

ARTICLE 8: BYLAWS OF THE BOARD OF EDUCATION

ROLE OF BOARD AND MEMBERS

Introductory Statement

8000

Bylaws are rules or procedures adopted by the board of education to govern its internal operations. The use of such guidelines or bylaws helps the board of education to comply with the responsibilities and duties delegated to it by law and by the local electorate, in an efficient and effective manner.

Legal Reference: Neb. Rev. Stat. § 79-407

ORGANIZATION

School District Organization

8105

The corporate and legal name of this school district shall be the McPherson County School District No. 60-0090. It shall also be known as the McPherson County Schools, of Tryon, Nebraska. The school district is designated as a Class III school district. The school district shall maintain an elementary program, consisting of kindergarten through seventh grade, and a secondary program, consisting of eighth grade through twelfth grade. The official place of business and address of the school district shall be 525 Highway 92, Tryon, Nebraska 69167-0038.

Legal Reference: Neb. Rev. Stat. § 79-102
 Neb. Rev. Stat. § 79-307
 Neb. Rev. Stat. § 79-405
 Neb. Rev. Stat. § 79-407

Number of Members, Terms of Office and Vacancies

8110

The board of education shall be comprised of six (6) members and their terms of office shall be as set forth in Nebraska statutes. The term of office for board of education members shall expire on the first Thursday after the first Tuesday in January, or on the day that such members' successors shall qualify for taking office as provided by law. The swearing in of new board of education members will take place at an organizational meeting following this date.

A vacancy shall occur on the board of education as set out in Nebraska statutes and when a member is continuously absent from the school district for more than sixty (60) days at one time or from more than two consecutive regular meetings of the board of education, unless excused by a majority of the remaining members of the board of education.

Any vacancy on the board of education resulting from any cause other than that of the expiration of a term shall be temporarily filled by appointment of a qualified registered voter by the remaining members of the board of education. Any vacancy shall be temporarily filled by such appointment within forty-five (45) days after the vacancy occurs, unless good cause can be shown that the temporary appointment will create an undue burden. A qualified registered voter shall be nominated at the next primary election and elected at the following general election for the remainder of the unexpired term.

Refer to AR-8110.1, Board of Education Election Requirements, and AR-8110.3, Procedures for Filling a Board Vacancy.

Legal Reference: Neb. Rev. Stat. § 32-543
 Neb. Rev. Stat. § 32-554
 Neb. Rev. Stat. § 32-560
 Neb. Rev. Stat. § 32-567
 Neb. Rev. Stat. § 32-570
 Neb. Rev. Stat. § 79-547
 Neb. Rev. Stat. § 79-550

Board Officers

8115

The board of education shall hold its regular, annual, organizational meeting in January following the first Thursday after the first Tuesday in January. At this meeting, the board of education shall elect by majority from its body a president, a vice-president, a secretary, and a treasurer, each of which will hold office for the ensuing year. The board of education may also appoint an assistant secretary to act as a recording secretary.

Legal Reference: Neb. Rev. Stat. § 32-543
 Neb. Rev. Stat. § 79-564

MEMBERS

President

8205

The president of the board of education shall preside at all meetings, appoint committees, call any special meetings of the board of education, hand out diplomas at all graduation exercises, and perform all other duties prescribed by law or by the board of education. The president shall not offer motions, but shall have the right to discuss and to vote thereon.

The president, or the person presiding at any meeting of the board of education, shall be responsible for conducting an orderly meeting and, after notice, may order any disorderly person to withdraw from a meeting or request that such person be taken into custody until the meeting has adjourned. Any person who shall refuse to withdraw from a board of education meeting upon being so ordered, or who shall willfully disturb a meeting, shall be guilty of a Class V misdemeanor.

Refer to Policy 3115, Signing Warrants.

Legal Reference: Neb. Rev. Stat. §§ 79-569 to 79-572

Vice-President**8210**

The vice-president of the board of education shall perform the duties of the president in his or her absence. The vice-president becomes president of the board of education in the event that during the one (1) year term of office, the president moves from the school district and is no longer a legal board of education member.

The secretary of the board of education will serve as the clerk of the board. It is the duty of the secretary to publish proper notice of meetings to be held by the board of education, to publish a list of all claims allowed by the board of education within ten (10) days of such board meetings, to publish a concise summary of all other proceedings of the board of education, to publish the school district's budget for the ensuing fiscal year in the statutorily-prescribed manner, to submit reports as required by the Nebraska Department of Education within their defined deadlines, and any other duties that may be statutorily assigned from time to time. The secretary shall preserve copies of reports made to state and federal departments as required, and shall safely preserve record books and report files belonging to the school district.

The person elected as secretary shall be a member of the board of education. Neb. Rev. Stat. § 79-564 provides for the board of education to name an assistant or recording secretary to perform many administrative duties required of the board secretary. Refer to Bylaw 8215.1, Recording Secretary.

Legal Reference: Neb. Rev. Stat. § 79-520
 Neb. Rev. Stat. § 79-524
 Neb. Rev. Stat. § 79-528
 Neb. Rev. Stat. § 79-555
 Neb. Rev. Stat. § 79-564
 Neb. Rev. Stat. §§ 79-575 to 79-578
 Neb. Rev. Stat. §§ 79-580 to 79-581

Recording Secretary

8215.1

The person selected to fill the position of recording secretary for the board of education shall keep an accurate record of all board of education business in the school district minutes. It shall be the recording secretary's responsibility to see that records are safely preserved.

The recording secretary shall ensure that a list of all claims allowed by the board of education are published one time within ten (10) days after any regular or special meeting in the Stapleton Enterprise or any other legal newspaper of general circulation in the school district. Such list shall set forth the name of the claimant, the amount of the claim, and the nature of the claim. The recording secretary shall also be responsible for seeing that a concise summary of all board of education proceedings is published.

Legal Reference: Neb. Rev. Stat. § 79-520
 Neb. Rev. Stat. § 79-524
 Neb. Rev. Stat. § 79-528
 Neb. Rev. Stat. § 79-555
 Neb. Rev. Stat. § 79-564
 Neb. Rev. Stat. §§ 79-575 to 79-578
 Neb. Rev. Stat. §§ 79-580 to 79-581

Bylaw Adopted: February 12, 2014
Bylaw Revised: March 10, 2016

The treasurer of the board of education has the duty to apply for and receive from the county treasurer all school money apportioned to or collected for the school district and to pay out all money received by him or her. The county treasurer shall, upon request of a majority of the members of the board of education and at least once each month, distribute to the school district any funds collected by the county treasurer for school purposes. Money may be received and paid out by signatures of any three of the four officers of the board of education.

The treasurer shall also keep a book showing all money received and disbursed by the school district. Such book shall show: (a) the source from which the money has been received, (b) to what fund the money belongs, and (c) the persons and objects for which the money has been paid out. The treasurer shall present a written report to the school district at the annual meeting, showing all receipts, disbursements, vouchers, orders, and papers, together with all money remaining in the school district treasury. It is the duty of the treasurer to require that payments be made in money, or its equivalent, evidenced by some medium that is immediately convertible into money. If anything else is accepted, the treasurer and insurer are responsible for any result in loss.

The treasurer may invest the funds of the school district in certain securities by and with the consent of the board of education. The treasurer is forbidden to lend or use any part of school money in his or her hands, except as provided in Neb. Rev. Stat. § 77-2341(2). Any violation of such statute results in criminal penalties provided by the embezzlement statute.

The treasurer shall within ten days after election execute to the county and file with the secretary a bond of not less than five hundred dollars (\$500.00) and not more than double the amount which might come into his or her hands at any one time. The surety can either be personal or corporate, of recognized responsibility, and must be approved by the president and secretary of the board of education. The secretary must file the bond with the county treasurer after approval. Failure to provide the bond results in loss of office and a new treasurer shall be elected. No treasurer may withdraw or disburse school district money prior to filing the bond.

No treasurer or ex officio treasurer shall be liable on a bond if a bank has given the bond or pledges in accordance with Neb. Rev. Stat. § 77-2352.

Refer to Policy 3115, Signing Warrants.

Legal Reference: Neb. Rev. Stat. § 77-2341
 Neb. Rev. Stat. §§ 77-2351 to 77-2352
 Neb. Rev. Stat. §§ 79-586 to 79-588
 Neb. Rev. Stat. §§ 79-1042 to 79-1043

Attorney

8225

The board of education may, at its discretion, appoint an attorney to perform desired legal services and request the services as needed. The attorney shall serve at the pleasure of the board of education and shall be compensated at a mutually agreeable rate. The school attorney shall be responsible to the board of education.

Legal Reference: Neb. Rev. Stat. § 79-513

Auditor**8230**

The board of education shall require an annual independent audit of all financial records of the school district. The board of education shall contract only with state-approved auditors. The annual audit analysis and report will be in agreement with the standards set forth by the Nebraska Department of Education and the office of the Nebraska Auditor of Public Accounts.

Legal Reference: Neb. Rev. Stat. § 79-1089

Official action may be taken only at a regular or special meeting convened by the board of education. In cases of an emergency, the superintendent of schools or the president of the board of education may poll members individually on actions to be taken, such actions shall be treated as an emergency meeting, any actions taken shall be made available to the public no later than the end of the next regular business day, and the actions shall be ratified in an official manner at the next regular meeting of the board of education.

It is understood that the members of the board of education have authority only when acting as a board of education legally in session. The board of education shall not be bound in any way by the actions or statements of any individual board member, except when such actions or statements are in pursuance of specific instructions from the board of education.

Legal Reference: Neb. Rev. Stat. §§ 79-554 to 79-555
 Neb. Rev. Stat. § 84-1411

Committees

8240

The president of the board of education shall annually appoint board members to standing committees. These committees will aid the superintendent of schools and the board of education in the efficient operation of school business. Generally, new business will be introduced to the board of education via a committee with the committee examining the merits of a proposal or issue and then making a recommendation to the rest of the board of education. Standing committees shall include, but not be limited to: Housing/Facilities/Transportation, Negotiations/Finance, and Americanism/Multiculturalism/Curriculum/Policy.

The president may from time to time, as needed, appoint additional committees to assist with special projects.

The president and superintendent may activate the Executive committee, which consists of the president, vice-president, and secretary of the board of education. The Executive committee may be activated to advise or assist with specific situations that may be potentially volatile or sensitive in nature.

METHODS OF OPERATION

Introductory Statement

8300

All actions of the board of education shall be taken only in official board meetings called, scheduled, and conducted according to these bylaws and the statutes of the State of Nebraska.

Every meeting of the board of education shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings, except as otherwise provided by the Constitution of the State of Nebraska and federal or state statutes.

Legal Reference: Neb. Rev. Stat. § 79-554
 Neb. Rev. Stat. § 84-1408
 Neb. Rev. Stat. § 84-1412

Adoption and Amendment of Bylaws and Policies

8305

Proposed new bylaws and suggested amendments to, or revisions of, existing bylaws and policies may be adopted by a majority vote of the board of education (four members) after the proposal has been considered at two scheduled meetings of the board of education.

The proposed additions, amendments, or revisions must be presented in written form prior to consideration by the board of education. The formal adoption of policies and bylaws shall be recorded in the minutes of the board of education. Only those written statements so adopted and so recorded shall be regarded as official board policy.

If at least four members of the board of education vote to do so, the requirement to consider a proposal at two scheduled meetings may be waived to permit specific action to be taken after one reading of the proposal if notice of the pending action has appeared in the published agenda.

All school board policies and administrative regulations shall be reviewed annually, or two articles per year, or all in a four-year period.

Reference: Robert's Rules of Order, Revised

Adoption and Amendment of Administrative Regulations

8310

The board of education reserves the right to review and ask for revisions of administrative regulations should the regulation, in the judgment of the board of education, be inconsistent with the policies adopted by the board. Administrative regulations may be adopted after one reading.

Legal Reference: Neb. Rev. Stat. § 79-520

Suspension of Policies, Bylaws, and Regulations

8315

Policies, bylaws, and board-adopted regulations shall be subject to suspension for a specified purpose and a limited time by an approval vote of five members of the board of education.

Reference: Robert's Rules of Order, Revised

Types of Board Meetings

8320

All meetings of the board of education shall be open to the public, except for executive or closed sessions. All formal action shall be taken in open meetings. Board of education meetings will fall into the following three categories.

Regular Meetings. Regular board of education meetings may be of two kinds: business or educational. They shall be held on or before the second Thursday before the third Monday of each calendar month, at 7:00 p.m. unless otherwise advertised.

Special Meetings. Any special or emergency meeting may be called by the president of the board of education, or by any two board members collectively in the event that the president fails to act, but all board members shall be given notice of the time and place for the meeting. No business shall be transacted except that for which the meeting is called.

Executive or Closed Sessions. Closed sessions may be held by the affirmative vote of a majority of the voting members of the board of education if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, the following reasons:

- (a) Strategy sessions with respect to collective bargaining, real estate purchases, or pending or current litigation which may be considered as a threat or danger to the school district or to school district employees;
- (b) Discussion regarding deployment of security personnel or devices;
- (c) Investigative proceedings regarding allegations of criminal misconduct; or
- (d) The evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of the person and if such person has not requested a public meeting.

The board of education shall require that a current copy of the open meetings laws be posted in the board's meeting room and shall be required to clearly state the reason for a closed session prior to entering the session. The meeting shall be reconvened in open session before any formal action may be taken.

For the procedures to follow during an executive session, refer to AR-8320, Procedures for Closed Sessions.

Legal Reference: Neb. Rev. Stat. § 79-554
 Neb. Rev. Stat. § 84-1410

Construction and Delivery of an Agenda

8325

The agenda of a meeting of the board of education shall be constructed in advance of the meeting by the superintendent of schools, with the aid and advice of the president of the board of education. The agenda, along with the minutes and other meeting materials, shall be forwarded to members of the board of education three (3) days in advance of the meeting.

The board of education shall consider only those matters listed on the printed agenda at its regular meetings, unless the board members approve, by a majority vote of those board members present, to add items of an emergency nature to the agenda at the point of the meeting when the agenda is approved.

Refer to AR-8325, Calendar of Reports and Forms.

Legal Reference: Neb. Rev. Stat. § 84-1411

All meetings of the board of education shall be held subject to the following requirements:

- (a) Unless an emergency exists, advance public notice of the time and place of all meetings will be given. Refer to Policy 1130, Board Meetings and Media Coverage.
- (b) Notices of all meetings of the board of education shall be transmitted to all members of the board of education, the public, and the superintendent of schools unless he or she has otherwise been excused.
- (c) Notices of all meetings shall contain an agenda of subjects known at the time of the publicized notice or contain a statement that the agenda shall be kept current and is available for public inspection at the office of the superintendent during normal business hours.
- (d) No board of education meeting shall be held or business transactions made without a quorum of board members. A quorum shall consist of a majority of the members of the board of education.
- (e) The board of education shall have a right to modify the agenda to include items of an emergency nature only at the public meeting.
- (f) The board of education shall maintain a list of news media agencies requesting notification of meetings and a reasonable effort shall be made to provide such agencies with advanced notice of the time and place of all meetings.
- (g) When it becomes necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken shall pertain only to the emergency. Emergency meetings may be held by means of electronic or telecommunications. News media agencies will be informed of the time and place of all emergency meetings. The minutes of all emergency meetings shall be presented to the Tryon Graphic no later than the end of the next regular business day following the emergency meeting.
- (h) The board of education will allow any member of the public or any other witness other than a member of the board to appear before the board of education in person or by means of video or telecommunications equipment. Refer to Policy 1205, Public Participation at Board Meetings, and Policy 7330, Procedures for Addressing the Board of Education, for the procedures to be followed for addressing the board of education.

- (i) The president of the board of education or the superintendent may request the attendance of school district patrons, school district employees, or consultants at board meetings to assist in the presentation or interpretation of items on the agenda.
- (j) Individuals planning to attend a board of education meeting and requiring physical or sensory accommodations should contact the superintendent five (5) days prior to the scheduled meeting.

Refer to Policy 7320, Determining the Agenda.

Legal Reference: Neb. Rev. Stat. § 79-554
 Neb. Rev. Stat. § 84-1411

Meeting Conduct

8335

All meetings of the board of education shall be conducted as follows:

- (a) When a motion is made, it requires a second to be discussed and submitted for a vote.
- (b) When a question is submitted for a vote, every member of the board of education present shall vote aye or nay, or abstain from voting.
- (c) Upon any question requiring a vote, the roll of board of education members shall be called and their yeas, nays, or abstentions recorded.
- (d) When a motion has been carried in the affirmative or negative, it shall be in order for any board of education member who voted on the side which prevailed, or who was absent when the vote was taken, to move for reconsideration thereof at the same meeting, or at a subsequent meeting of the board of education.

Legal Reference: Neb. Rev. Stat. § 84-1413

Reference: Robert's Rules of Order, Revised

Order of Business

8335.1

The order of business of regular board of education meetings shall be transacted in the order outlined below:

- I. CALL TO ORDER FOR REGULAR MEETING
 - A. Pledge of Allegiance
 - B. Roll Call
 - C. Notification of Open Meetings Law Posting
 - D. Recognition of Recording
 - E. Legal Notice of Meeting Verification

- II. CONSENT AGENDA
 - A. Approval of Agenda
 - B. Minutes of Previous Meeting(s)
 - C. Claims Payable
 - D. Financial Reports
 1. Working Monthly Budget
 2. Monthly Budget of Receipts
 3. Activity Accounts
 4. County Treasurer's Report

- III. RECOGNITION OF VISITORS

This section of the agenda is set aside as a public comment period. Individuals attending the meeting shall be invited to make comments during the "Recognition of Visitors" item allowed on the agenda. Time for each speaker should not exceed five (5) minutes. If a concern pertains to a school district employee, please follow the chain of command: the employee should have already been consulted and, if that was not satisfactory, administration should have been consulted. We cannot entertain a conversation about a school district employee in public session.

- IV. COMMITTEE REPORTS
 - A. Housing/Facilities/Transportation
 - B. Negotiations/Finance
 - C. Americanism/Multiculturalism/Curriculum/Policy

- V. POLICY

- VI. ACTION ITEMS

- VII. DISCUSSION ITEMS

- VIII. EXECUTIVE SESSION

- IX. ADJOURNMENT

This order of business may be altered or suspended at any meeting by a majority vote of those board of education members present.

Reference: Robert's Rules of Order, Revised

Parliamentary Procedure

8335.3

The rules of parliamentary procedure as embodied in Robert's Rules of Order may be used as a guideline.

Minutes of Board of Education Meetings

8335.5

The board of education shall keep minutes of all board of education meetings showing the time, place, members present and absent, and the substance of all matters discussed.

The minutes shall be prepared by the secretary of the board of education immediately following the meeting and shall be written. The minutes shall be available for inspection by the public and for distribution to the members of the board of education within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. The minutes shall be a part of the agenda for the next regular board of education meeting, at which time they shall be corrected, if necessary, and approved.

The minutes shall be kept in the office of the superintendent of schools and shall be public records and open to public inspection during normal business hours.

The minutes may be kept as an electronic record.

Legal Reference: Neb. Rev. Stat. §§ 79-555; 79-570; and 79-577
Neb. Rev. Stat. §§ 84-1408 to 1414

1. General Standard. Records should generally be organized, managed, retained and disposed of in accordance with law and the Secretary of State's schedules for retention and disposition of public records.
2. Records Officer. The Superintendent is hereby designated as the records officer of the school district for purposes of this policy. Any questions about the type or category of a record or the required retention period for it should be addressed to the records officer.
3. Electronic Messages. Electronic messages are communications using an electronic system for the conduct of school district business internally, between other state and local government agencies, and with parents, students, patrons and others in the outside world. These messages may be in the form of e-mail, electronic document exchange (electronic fax), and electronic data interchange (EDI). In this policy, the terms electronic messages and e-mail are used, depending on the context, to mean the same thing. The school district's electronic system in which records are collected, organized, and categorized to facilitate preservation, retrieval, use, and disposition is as follows:
 - a. End-User Management. End-user means anyone who creates or receives electronic messages on the school district's electronic system. Electronic messages are to be managed at the end-user's desktop rather than from a central point. Each end-user is responsible for organizing, managing and disposing of records that are part of his or her desktop computer.
 - b. Categories for Retention. Electronic messages fall within three categories: (1) transitory messages; (2) records with a less than permanent retention period; and (3) records with a permanent retention period. End-users are to organize, store, retain and dispose of electronic messages according to these three categories. This means determining which electronic messages require long-term retention, determining who is responsible for making this decision, and establishing storage and disposition requirements for electronic messages.
 - i. *Transitory messages*. Transitory messages include copies posted to several persons and casual and routine communications similar to telephone conversations. For example, as determined on an individual case-by-case basis by the end-user, transitory messages include certain embryonic materials, notes or drafts; unwanted and unneeded "junk" mail; "personal" mail for employees not related to school business; unsolicited sectarian, religious, partisan, political or commercial messages, or political advertising or advertisements promoting particular personal or religious beliefs, a specific ballot question, or controversial topics or positions. There is no retention

requirement for transitory messages. Employees sending or receiving such communications may delete them immediately without obtaining approval.

ii. *Less than permanent retention records.* These records are governed by the retention period for equivalent hard copy records as specified in the approved records retention and disposition schedules. These records should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. Employees creating or receiving such communications may delete or destroy the records only according to the applicable retention schedule. Questions relating to the retention or destruction of these records should be referred to the records officer.

iii. *Permanent/archival retention records.* These are records scheduled for transfer to the Nebraska State Historical Society (NSHS). Decisions relating to such records should be made by the records officer in consultation with NSHS, and the State Records Administrator about either transferring the records or maintaining them in the agency of origin. If the transfer decision is made, the method, frequency and format of the transfer should be determined cooperatively by the records officer, the NSHS, and the State Records Administrator.

c. Electronic Storage Limitations. The district's computer systems have storage limitations. E-mails are deleted by the computer system within 60 to 90 days to avoid operational problems. End-users are instructed that electronic messages that are required to be maintained past that time period should be converted to hard copy (printed) or an electronic format which can be retrieved and interpreted (downloaded) for the legal retention period. The retention period for the particular record is the best indicator of which storage medium or format to choose.

d. Proper Use of Electronic Messages.

i. Non-Discrimination. Electronic messaging is not permitted to be used to promote discrimination on the basis of race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference; promote sexual harassment; or to promote personal, political, or religious business or beliefs.

ii. Permissible Use. Electronic messaging is to be used only for purposes that are consistent with the mission of the school district. Electronic messaging is not permitted to be used for personal purposes except for: incidental, intermittent or occasional use which

does not interfere with performance of duties as determined by the administration, use that is authorized pursuant to an individual use agreement, and use that represents a form of the employee's compensation. Electronic messaging is not permitted to be used for personal financial gain or for the purpose of campaigning for or against the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. Electronic messaging is not permitted to be used for purposes of assisting a non-profit organization except when and to the extent such use serves a school purpose or facilitates school district business.

- iii. Conduct. Employees shall not read electronic messages received by another employee when there is no school purpose for doing so, send electronic messages under another employee's name without the employee's consent or administrative authorization, or change or alter any portion of a previously sent electronic message without administrative authorization.
- iv. Other Regulations. Electronic messaging is subject to all requirements of the school district's "Acceptable Use of Computers, Network, Internet and Websites" policy and may be monitored and accessed at any time without prior notice. The school district has complete authority to regulate all electronic messaging. Electronic messaging is a privilege and not a property right and is not a public forum. Electronic messaging is made available subject to all board policy and regulations, these regulations, building guidelines, use agreements, handbook provisions, and all administrative orders or directives as issued from time to time.

4. Electronic Records

All books, papers, documents, reports, and records kept by the District may be retained as electronic records. Minutes of the meetings of the school board may be kept as an electronic record.

5. Litigation Holds

When litigation against the District or its employees is filed or threatened, the District will take all reasonable action to preserve all documents and records that pertain to the issue. Such action will in particular be taken when the litigation may be filed in federal court or otherwise subject to federal rules of discovery.

As soon as the District is made aware of pending or threatened litigation, a litigation hold directive will be issued by the records officer or designee. The directive will be given to all persons suspected of having records that may pertain to the litigation issue.

The litigation hold directive overrides any records retention schedule that may otherwise call for the disposition or destruction of the records until the litigation hold has been lifted. E-mail and computer accounts of separated employees that have been placed on a litigation hold will be maintained by the records officer until the hold is released.

Employees who receive notice of a litigation hold are to preserve all records that pertain to the litigation issue. This includes preserving electronic messages that would otherwise be deleted by the computer system; such messages are to be converted by the recipients of the litigation hold to hard copy (printed) or electronic format which can be retrieved and interpreted (downloaded) for the duration of the litigation hold.

No employee who has been notified of a litigation hold may alter or delete an electronic or other record that falls within the scope of the hold. Violation of the litigation hold may subject the employee to disciplinary actions, up to and including dismissal, as well as personal liability for civil and/or criminal sanctions by the courts or law enforcement agencies.

6. Settlement Agreements

A public written or electronic record of all settled claims shall be maintained.

The record for all such claims settled in the amount of fifty thousand dollars or more (or one percent of the total annual budget of the School District, whichever is less) shall include a written executed settlement agreement. The settlement agreement shall contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the School District or on its behalf. Any such settlement agreement shall be included as an agenda item on the next regularly scheduled public meeting of the School Board for informational purposes or for approval if required.

Any such settled claim or settlement agreement shall be a public record. Nonetheless, specific portions of the record may be withheld from the public to the extent permitted or provided by statute.

The foregoing does not apply to claims made in connection with insured or self-insured health insurance contracts.

Legal Reference: Neb. Rev. Stat. ' ' 84-712 through 84-712.09
 Neb. Rev. Stat. ' ' 84-1201 to 84-1227
 Laws 2010, LB 742
 State Records Administrator Guidelines:
 Schedule 10: Records of Local School Districts (Feb. 1989)
 Schedule 24: Local Agencies General Records (March 2005)
 Electronic Imaging Guidelines (March 2003)

Bylaw Adopted: February 12, 2014
Bylaw Revised: March 10, 2016

Management of Bank Accounts

8345

At the board of education's annual reorganization meeting, or prior to the beginning of each fiscal year, the board of education shall designate the depositories for all school district funds. All funds received by the school district shall be deposited promptly in the proper accounts of such depositories. The safeguarding of all school district funds shall be insured by a surety bond approved by the board of education on securities of the United States government pledged by joint custody receipt.

Legal Reference: Neb. Rev. Stat. §§ 77-2350 to 77-2352

Gifts or Bequests

8350

The board of education will accept gifts or bequests from individuals, estates, or organizations. Such gifts or bequests should be given to McPherson County School District No. 90 for use by the school district.

Presentation of such gifts or bequests must be without restrictions, other than by grade or subject matter area. A gift or bequest must not discriminate as to sex, race, or religion. Each gift or bequest should possess only limited references to advertisements or to the individual or group making the donation.

Each gift or bequest will be reviewed by the board of education prior to its acceptance. Consideration will be given to a gift or bequest's overall appropriateness and its ability to meet the education goals for students attending this school district.

If any community organization or group chooses to conduct any money-raising ventures to donate an item or a piece of equipment to the school district, the organization or group is encouraged to discuss the project with the board of education prior to undertaking the project to ascertain the need for the item or equipment.