provided by law or Board policy.

Legal Reference:	
Date of Adoption:	August 13th , 2018

C. Temporary Committees

Temporary committees shall be established by the Board as deemed necessary for specific identified purposes. Final reports of all temporary committee meetings shall be reported to the Board for its information, recording, and necessary action.

Legal Reference:	
Date of Adoption:	August 13th , 2018

D. Committee Operations

No member or committee of the Board, or staff member of the Unit, shall have the power to act for the Board, or to imply an action on the part of the Board without specific approval authorized by the Board with record of such action recorded in the official minutes.

The Board or Administrator may refer business to a Committee; however, unless otherwise specifically provided, such Committee shall have no power or authority to hold hearings, make policy, or to make any determination or take or effect any formal action on behalf of the Board or the District. The role of a Committee is to gather and serve as an informational avenue only and to guide, make recommendations, and report directly to the Administrator on any referred business, regardless of who appointed same. No Committee may engage in the formation of tentative policy, act as an advisory committee to the Board or as instrumentalities exercising essentially public functions. Any such prohibited actions shall be null and void.

All Board members will be informed of meetings of standing and temporary committees. Committee reports shall be brought to the Board in written form whenever possible.

Legal Reference:	
Date of Adoption:	August 13th , 2018

**Section 6 Administration**

A. Concept of Administration

The administration of ESU 17 is responsible for the direction, coordination, and control of staff and programs in their efforts to achieve the mission and educational goals adopted by the Board within the guidelines established by Board policy and law.

To demonstrate leadership and to resolve the inevitable problems and obstacles which arise both internally and externally as well as its relations with the community, the Board expects the administration to specialize in the following:

1. Decision making and communication.
2. Planning, organizing, implementing, and evaluating.
3. Coordinating and guiding the various centers of power within the ESU and the community to enable people to work together as a team for the purpose of education that might not be possible if done separately.

The administration is expected to create and maintain appropriate mechanisms such as councils and committees to:

1. Foster good communications within the staff.
2. Allow representative members of the staff to have a voice in the development of policies and in the making of decisions affecting them.

Legal Reference:	§ 79-1219
Date of Adoption:	August 13th , 2018

B. Administrator

The Administrator to be employed by the Board shall be a person experienced in public school administration and shall hold at least a standard administrative certificate (and if first employed after January 2, 1989, shall hold a superintendent endorsement) issued pursuant to NDE Rule 21.

Legal Reference:	§ 79-1219 NDE Rule 21; NDE Rule 84.005.01
Date of Adoption:	August 13th , 2018

### C. Duties and Function of the Administrator

The Administrator is the chief executive officer of ESU 17. As chief executive officer, the Administrator is delegated the authority and responsibility for the overall administration of ESU 17 in all of its aspects. The Administrator shall carry out the executive and administrative functions in accordance with Board policies and in compliance with law.

The Administrator is delegated the authority and responsibility for the efficient execution of all decisions made by the Board concerning the internal operation of the ESU. The Administrator shall further perform duties which are specifically designated in the policies as duties of the Administrator, duties that are established in the Administrator's employment contract and job description, and duties that are mandated by law as the responsibility of the Administrator.

The general duties and functions of the Administrator are as follows:

1. Policies: The Administrator's responsibilities related to policies are:
  - a. To present the Board with new or amended policies as appropriate to serve the role and mission of ESU 17 and meet changing requirements of law.
  - b. To implement Board policies and assure compliance with Board policies.
  - c. To assure that the Board policies are available for review upon request at the administrative office of the ESU.
  
2. Personnel: The Administrator is responsible for the overall management of staff. Responsibilities related to personnel include:
  - a. To recommend administrative and supervisory positions for approval by the Board. The Board will approve the broad purpose and function of administrative and supervisory positions.
  - b. To assign, supervise and evaluate administrators and supervisors and direct them in the performance of their duties.
  - c. To recommend candidates for employment and establish terms of employment for approval by the Board.
  - d. To prepare written job descriptions for employees.
  - e. To prepare and distribute staff handbooks. Staff handbooks that are approved by the Board shall be deemed to be policies of the Board and shall have the same effect as Board-adopted policies.
  - f. To develop and provide an effective staff development program.
  - g. To make assignments of personnel to their particular schools and responsibilities as determined appropriate.
  - h. To discipline staff and terminate or recommend termination of employment where appropriate.
  - i. To create and maintain appropriate mechanisms such as councils and committees to foster good communications within the staff and to allow representative members of the staff to have a voice in the development of policies and in the making of decisions affecting them.

3. Budget: The Administrator's responsibilities related to the budget are:
  - a. To prepare the annual budget for the operations of the ESU with the assistance of staff, give required budget hearing notices, present the budget for approval by the Board, and file such reports and forms related to the budget and tax levy process as required.
  - b. To make every attempt possible to operate within the limits set forth by the budget.
  
4. Services: The Administrator shall communicate and provide leadership with regard to the determination of services to be provided to member school districts and services to be provided to other schools or entities via contract. The Administrator shall ensure that the services are provided in a satisfactory manner.
  
5. Purchases and Contracts: The Administrator's responsibilities related to purchases and contracts are:
  - a. To be in charge of all financial matters of the ESU.
  - b. To study and recommend to the Board fiscally prudent and suitable purchases and contracts for which Board action is required pursuant to law or Board policy. Where Board action is not required, to approve such purchases and contracts after appropriate consultation with other administrators and appropriate staff, or to provide oversight of those staff that are delegated such purchasing responsibilities.
  - c. To maintain a current inventory of ESU property.
  - d. To assure that ESU facilities, equipment and property are appropriately maintained.
  - e. To provide long-range and short term planning concerning facilities.
  
6. Board and Community Communications. The Administrator's responsibilities related to communications with the Board are:
  - a. To prepare and send out agenda, special reports and minutes for Board meetings.
  - b. To prepare for and attend all Board meetings unless excused.
  - c. To promptly inform the Board of decisions or actions taken that are not covered in Board policies or by Board action. The Administrator shall have authority to make such decisions or take such actions on behalf of the ESU where the Administrator reasonably determines that it is necessary to do so.
  - d. To keep the Board informed concerning the total ESU programs and operations.
  - e. To communicate to the schools and the community information about the activities of the ESU and publish reports on such activities as legally required.
  - f. To coordinate and guide the stakeholders within the ESU and the community to cooperatively enhance efficiency and effectiveness of ESU programs and services.

- g. To keep abreast of the trends and changes in education for possible implementation of selected programs. The Administrator will be expected to attend district, state, and national conventions of professional educational organizations. The Administrator will secure advance approval from the Board before attending any out of state convention. The Administrator will report to the Board such information that is learned at such programs that will require Board action. Reimbursement for expenses allowed shall be in accordance with the “Coffee Act Policy.”
- h. The Administrator shall, prior to July 1 of each year in which a statewide primary election is to be held, certify to the election commissioner or county clerk of each county located within the ESU the corporate name of each school district located within the county. If a school district is a joint school district located in two or more counties, the administrator shall certify to each election commissioner or county clerk the educational service unit of which the school district is considered to be a part.

The Administrator is responsible to maintain the official records of the ESU.

The Administrator shall serve as a member of the Educational Service Unit Coordinating Council.

The Administrator is to delegate duties to other members of the administrative team or other staff as required for the effective administration of the ESU, except in such matters that Board policy, Board action, or law prohibits the delegation. The Administrator remains responsible for assuring that the delegated duties are performed as required.

On or before January 31 of each year, the Administrator shall submit to the Commissioner of Education a report described as the annual financial report showing (a) the amount of money received from all sources during the previous fiscal year and the amount of money expended by the educational service unit during the previous fiscal year, (b) other information as necessary to fulfill the requirements of section 79-1241.03, and (c) such other information as the commissioner directs.

The Administrator is expected to adhere to the “Code of Ethics” for certificated educators as adopted by the Nebraska Department of Education, and to adhere to the ethical code of the American Association of School Administrators.

The Administrator shall follow the requirements outlined by the Superintendent Pay Transparency Act (LB 470). The Administrator shall annually:

1. Publish the proposed Administrator contract or revisions and a reasonable estimate and description of all current and future costs to the school district if the proposed contract were to be approved at least 3 days prior to the ESU 17 board meeting at which the proposed amendment or contract will be considered.

2. Publish the approved contract or amendment along with a reasonable estimate and description of all current and future costs to the school district that will be incurred as a result of such contract within 2 days after the ESU 17 board meeting.
3. File the approved contract or amendment with NDE prior to August 1<sup>st</sup>.

Legal Reference:	§ 13-905; § 79-1217(6); § 79-1245 NDE Rule 27 LB 470
Date of Adoption:	August 13th, 2018

D. Line of Responsibility

Each ESU employee is responsible to the Board through the Administrator. All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises. Administrative officers shall refer such matters to the next higher authority when necessary.

Employees have the right to appeal decisions made by an administrative officer to the next higher authority and thus through successive steps to the Board on matters regarding continuation of employment, terms and conditions of employment, and matters of policy and procedures.

Legal Reference:	
Date of Adoption:	August 13th, 2018

**Section 7      Consultants and Legal Counsel**

A. Consultants

The Board encourages the use of consultants as a means of providing specialized services not normally required on a continuing basis.

Legal Reference:	
Date of Adoption:	August 13th, 2018

B. Legal Counsel

The Board shall use an attorney at law to advise on all legal matters. The attorney of record shall be named annually at the regular January board meeting.



Members of the staff may have access to the Board’s legal counsel only at the specific direction of the Administrator.

At times it may become necessary for the Board to obtain additional legal assistance. The Administrator is authorized to make appropriate arrangements for additional legal services.

Legal Reference:	
Date of Adoption:	August 13th , 2018

### Code of Ethics for ESU 17 Board Members

Members of the Board of ESU 17 are expected to abide by the following Code of Ethics in performance of their duties as a Board member and will be requested to acknowledge their intent to do so:

1. **Follow Laws:** I will uphold and enforce the constitutions, laws, rules and regulations of the state and federal governments, the state and federal agencies, binding court orders pertaining to educational service units, and the policies and regulations of ESU 17. Desired changes shall be brought about only through legal and ethical procedures.
2. **Non-Discrimination:** I will not make decisions which affect personnel, students, parents, the public, or otherwise on the basis of sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, or on the basis of constitutionally protected speech.
3. **Welfare of Students:** I will make decisions in terms of the educational welfare of students served by ESU 17 and will seek to develop and maintain services and programs that meet the individual needs of students served by the ESU regardless of their sex, disability, race, color, religion, veteran status, national or ethnic origin, age, marital status, pregnancy, childbirth or related medical condition, or other protected status, social standing, or personal feelings not associated with the best interests of ESU 17 and the students.
4. **Role of the Board:** I will confine my action as a member of the Board to policy making, planning, and evaluation of the Administrator. I will carry out my responsibility, not to administer ESU 17 or its services and programs, but, together with my fellow board members, to see that they are well run. I will refer all complaints which I may receive to the Administrator and will act on the complaints at public meetings only after failure of an administrative solution. I will support decisions made by the Board, even if it is not the one I would have made, although I will reserve my independent right to seek a change using appropriate procedures. I will recognize that authority rests with the Board as a whole and will make no personal promises nor take any private action that may compromise the Board.

5. **Meetings of the Board:** I will attend all meetings of the Board except when I am unable to attend for excusable reasons, will be prepared to be an active participant at such meetings, and will follow appropriate rules of order at such meetings. I will fulfill my responsibilities on any committees and any officer positions to which I may be elected, assigned or appointed. I will not attempt to circumvent the open meetings laws by participating in meetings with a quorum of other members of the Board to make decisions on ESU 17 matters. I will not seek closed session meetings or participate in closed session meetings except as permitted by law.
6. **Independent Judgment:** I will refuse to surrender my independent judgment to special interest or partisan political groups.
7. **Confidentiality:** I will hold confidential all matters pertaining to ESU 17 which, if disclosed, would needlessly injure individuals, the Board, or ESU 17. I will not ask for legally confidential information about staff or students when not required to fulfill my duties as a Board member. When such information is made available to me in my role as a Board member I will maintain the confidentiality of such information.
8. **Conflicts:** I will not use my position as a Board member for personal gain or for the gain of family or friends. Where I have a personal conflict of interest which affects or may be reasonably seen by others as affecting my ability to make a fair and impartial decision on a matter before the Board, I will follow the law and Board policy to avoid the conflict from affecting the decision of the entire Board.
9. **Personnel Matters:** I will vote to appoint the best qualified personnel available after consideration of the recommendation of the administration. I will support and protect personnel in the proper performance of their duties but likewise will hold staff accountable, on matters which reach the Board, to the standards and expectations of the Board and the administration.
10. **Role Model.** I understand that my personal actions may reflect on ESU 17 and the schools and communities served by ESU 17 due to my position as a Board member. I will in all respects serve as a proper role model and engage in conduct which is reflective of a good citizen in the communities served by ESU 17.

Agreed to by the members of the Board of Educational Service Unit 17 on this \_\_\_ day of \_\_\_\_\_, 200\_.

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